

EUROPEAN COMMITTEE

Tuesday 23 April 2002
(*Afternoon*)

Session 1

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EUROPEAN COMMITTEE

6th Meeting 2002, Session 1

CONVENER

*Irene Oldfather (Cunninghame South) (Lab)

DEPUTY CONVENER

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

COMMITTEE MEMBERS

*Sarah Boyack (Edinburgh Central) (Lab)

*Colin Campbell (West of Scotland) (SNP)

*Dennis Canavan (Falkirk West)

*Helen Eadie (Dunfermline East) (Lab)

Mr Lloyd Quinan (West of Scotland) (SNP)

*Nora Radcliffe (Gordon) (LD)

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

*attended

THE FOLLOWING ALSO ATTENDED:

Christine Boch (Scottish Parliament Directorate of Legal Services)

CLERK TO THE COMMITTEE

Stephen Imrie

ASSISTANT CLERK

David Simpson

LOCATION

Committee Room 1

Scottish Parliament

European Committee

Tuesday 23 April 2002

(Afternoon)

[THE CONVENER *opened the meeting at 14:00*]

The Convener (Irene Oldfather): As it is 2 pm, I formally open the sixth meeting in 2002 of the European Committee. I have received apologies from Lloyd Quinan, whose progress we have all followed in the press this week. We trust that he will join us—intact, as Colin Campbell said—for our next meeting. I understand that Nora Radcliffe is on her way. She will be a little late because she has been held up in traffic.

Cohesion Policy and Structural Funds Inquiry

The Convener: Our first item is consideration of the evidence that we have received so far on our inquiry into structural funds post-2006. Our intention was to start a debate in Scotland and to prepare a report over the next few months. We have received a number of written submissions—today the clerks have circulated submissions from the Convention of Scottish Local Authorities, the Department of Trade and Industry and Clackmannanshire Council. Further submissions are coming in from Highland Council and one or two others. I noticed that we have not received any submissions from the partnerships. Do they intend to submit anything? Did we write to them?

Stephen Imrie (Clerk): We contacted the partnerships but have yet to receive anything from them. I will chase that up and find out what they want to do.

The Convener: I am happy to take comments from members about the content of the submissions. Perhaps we should try to agree a way forward. I suggest that we take some oral evidence—the partnerships are key players and would be a good starting point. I have some comments on the submission from Scottish Natural Heritage, but do members have any comments to make first?

Helen Eadie (Dunfermline East) (Lab): Perhaps we should take evidence from the Conference of Peripheral Maritime Regions of Europe, which is another Europe-wide player: I used to be on its bureau and have a high regard for its office bearers. Given that the conference's main emphasis is on peripherality, its input could be valuable. For those who do not know, I should explain that the conference has been in existence for about 30 years. If we were to call witnesses from the conference, we would add a lot of credibility both to the work that we are trying to do and to the conference's work. I would warmly welcome the committee developing a relationship with the conference.

The Convener: That is a good point.

Mr John Home Robertson (East Lothian) (Lab): It is difficult to comment on the COSLA paper, given that we received it only today. However, I go along with the convener's suggestion of inviting the partnerships to give oral evidence. It might be appropriate to invite COSLA to take part in the same meeting.

The Convener: That is a sensible suggestion.

Sarah Boyack (Edinburgh Central) (Lab): It is clear that a debate is going on. Although I would

not say that everyone is hedging their bets, I acknowledge that regional policy could go down a number of different routes. It would be quite useful for the committee to discuss that subject. The best way of doing so would be to invite those organisations that have sent submissions—some of which are lengthy and useful—to talk to us about the issues, which go to the heart of the discussions that we had in Brussels. In Brussels, we heard how the debate on regional policy is being directed at European level.

The Convener: I was interested in the submission by Scottish Natural Heritage. In relation to cohesion policy, SNH made a number of points about natural handicaps. After 2006, the European Commission will move towards targeting funding. It will be no surprise if money is targeted on mountainous, island and remote regions. SNH suggests that the southern uplands may qualify for such assistance. The submission contains a number of ideas. We do not want to raise expectations too much, but as SNH has gone to considerable trouble to make the case for funding for areas with natural handicaps, it might be helpful to balance the partnership approach and the COSLA approach with the approach taken by SNH.

We may want to take on board the point that Helen Eadie made about hearing from the Conference of Peripheral Maritime Regions of Europe, which would give us a European perspective on the issue. When I was last in Brussels, the CPMR asked me whether it could make a presentation to the committee at some point. Our inquiry into the future of cohesion policy and structural funds provides us with a timeous opportunity to hear that evidence. I know that the CPMR has already made a presentation to the National Assembly for Wales.

Do we agree to ask the clerks to proceed as recommended? We will have to take evidence over a couple of meetings, perhaps beginning at our next meeting. If we include the CPMR among the bodies from which we would like to hear, the process may take a little longer than that.

Members indicated agreement.

Community Initiative (INTERREG III)

The Convener: The next item on our agenda is consideration of a paper on INTERREG III. Colleagues will recall that that programme for interregional co-operation was discussed with representatives of Saxony-Anhalt when we met them in Brussels. There may be scope for closer co-operation between Scotland and Saxony-Anhalt. Later in the meeting we will discuss a paper relating to that.

The clerks have produced a useful background paper on INTERREG III, with suggestions on how we may wish to proceed. When we meet the partnerships, we could explore their views on INTERREG III. From the paper, I understand that we do not qualify for strand A of the programme. Is that correct?

Stephen Imrie: That is correct.

The Convener: We qualify only for strands B and C of the programme. It would make sense for us to consider proposals for expanding the part of the budget that relates to strands B and C and that would benefit Scotland. I am open to hearing colleagues' views on the matter. In Brussels we discussed with representatives of Saxony-Anhalt producing a joint lobby paper. I am still open to that proposal, if members agree to it.

Helen Eadie: I am sorry that I was unable to accompany the committee on its visit to Brussels. It seems that members had an interesting agenda and I am sad to have missed out on that.

Are you proposing that we meet organisations in Scotland that have experience of INTERREG II C? From my former work as vice-president of the North Sea Commission, I know that that body was involved with the programme, as was the Atlantic Arc Commission. Have you thought about inviting representatives of those bodies to give evidence to the committee on the work that they did and on the difficulties that they encountered?

The North Sea Commission used to split its work into work group areas. One group would work on the environment and sustainable development, another would work on transport, another would focus on business, and another would focus on leisure and recreation. The whole thrust behind that work was to find viable projects to develop better interaction between communities. I know that a considerable degree of work was done. Do you want to get a flavour of that from the North Sea Commission partners themselves?

The Convener: Perhaps we should ask for written submissions from those involved and consider them in relation to our inquiry. We could

dovetail that on to the end of our discussions with the CPMR and the partnerships. We could take a look at some of the alliances, consider the written submissions and see whether there is scope for further development. Would that be acceptable?

Helen Eadie: I would be happy with that.

The Convener: I note that Ben Wallace has lodged a number of questions on INTERREG. Do you have any comments, Ben?

Ben Wallace (North-East Scotland) (Con): I was going to raise the matter later, when we talk about working with other Parliaments, such as the one in Saxony-Anhalt. Things are still at a preliminary stage in determining how much the United Kingdom will get. Before we decide our priorities and how we treat INTERREG, we should be aware of how much money is available. I do not have any other comments to make on the paper that is before us. We are still waiting for some of the answers, but the information is useful.

Mr Home Robertson: The obvious point arising from Ben Wallace's questions relates to the location of the secretariats dealing with different parts of the schemes. They are in Poitiers, Copenhagen, Viborg and Lille. It is obviously incumbent on us and on the Executive to ensure that any interests in Scotland that want access to the schemes should have communications facilitated.

The Convener: In the past, we have been able to draw down quite a lot of money from structural funds generally, and perhaps we have somewhat neglected some of the Community initiative programmes. However, now that the balance is likely to change, it is important that we get involved in those programmes, but John Home Robertson's point is valid.

Sarah Boyack: The amount of money available is tiny in comparison with the big budgets. However, if there is a possibility that the big budgets might not be coming to us, we should take a first-principles view of what is available. That will require different ways of working. We clearly do not have common boundaries, unless we regard the North sea as a common boundary, and that means that we have to do things differently. That plugs back into the debate on regional policy and eligibility. We want to work across regional and national boundaries, but there will be a lot of pressure on the new accession states. That is quite right, but it means that we need to think differently about how we might work with them on projects that involve technology transfer or passing on expertise that is still beneficial to us. I am thinking of environmental clean-up technologies, as I know that some Scots firms are doing a lot of that sort of work in eastern Europe. We must rethink how we put our time and

energies into such matters. The idea of tacking the issue on to the end of our work on regional policies is a good one.

The Convener: I notice that the East of Scotland European Consortium mentions in its submission the possibility of further development of INTERREG post-2006. That fits in with some of the more general issues.

Helen Eadie: Sarah Boyack makes an important point about the amount of money involved. It is a question of the extent to which our role is to do with making legislation and creating policy so that we get more and more money. Is there another part of our role that involves helping communities in this country and in partner countries to come together? Work is being done on the ground by organisations such as the North Sea Commission and the Atlantic Arc Commission. Perhaps we could devise a way of engaging with those organisations and creating a dialogue so that we can understand the difficulties in which they operate. The work that those organisations do is important, as it involves engaging people in each of the EC partner countries. If we can be part of that, we will develop better links. I know that time is always a constraint—there is never enough of it—and that the amounts of money are small, but we are talking about more than money; we are talking about bigger issues, about people and about how we link everyone together.

The Convener: Some interregional partnerships open the way for other opportunities, which is an issue that we might touch on when we discuss the Saxony-Anhalt paper. Obviously, as well as pursuing this issue, we also need to think differently. However, it is important that we make those regional connections. Perhaps that might act as a catalyst for other opportunities in the east where countries might be able to access some of the available funding.

Ben Wallace: Following on from John Home Robertson's comments, I wonder whether we should ask for a little more detail on each of the four programme areas. That might allow us to have a closer look at the matter.

The Convener: We will ask for further written information and bring it back to the committee, along with written submissions on structural funds from the programme partners. I hope that we will then be in a position to take oral evidence from those partners at the next committee meeting.

Executive Briefings

14:15

The Convener: Item 3 is our consideration of a response from the Executive on procedures for reporting and briefing pre- and post-meetings of the Council of the European Union and the joint ministerial committee. I think that we are making significant, if gradual, progress on this matter. We have now received an encouraging response from the Executive, which asks us to take in good faith its offer of providing requested information as early as possible in advance of key meetings. Perhaps the best strategy is to accept that as a declaration of intent, but to continue to monitor the situation rigorously.

However, I would like an indication of the Executive's view of the importance of issues to Scotland instead of simply being given information as it comes in. Perhaps the Executive could supply us with an assessment of how it views an issue and rates its importance. It should be possible to receive such a briefing from the Executive. That said, we simply have to make our intentions known, monitor the information as we receive it and find out whether it meets our requirements. If it does not, we should go back to the Executive. In any case, we should still note the progress that has been made.

Sarah Boyack: How do we compare on this issue with other committees in devolved Administrations? Obviously, the rest of the UK must now have expertise in these matters, particularly the Welsh, who have a strong interest in similar issues. To what extent have they managed to resolve our problem of when to decide whether to attend a particular Council meeting? Convener, would you be able to talk to conveners of similar committees in those Administrations to find out how they are handling the issue?

The Convener: We have put in place many of the procedures as a result of discussions with the House of Commons European Scrutiny Committee. However, we are almost unique in the UK because of the legislative powers that we have and because this committee combines scrutiny with the functions of a standing committee. The European Scrutiny Committee simply has a scrutiny function, while much of the responsibility for strategic overview goes to the Select Committee on Foreign Affairs. The National Assembly for Wales does not have the Scottish Parliament's legislative powers. As a result, we tend to find that we are ahead of things. I do not know whether the clerks have any further information on the matter.

Stephen Imrie: The Welsh Assembly's European Affairs Committee does not function in the same way as we do; for example, it does not receive the 1,100 or so European documents that are issued every year. Our sister committee in the Northern Ireland Assembly, the Committee of the Centre, is beginning to feel its way into this area. For example, in the past week, it published a report on the Northern Ireland Assembly's functions in relation to the EU's engagement with the office of the First Minister and the Deputy First Minister. I think that I have already circulated that report's conclusions.

It would be impolite to say that the other devolved Administrations are behind us. I should say instead that this committee is setting the pace a little bit and that those committees are now beginning to follow an approach that is similar to the way in which we engage with the Scottish Executive. If members are interested, I will collate a little more information on the detailed working practices of the European Affairs Committee and the Committee of the Centre and circulate it separately so that members have more of an understanding of how they operate.

The Convener: That would be helpful. I will report later on the meeting that I had yesterday with the chairs of the other European committees, but my general impression is that we have learned quite a lot from the House of Commons European Scrutiny Committee. Some of our inquiries will be completed before its, which is quite nice.

Dennis Canavan (Falkirk West): We asked that the Executive inform us in advance of any proposed attendance at European Council meetings, but that suggestion has been rejected. I am not sure that I am convinced by the explanation, which states:

"Due to the uncertainty in the run up to these meetings, and the often last minute decisions taken about which Ministers should form the UK delegation, I am not sure it would be helpful to provide the Committee with details of which meetings the Executive plans to attend."

We should pursue that point. It is fair enough that, on certain occasions, it may be impractical for the Executive to give us as much prior notice as we would like. For example, we may not be able to summon the minister to give evidence before the minister goes to the meeting.

However, despite the uncertainties and difficulties that are mentioned in the Executive's response, we should be informed in advance whenever possible. Even if we can be informed only a few days in advance, the Executive should, as a courtesy, tell the clerk and/or the convener. If there is some merit in the committee's having a prior meeting and possibly receiving a briefing from the minister, we should, on occasion, be able to pursue that. We should not allow the Executive

to get away with more or less saying that providing advance notice would be too difficult.

I also observe that the response states:

"Of course, Scotland is represented at all Council meetings whether a Scottish Minister is present or not."

Does that mean that a Scottish Executive official, rather than a Scotland Office official, is present at all meetings?

The Convener: I presumed that Scotland's views were represented through the UK minister.

Mr Home Robertson: The delegation would, in addition, normally include an official from the Scottish Executive.

The Convener: So Scotland is represented in both ways.

Dennis Canavan: Therefore, even when no Scottish minister will attend the meeting, we might still feel that the agenda is important enough for us to hear from or cross-examine the official beforehand.

Ben Wallace: I reinforce what Dennis Canavan has said. It is interesting that, further on in its reply, the Executive states that it is happy to provide information on whether a minister intends to attend meetings of the joint ministerial committee on Europe or of the ministerial group for European co-ordination. It is not for the Executive to decide whether the information would be helpful. The committee has considered the issue and has decided that it would like to know. It is very kind of the Executive to decide that the information would not be helpful, but we disagree. We should go back and ask the Executive.

Some of us do not equate the presence of a minister in the European Council of Ministers with the be-all and end-all. I am certainly not here to make capital out of saying that we must have a Scottish minister at everything. However, if the Executive were open and transparent about the meetings, those that say a minister should attend every meeting might be exposed. For example, if the meeting is to discuss the sequestration of Russian mafia funds or the situation in Ramallah in Israel, those who insist that we send our ministers to every meeting would look rather silly.

Colin Campbell (West of Scotland) (SNP): Of course, I do not agree that Scottish interests are best served by being represented by the UK line, but we should make the point that we want the Executive to be a little more answerable to us than its response has suggested. The suggestions in the paragraph on the JMC are more the flavour of what the committee is looking for. We need more transparency and open communication.

Mr Home Robertson: Far be it from me to defend the Executive, but I happen to know that

there are often last minute changes to the agenda. The trouble is, if we set up a formal structure whereby the committee is notified that a minister is going to be present at a particular Council meeting and it emerges that the agenda for that meeting has changed completely and there is no purpose in the Scottish Executive minister being there, the fact that the minister's attendance has been notified to the committee may mean that the whole thing is set in concrete and the minister is obliged to attend a meeting for no useful purpose. I am persuaded by the case for some reasonable flexibility. I am not trying to obfuscate—I share the view of the other committee members that we should have access to information. However, I am not sure whether we are serving Scottish interests well by setting hard and fast rules that might be self-defeating.

Sarah Boyack: We want to get a sense of what is happening at different Council meetings, so that, if there is an issue that we consider to be particularly important to the Scottish Parliament, someone can come and talk to us about it, either before or after the meeting. It is not so important who attends the meeting—whether it is an Executive official, a deputy minister or a Cabinet minister—as long as we know what is on the agenda in good enough time. I suspect that there might be occasions when the committee's discussions will influence who attends the next Council meeting. I would like to know who is going and when but, more important, I want to know what is being discussed. That will trigger our scrutiny. These things are much easier afterwards when everything is cut and dried. However, knowing when it would be useful to pull someone in for scrutiny is the main issue and that is what we should push for.

Colin Campbell: I agree with that and I understand John Home Robertson's comments, too. However, I am sure that we are all mature enough to understand that there will be circumstances beyond our control. We might have to sacrifice something in order to ensure that we get as much consultation and preparatory exchange of views as possible, in the full knowledge that once in a while something will be pulled for no reason.

The Convener: Sometimes, the closer we get to the meeting, the easier it is to make judgments about whether it is better for ministers to be here in Scotland or over in Europe. Sarah Boyack makes a valid point. The job of the European Committee and one of the reasons for the scrutiny procedure pre-Council is to tell the Executive when we think that a minister should be attending a meeting. Perhaps it is more important that we have the information about how relevant the issue is to Scotland so that the committee can say whether a minister should go. Then we can ask

whether a minister attended and if not, why not, given that the committee thought the issue important. It will be easy to collect the information after the fact. It is important that we know ahead of time what the issues are and their relevance to Scotland.

We have taken major steps forward in the past three years and we will get there eventually. I suggest that we review the procedure after a few months. Certainly, a lot more information is coming our way and we will be able to take a view on whether an agenda item is so important that we want a minister or some other form of Scottish representation at a Council meeting. We can easily find out whether there was such representation at a meeting. I suggest that we pursue that approach and review it in six months.

Ben Wallace: I have to disagree, convener. We need to know which minister is intending to attend because that places a responsibility on that minister's department to consider the issue—Council attendance should not be just a decision that is made by an official or by a minister. If a minister hopes to attend a meeting—subject to there being no changes to the agenda; it is perfectly possible to put “to be confirmed” next to an item—it is important that we know that the subject matter that is supposed to be considered on that agenda is the responsibility of that minister. That will allow us to hold ministers to account and to tell them that their department is responsible for the discussion that will take place. If the minister then decides not to go, that is fine. We should not micro-manage and tell ministers when they should go and when they should not go, but we should know who takes responsibility. Too much responsibility is lost in Europe. We cannot tie down many of the documents that come out.

14:30

The Convener: We can find out from the subject matter whose responsibility an issue is; that would not be a problem. It is more important that the committee takes a viewpoint on the issue. By defining the issue and having information about it, we will know which minister is responsible. In that sense, the committee will be able to hold ministers to account.

Dennis Canavan: I would like the committee to pursue the point in the penultimate paragraph on the first page of annexe A of the briefing paper, which is entitled “Response from the Executive”. The wording that is used is interesting. I am not sure who is the author of the letter. Is the author a minister or a senior civil servant? He or she says:

“I am not sure it would be helpful to provide the Committee with details of which meetings the Executive plans to attend.”

Frankly, I am sure that it would be helpful. I think that other members of the committee would like at least to be informed of what the Executive's intentions are. We appreciate that the agenda and the Executive's intention to attend might change the night before a meeting. Nevertheless, we ought to be informed about whether the Executive plans to attend a meeting as matters progress.

The next sentence of the Executive's response states:

“Of course, Scotland is represented at all Council meetings”.

I am not sure how that should be interpreted. It is not stated that the Scottish Executive is represented at all Council meetings. The sentence might mean that it is the job of the UK minister to ensure that Scotland is represented. That whole paragraph requires clarification. You should pursue the point about being informed of the Executive's intentions to attend Council meetings, whenever that is possible and practicable.

Helen Eadie: On having rights to know, we must remember that we all have responsibilities. It would be a major step forward if we achieve what you suggest, which is to have advance dialogue with ministers before they go to Brussels. You are right to say that we will therefore know who is likely to go on behalf of the Scottish Executive, because that goes with the territory—it is bound to come up in the course of the discussion. At that point, the committee would have the responsibility and the right to make its view known that it would like a particular minister to go. Although that request might be declined, it would not be an unreasonable request to make.

None of us is a million miles away from one another in what we are trying to achieve. Your way of dealing with the matter—to seek to get it agreed that we always know in advance what is on the agenda—is probably the best way. If we know what is on the agenda, everything else will fall neatly into place.

The Convener: I honestly do not think that we are a million miles away from one another. We all share the same objective of greater transparency and greater accountability from the Executive. There is a question mark about whether it would be helpful for us to know in advance whether a minister will go to a Council meeting. I am happy to write to the Executive on behalf of the committee for further clarification of that paragraph. Would that be helpful, Dennis?

Dennis Canavan: Who wrote the Executive's response?

The Convener: I understand from the clerks that the response was written by an official on behalf of Jim Wallace. We could write back and

ask for clarification, because there seem to be different perspectives on that paragraph. I would have read it as referring to a UK minister, but Sarah Boyack and John Home Robertson feel that a Scottish Executive official would probably be present. Perhaps we could write to ask for further clarification of that point. Working party meetings will take place in advance of the meetings of the Council of Ministers, and the Executive may have an input into those working party meetings. Perhaps we could ask for a little more clarification on what input the Executive has in advance of Council meetings.

As the information begins to come through to us, we will be able to do a much better job of holding ministers to account. Our objective is to check whether ministers are attending meetings at which important Scottish issues are on the agenda. The committee wants to know that big issues of importance to Scotland get the representation that the committee wants them to get. That is what we all want from the information that comes through.

Can we proceed on the basis that I will write back to the Executive and ask for further clarification of what exactly that paragraph means? I will express the committee's view that we do not want just to get information as it comes in. We would like as much information as possible, particularly when there is a Scottish dimension to something that is happening at the Council. We would also like to know who attends the meetings and at what level. We should push ahead and try to put the process in place—we will be able to refine it as we go.

We are getting close to where we want to be. I do not want to obstruct the committee's basic objective, which is to get to the bottom of exactly what happens at, and who attends, the meetings and we must push things forward. Even if we do not get the information the week before a Council meeting, the committee may meet the week following it anyway, so we will be able to put together a picture of what is happening over a period of time. That will enable us to have a better view of the Executive's input.

Mr Home Robertson: The Executive's response contains this important sentence:

"The important issue is that Scottish interests are considered in the formulation of the UK line."

In a sense, it does not matter whether an Executive official or minister goes to Brussels to take part in a discussion, if it has already been agreed that the UK will take a different line. The crucial discussions take place when the UK line is formulated. That may be done beforehand, in Whitehall, or it may be done at the last minute in the room of the United Kingdom permanent representation to the European Union. That is the

key point that we should be aware of.

The Convener: We have found a way forward. We will continue to review the situation, but we have much improved the committee's scrutiny role.

Water Framework Directive

The Convener: We move on to item 4, which is on the water framework directive. At a previous meeting, we agreed to ask the clerk to present a revised version of our paper on implementation. We now have pretty much the final version. I hope that colleagues do not want to make major changes to the paper, but I draw to members' attention an omission that we might want to make. I noticed that the last sentence of paragraph 11 points out that both approaches to the regulation of water are quite relevant. We headed the paragraph "Emission standards v quality objectives", but, rather than setting one against the other—given that both are relevant—I wondered whether members might want to remove that point. We have discussed the paper thoroughly. It is a good piece of work.

Ben Wallace: In paragraphs 45 and 46, the paper deals with the environmental objectives under article 4. The paper alludes to the alternatives, which are highlighted in bold and which include the fact that periods can be extended in specific circumstances and the possibility that less stringent objectives can be set. Is there any way that we can provide more detail on that? Funnily enough, we have done so for abstraction exemptions. Is there any way that paragraphs 45 and 46 could be expanded on?

The Convener: We are close to publication, which is why I hesitate to suggest making changes, because it might put back the timetable.

Stephen Imrie: I have consulted our legal adviser. If the information to be inserted is factual, in the sense that it fleshes out and explains the objectives under article 4, the committee would not necessarily be stating an opinion; it would simply be saying, "These are the environmental objectives that could be considered with this flexibility." If the committee were comfortable with delegating responsibility to the convener and me to insert such a paragraph into the report, I am sure that we would be happy to do so.

The Convener: Would that be agreeable, Ben?

Ben Wallace: That would be great.

I have another point, on paragraph 67, which is about nitrate-vulnerable zones. I have cracked on about this issue on numerous occasions. I have done more work on the matter and will meet the Minister for Environment and Rural Development about it in May. I wonder why the number of alternatives is reduced. The European Court of Justice has ruled on NVZs, which suggests that there are differences. I wonder why the issue is reduced to a paragraph.

The Convener: Is it reduced from the previous version of the report?

Ben Wallace: I am not sure, but the report does not reflect the concern that I have raised on this matter.

The Convener: The clerk has confirmed that the paragraph is no shorter than the previous version. I am reluctant to change the report at this stage, because we have had a number of opportunities to revise it, and we are just about set for publication. The report is for guidance and much more work will be done by the lead committee. Is it possible that your concerns could be taken into account then?

Ben Wallace: What is the urgency? Why must the report be completed this week as opposed to next week?

The Convener: To be fair, at the last two meetings we asked for any final points to be made, and said that we would bring back the report with the final amendments.

Ben Wallace: I raised nitrate-vulnerable zones on both occasions, but that is not reflected in the report. I am not asking for a complicated thing. We have considered the parts of the report relating to whisky and visits, but the points that have been made about NVZs have not been reflected in the relevant paragraph. Currently, the Executive is consulting on this matter, which is why I felt it was important to raise it on two occasions previously.

The Convener: What amendments were you looking for in the previous version that were not incorporated into this final version?

Ben Wallace: The point is similar to that which I made earlier about paragraphs 45 and 46. The directive sets out time scales for testing and retesting, and specifies circumstances in which the test period may be suspended or not included. Those conditions have been set and have been interpreted on two occasions by the European Court of Justice. The ruling on a case that the National Farmers Union took to that court referred only to instances in which agriculture was deemed to make a considerable contribution to pollution, and not to the blanket application of a condition to all farms. The point is that there are circumstances in which the directive says, "Once you have tested, if you find the level to be below a certain level, you do not have to test for another four years or seven years or some other period." The report should refer to those circumstances.

The Convener: Is that a point that you have already raised?

Ben Wallace: Yes. I have raised it twice before.

Sarah Boyack: I understand the point that Ben is making. Paragraph 67 seems to be saying that

the water framework directive does not overrule the nitrates directive. They are two separate instructions from Europe. We could have a long debate about what is in the nitrates directive, how it should be implemented and what the recent case law is. However, is that strictly relevant to paragraph 67, which is saying that the nitrates directive is separate from the water framework directive?

14:45

Ben Wallace: I think that, after failing to be implemented, the nitrates directive is due to be implemented at the same time as the water framework directive. I am not too sure whether it is coming in separately.

The Convener: Could Christine Boch inform us about that?

Christine Boch (Scottish Parliament Directorate of Legal Services): The nitrates directive is a 1991 directive, which should have been implemented a long time ago. At the moment, I do not have the exact date in my mind but implementation is well overdue. There have been a number of cases and the UK has been asked by the Commission to designate additional nitrate-vulnerable zones, as Sarah Boyack pointed out.

The issues of the water framework directive and the nitrates directive are separate. The water framework directive attempts to bring into a single framework all the EC environmental legislation that relates to water protection. All the points relating to nitrate-vulnerable zones are to be dealt with under the nitrates directive until the water framework directive comes into operation. I have to refresh my memory as to the exact date on which the new regime takes over. I think that it is December 2006 but I would have to check that.

Ben Wallace: December 2007.

Christine Boch: However, at the moment, the UK has to comply with the instructions on nitrate-vulnerable zones.

The Convener: Ben, would it satisfy you if we say something like "although the debates should be separate, concerns have been raised regarding the matter"?

Ben Wallace: It would. I am not sure whether, while the water framework directive repeals some previous directives, it also incorporates current directives, including the nitrates directive.

Christine Boch: Yes.

Ben Wallace: It is therefore not separate from the water framework directive. It is part of it. The water framework directive brings everything together.

The Convener: Does that change the nitrates directive?

Ben Wallace: It does not change it. The water framework directive puts on to a new timetable the implementation of all those directives within it that deal with water protection.

Christine Boch: Yes.

Ben Wallace: So in effect it puts the foot on the accelerator for implementation of the nitrate-vulnerable zones.

Christine Boch: The water framework directive does not change the date of implementation of the nitrates directive.

Ben Wallace: No.

The Convener: So it does not put the foot on the accelerator.

Ben Wallace: It has forced the nitrates directive to be refocused.

Christine Boch: It is just that the approach to water is different. It is an overall approach and plans in relation to quality of different types of water have to be put together in a holistic way. It does not change anything for the nitrates directive.

Ben Wallace: I am aware of that. The water framework directive does not change every directive within it. It repeals some, some are unchanged and some are changed.

Christine Boch: The nitrates directive is not one of the directives that is being changed.

Ben Wallace: That is not what I am trying to point out. Within the water framework directive, which covers nitrate-vulnerable zones, there is scope for different implementation, which is what the report concerns. Is that right?

Christine Boch: Scope for different implementation of the nitrates directive must be assessed by reference to the nitrates directive.

The Convener: Rather than the water framework directive. The matter is becoming complicated.

Mr Home Robertson: I do not think that the matter is as complicated as you make out. There are two separate directives.

The Convener: Christine Boch seems to be talking about incorporation.

Ben Wallace: Perhaps I should discuss the issue with the clerks afterwards.

The Convener: I do not have a problem with a sentence that expresses Ben Wallace's concern, but it is up to members to decide.

Sarah Boyack: I do not have a problem with saying that concerns have been expressed to the

committee. That is different from saying that the committee unreservedly agrees with those concerns. The proposal would not be a substantive change to the paragraph.

The Convener: I suggested that and think that Ben Wallace agreed with me. Is that right, Ben?

Ben Wallace: Yes.

The Convener: Consensus seems to have broken out.

Dennis Canavan: On paragraph 58, the redraft is an improvement on the original draft, but I am still not satisfied that it sufficiently emphasises the concerns that were expressed to Colin Campbell, Hugh Henry and me during our visit to Islay. Hugh Henry has been translated to another status and is no longer a member of the committee. However, I hope that Colin Campbell agrees that representatives of the whisky industry expressed strong concerns. An extra sentence at the end of paragraph 58 might be appropriate. I have drafted the following:

"In particular, representatives of the whisky industry were very concerned about the potentially detrimental effect on the industry and those employed in it, especially in remote rural areas where the industry is vital to the local economy."

I do not ask the committee to share or agree 100 per cent with those concerns, but I have heard first-hand concerns expressed by representatives of the Scotch Whisky Association and those who are employed in the distilleries. We have a duty to report their concerns so that those concerns may be addressed by the appropriate committee or by the Parliament as a whole.

The Convener: It is important that we should reflect the concerns of industries and groups, so I have no problem with the addition of Dennis Canavan's proposed sentence.

Colin Campbell: I endorse that. Concerns were strongly expressed. A distillery that has its own water sources all over the place and that does not take water from any source other than from the land that it owned was particularly concerned. It strongly felt that it would be taxed for what belonged to it in the first place. The paper-making industry is also terribly worried. We should agree with Dennis Canavan and stress what he says. A safety valve as opposed to a get-out is mentioned in paragraph 63, which refers to basic minimum measures in respect of registering, taking and collecting water. One does not necessarily need to be charged. There is scope for special concessions to be made.

The Convener: I think that members agree about that. I do not know whether the clerk has a note of the full text of Dennis Canavan's amendment, but perhaps after the meeting, they could agree it.

Are colleagues happy to agree on the report with the amendments and issue it? We will not reconsider it.

Members indicated agreement.

Sarah Boyack: Paragraph 71 should be updated with information that the clerks will produce.

The Convener: Yes.

Mr Home Robertson: There are one or two updates, are there not?

The Convener: We will tidy it up.

Work Programme

The Convener: Item 5 concerns our proposed work programme for the year ahead, which we should try to finalise today. I know that the clerk has taken soundings from committee members and that we have all listened to the ideas about the work programme that have been raised at our informal meetings. I hope that what we have before us today reflects the ideas and discussions that we have had.

It is proposed that we embark on two new inquiries, one fairly major and one short, in addition to the on-going structural funds inquiry. The programme is ambitious but reasonable. It retains the work of our reporters and maintains focus on the debate on the future of Europe, which is important.

The focus on employment will be important. I have spent a lot of time in the past few years saying to people that Europe is not about foreign affairs and things that happen “over there”. If anything will bring that home to people in Scotland, it will be the matters of employment and social responsibility. I hope that colleagues will agree that the committee should inquire into those subjects.

Do colleagues generally agree with the proposals in the work programme or do they have any comments on them?

Helen Eadie: I agree with what you say about bringing Europe closer to the people. I get a little bit irritated when I hear commentators in the media saying that we are going to Europe as if we are not already part of Europe. I mention that only in passing.

In relation to the review of Scottish institutional presence in Brussels, I notice that the reporter is Ben Wallace.

Ben Wallace: Would you like to do it?

Helen Eadie: No. I was going to volunteer to be part of that with you, Ben. I was sorry not to have been able to be here when the committee discussed the issue—as you know, I was having my hip replaced. If the committee has no objection, I would be interested in participating in that review.

Ben Wallace: You can be the reporter, if you like.

Helen Eadie: We should work together.

The Convener: I am sure that Ben Wallace will welcome that offer, considering the huge amount of work that he did on the enlargement report. I have no problem with Helen Eadie's being joint reporter. Do members agree?

Members indicated agreement.

The Convener: Are there any other comments on the work programme? I suggest that we spend a few minutes on the employment inquiry and the waste minimisation paper.

Sarah Boyack: The work programme looks pretty meaty. There is a good balance of high-level discussions and political issues with one or two institutional issues. What does not come through in the paper is the fact that, when we start monitoring the European Council meetings regularly, the balance of our work will change quite a bit.

The Convener: Do we agree to the work programme?

Members indicated agreement.

The Convener: Annexe B of the forward work programme document deals with the indicative terms of reference for Europe's employment strategy. There has been tremendous progress since we started talking about that. We are finally getting to the bones of what we want to do.

I am not terribly keen on having “Europe's not working” as the inquiry's title. My preference would be “Europe's Employment Strategy: An Inquiry into the Scottish Model”. I am happy to hear the committee's views on that.

When I was in Brussels last week, at the commission for economic and social policy of the Committee of the Regions, we were talking an awful lot about skills and mobility. It occurred to me that we might want to include a little more about skills and mobility. I understand that the European Commission intends to draw up an implementation plan on skills and mobility. Perhaps in our inquiry we could ask some questions about whether Scotland faces obstacles in terms of skills and mobility that other regions do not face. Obviously, peripherality might be one such obstacle. We must ask what can be done to overcome such obstacles. We could consider information technology, the knowledge economy and changes in skill levels.

Another issue that came up at the commission for economic and social policy was language development. In its papers on skills and mobility, the European Commission will introduce a strategy that will recommend that children learn two languages in addition to their mother tongue. That will not be a challenge for regions and member states whose people already speak three, four or five languages, but for Scotland and the rest of the United Kingdom, it will be a major challenge. Perhaps we could examine that issue as part of our inquiry. I understand that the discussion on skills and mobility will take place at the June meeting of the Council of the European

Union. As the first step in examining employment strategy, we could try to get information from the Scottish Executive and the European Commission's paper on skills and mobility.

15:00

Helen Eadie: I agree. In the area in which I work, Fife Council had access to a pilot grant from Europe for children's early education in speaking another language. I am fairly sure that that work is on-going.

I am interested in whether members support work on one of the "isms", which include racism and sexism. I spoke at lunch time with a friend of mine—who is in the audience today—about agism, which is a big barrier to employment for many people. The last time that I looked, the age cut-off point in job advertisements for the European Parliament and the European Commission was 35. Perhaps it has now gone up to 45. We should consider that matter, because it is an issue throughout Europe. Society often sends out messages to older people that say, "Thou art now on the scrap heap." It is totally wrong to send out such a message to people who have a lot of wisdom and experience. We should identify strategies to keep hold of that great fountain of knowledge and experience.

I have a long-standing interest in disability issues. I have experience of sitting in a wheelchair and of using crutches and zimmer frames. Access for disadvantaged people in our communities is a particular problem.

The Convener: Helen Eadie raises some important points. Targets will be set in the strategy, one of which might be to increase the percentage of the population aged between 55 and 65 who are in active employment. Another will be to increase the percentage of women in active employment. We should get information on that in a background paper. That would be important in setting the context for the kind of changes that must be made in Europe and it would help us to consider how Scotland is facing up to those challenges.

The clerk informs me that the European Commission no longer applies the cut-off age of 35 years for applications, which is to be welcomed. I recall lobbying on that matter some time ago.

Colin Campbell: When we were in Brussels, we received a briefing on the intention to increase the retirement age. That would not be universally welcomed in the western world, but demographic studies show that we are running out of youngsters. Perhaps older and wiser people—whom I represent—should carry on working. We ought to take on board that major theme.

Ben Wallace: As I always say when we start on our big inquiries, there is a tendency for us to take too wide an approach. We focus on the words and that makes it hard for us to assess how the words are being translated into actions and to assess the outcomes. Social policy in Europe is a large remit and I would hate us to go down the road of doing everything from the "isms" to the narrow strategies only to find that either we did not do it properly or that those whom we praise or criticise are able to wriggle out of their responsibilities. I would like our inquiry to allow us to assess clear outcomes rather than, for example, see old initiatives reworded to address priorities such as raising employment levels for over-45s. I have not seen a massive shift as a result of the Lisbon declaration.

I would prefer the option of an inquiry into the Scottish contribution to the UK and EU action plans. The action plans are more concrete than the thematic pillars.

The Convener: My understanding is that the pillars are background information. We are moving on. The pillars were part of the Luxembourg agenda in 1997. That sets the background for how we should make progress. We are targeting action plans and there should be more focus. The headings are perhaps alternative titles rather than a reflection of subject matter. I want to focus on issues around national action plans and local contributions to them.

Ben Wallace: We might stray into reserved matters.

The Convener: I would not want to stray too far in that direction. The European Commission is encouraging local involvement and regional contribution to national action plans. To be honest, I am not too sure what the contribution from Scotland has been to the national action plans, but I think that such contribution should be encouraged at local level. I do not think that it is a reserved matter, because employment policies have a local dimension.

Sarah Boyack: The main point of the paper is the key questions for the inquiry. Ben Wallace is right—we could write books on the subject. We want a fairly focused inquiry and the key questions will help us to achieve that. They are:

"What is the current contribution in Scotland at the local and regional level to the UK's National Action Plan for Employment and can this be improved?"

What examples of best practice do we have in Scotland ... and what can we learn from elsewhere in the UK and the EU?"

and

"What is the view from Scotland on the continuing debate across the EU on Corporate Social Responsibility and promotion of a dialogue between social partners in Scotland?"

Those questions are fairly focused. There is likely to be a reserved angle on those issues, but if we stick to them in relation to holding the Minister for Enterprise, Transport and Lifelong Learning to account in terms of what the Parliament sees as our priorities, we would have a good starting point.

The Convener: It is important to have some of the background, but we intend to focus our inquiry. Before I forget it, there is a point that I want to raise in relation to the key questions. The second question refers to

“the four pillars of the Lisbon agenda”.

However, to be absolutely correct we should change that to “the four pillars of the European employment strategy”, which predates the Lisbon agenda.

Helen Eadie: I want to home in on the second question in relation to Sarah Boyack’s comments. Apart from what companies, the Parliament and the Minister for Enterprise, Transport and Lifelong Learning are doing, there is also an issue about what the voluntary sector is doing throughout Scotland. There are some excellent examples of good practice, particularly in the mutual sector through co-operatives, workers’ co-operatives, community co-operatives and so on. Some projects in that sector have been given substantial funding by the EU and have done a tremendous amount for some of the most disadvantaged communities. I know one or two such projects.

The Convener: Helen Eadie is right. I imagine that we will see in the good practice that emerges some good projects in the voluntary sector. The European Commission intends to hold a conference early next year to examine good practice. We have, in the past, been held up as a flagship performer in certain areas and I hope that we will be able to showcase some of the good projects that we have in Scotland, including those in the voluntary sector.

Dennis Canavan: I am concerned that there does not seem to be much emphasis in paper EU/02/06/5 on employer-employee relations, apart from a brief mention under the title “Corporate Social Responsibility”. We ought to consider that. We compiled a brief report on the obligation on employers to give relevant information to employees or their representatives. It would be useful for us to follow up that report and other aspects of the need for good relations between employers and employees in general.

The Convener: Some of the examples of good practice might throw that up. We produced a fairly substantial report on that, which was recognised as such. I do not know whether this is the place to follow it up, although I am open to the views of committee members. The question of corporate social responsibility and good practice should

allow us to say something about good employment practices and relationships between employees and employers. However, I would not want us to follow up our previous report. We would be in danger of widening things out.

Dennis Canavan: I was not thinking just of the specific directive on the obligation of employers to give information to employees in a particular situation—usually redundancy—but of the more important matters of continuing good relations and dialogue between employers and employees, in the context of the future planning of an enterprise and employment policy. I was also thinking about the role of trade unions in the workplace and the role of the Scottish Trades Union Congress in providing input to the employment policies of the European Union.

The Convener: I hope that we will take written and oral evidence from the STUC as part of the inquiry. That issue will fall within good practice regarding corporate social responsibility and good industrial relations. There is a definition of corporate social responsibility on the same page of the paper. That covers some of the points that you mentioned and includes employment relations, companies’ ability to influence employment, job quality and the quality of industrial relations. Those are some of the issues that we can address. I hope that, through the written evidence that will come from the trade unions, we can highlight some examples of good practice and pick up any difficulties that might be present in Scotland.

Nora Radcliffe (Gordon) (LD): This might be a diversion from the main report, but one of the things that affects mobility of employment is the way in which our housing market works. People tend to buy rather than rent. As a small part of the inquiry, it might be worth inviting Communities Scotland or a similar organisation to comment on that aspect of inhibition to mobility. It is a huge question and highlighting it as a local issue may be valuable.

15:15

The Convener: I have no objection to our taking a wide range of written evidence. That will help us to decide on which areas we want to focus. I think that we all agree that it will be a useful and worthwhile inquiry to undertake. We will have to go into the matter in depth, which will take a bit of time. The inquiry will demonstrate that Europe is not only about things over there, but about things that affect the everyday lives of people in Scotland. It will be a good exercise for the committee.

We have indicative terms of reference for the waste minimisation strategy; we will probably need to do a little more work on it. There might be some

overlap between it and Sarah Boyack's report, which might provide useful background and help us to focus more on certain areas of waste minimisation. At yesterday's meeting of the European chairs UK group, interest was expressed in the issue. The Northern Ireland Assembly has already done some work on the matter and Scotland could certainly be doing better. It is another area that is relevant to people's everyday lives. I understand that the National Assembly for Wales, in a conference with civic Wales, held a working group on waste minimisation. It was brought home to the participants that Europe can affect their everyday lives. They agreed that the conference was a very useful exercise.

Sarah Boyack: As members will remember, I had the luxury of having an intern who did some background work for me on the sixth environmental action programme. We decided to consider waste because we saw it as a way of judging how well we had been implementing that programme. Sylvia Jackson's previous report suggested that that was worth doing. I would be happy to talk later to the clerks about our work. Some of the information would be a useful starting point for an inquiry.

We had a meeting with Paul McAleavey of Margot Wallström's office. The meeting highlighted the fact that until now Europe has considered every waste stream in a separate directive. What we should really be doing is designing out waste at the start of the manufacturing process. We must consider that there are high-level industrial interests, such as Scottish Enterprise, and there are different industrial sectors such as the housing and electronic industries. There is also the environmental sector, which is trying to tackle such issues.

The background report on the action programme is very timely. I would like to discuss with the clerks what we can pass across for inclusion in the new inquiry.

The Convener: How far along is the intern with the report?

Sarah Boyack: The report is complete, but I am not sure whether it is ready to bring to the committee. I will need to talk to the convener and the clerks about that.

Helen Eadie: Waste minimisation is an important issue, which is on the doorstep of many communities throughout Scotland. Jack McConnell, the First Minister, got involved in the issue earlier this year. He placed great emphasis on the fact that we should press ahead with waste minimisation work. He used the phrase "environmental justice"—I would like a definition of that and what it means for our communities.

In communities throughout Scotland, there have been noteworthy examples of recycling and landfill initiatives. When he visited Scotland from the United States, Dr Bob Bullard said that landfill, dumping and recycling all tend to take place in some of our poorest communities.

If we are to make recycling more manageable, we need to find a more equitable approach that involves the wider community in consultation. We must connect with people who feel very aggrieved about landfill. It is the nimby—or not-in-my-back-yard—factor. Landfill must go into someone's back yard, but inevitably it will be the back yard of the poorest people. We need to move away from such a strategy.

The Convener: We should also emphasise that producers and retailers must take more responsibility for proper disposal of products that have come to the end of their shelf life. That is my idea of environmental justice.

Mr Home Robertson: Speaking of nimbyism, I believe that all the waste from the city of Edinburgh and the rest of the Lothian area is deposited in my constituency, so I have an outside interest in this matter.

The convener displayed her characteristic diplomacy when she said that Scotland could do better in waste minimisation. That is a bit of an understatement. I have a hunch that Scotland must be the worst place in Europe as far as that is concerned. As a result, I am delighted with the convener's proposal. The Parliament should focus a lot of attention on the issue.

The Convener: I agree.

If there are no more comments, I seek the committee's agreement on the finalised work programme and on the amendments to the terms of reference of and the way forward for the employment strategy inquiry. Although we have a good starting point for the terms of reference for our waste minimisation inquiry, we might want to alter them slightly when we find out how much has been covered in Sarah Boyack's report. That said, I think that we generally agree with the terms of reference and the background to our work on the subject. Are members agreed?

Members indicated agreement.

Convener's Report

The Convener: We now move to the convener's report. I want to report back to the committee on my meeting with the chairs of the European committees from the House of Commons, the House of Lords, the National Assembly for Wales and the Northern Ireland Assembly. The meeting was followed by a meeting with the UK's representatives on the future of Europe convention, in order to see both sides of the matter.

At the first meeting, we made a very good start to our work on governance and the future of Europe. I understand that the House of Commons committee will take further evidence on the matter today and tomorrow, and will publish its report quite soon. We published our report on the same issue very early, which is a great credit to the committee. Obviously, it is being used as background for other reports, which is a useful public relations exercise for us.

Other Administrations are considering similar issues. For example, the Northern Ireland Assembly's Committee of the Centre has just completed its report; indeed, the committee visited Scotland and conducted a public session, taking evidence from me and the clerks. Furthermore, after taking evidence from the House of Commons Select Committee on European Scrutiny, the Committee of the Centre is about to reform both the way it works and its role within the Assembly. The report is now complete and I think that it has been circulated to all members. Again, it is encouraging to know that the committee came to Scotland to take evidence from us, which we found to be a very useful exercise. The Committee of the Centre is now undertaking a major inquiry into public administration and we look forward to seeing how it develops. The committee has already completed some reports on waste minimisation, which we can use as part of our inquiry into the subject.

As I said earlier, the House of Commons is completing a report on democratic accountability and governance. The National Assembly for Wales has examined the issue of waste minimisation. We have areas in common and we share common themes. One of those themes is the convention and our approach to it. It was helpful that convention members came to the group meeting yesterday. Gisela Stewart was present at the meeting. She is a full member of the convention and of the ruling presidium, which meets fortnightly and whose president is Valéry Giscard d'Estaing. It was good to be able to tell her about some of the work that the European Committee has done.

David Heathcote-Amory, who is also a full member of the convention and is from the Conservative party, and Lord MacLennan, who is a substitute member of the convention and is from the House of Lords, were also present. The session was useful. It enabled me to ask how the European Committee could enter into dialogue with representatives of the convention.

It was clear that it is early days, even for the convention members, who are working out many of the detailed practicalities of the meetings. They have not, as yet, set up the working groups that will examine various areas, including subsidiarity. I issued an invitation, on behalf of the committee, to convention members to come to Scotland to talk to us about our work. The convention accepted the invitation. We now have to finalise a date for the visit.

The other useful aspect of the meeting was that I was advised that Jean-Luc Dehaene, one of the vice-presidents of the presidium, has been appointed to engage with civic Europe. The appointment will ensure that the convention takes account of the views of citizens. There are no firm proposals about how consultation will take place across Europe. I propose that we decide how we would like to do that in Scotland. Once we do so, I propose that we try to involve the convention and Mr Dehaene in what we do.

With the committee's agreement, I suggest that we set up a conference or convention in the autumn. We could ask the clerks to prepare a paper, setting out the details, for our consideration. We could invite representatives from Scotland's youth parliament, as it would be good to get young people involved if possible. We should also invite someone from the convention to attend so that they can hear first-hand the views of civic Scotland.

I confirm also that places are available on a youth convention. I am not sure how they will be allocated, but I would like us to promote the youth convention in Scotland to try to get a young Scottish person to attend as a representative of young people in Scotland. I am happy to take comments from members to see whether that is a useful way to proceed.

I turn to the committee's report on governance and the future of Europe, which is fairly weighty. I suggest that we examine some of the key conclusions that are relevant not to scrutiny of the Executive but to the future of Europe. I suggest that we ask the clerks to present those conclusions in a separate paper to the committee. We could use that document to talk to members of the convention. We could submit it formally to the presidium as an input to its discussion on the future of Europe. Is that a useful way to proceed?

Members indicated agreement.

Helen Eadie: I would like to reassure the convener that the proposal is quite exciting and worthwhile. She should not look so dejected about it.

The Convener: Good. I am glad that members are in agreement. It is unusual for everyone to agree right away.

That brings me to the letter that we have received from Ross Finnie. The subject of waste minimisation is involved again, but this time the letter refers to the disposal of fridges. In the convener's recommendation report, the clerks have detailed a series of actions that we could take in replying to the minister. I assume that members have read the correspondence and that members agree that a number of unanswered questions remain and that it would be helpful for us to receive answers to inform our future actions and further inquiry.

Do members agree to proceed on the basis of the recommendation?

Mr Home Robertson: We should all be alive to one aspect of the disposal of fridges: fly-tipping. That happens when everything is expensive and complicated. There is already evidence that people are dumping fridges on roadsides, which creates a problem for local authorities. The Executive ought to address that.

15:30

The Convener: John Home Robertson is right. We can include a comment on that.

Helen Eadie: I support what John Home Robertson said. When I was on a train at the weekend, I noticed that fridges had been dumped at the side of the railway track at the gateway to Fife.

Mr Home Robertson: They are everywhere.

Ben Wallace: That is the responsibility of Fife Council.

The Convener: The third item on the convener's report is a letter on the common fisheries policy, which we have received from Ross Finnie in response to our letter of 25 March. Do we agree to note the letter and thank the Executive for its comprehensive response?

Members indicated agreement.

The Convener: We have sent the letters on the euro and the curriculum that arose from our previous meeting and we have received a reply from the Minister for Education and Young People, which was circulated today. If members agree, they will have an opportunity to read that and I will report on the letter at our next meeting. We await

a reply about the euro and will report on that at the next meeting.

Mr Home Robertson: We are moving at speed, and I would like to return to Ross Finnie's reply about the decommissioning scheme for fishing boats. Everybody has heard anecdotes about people collecting the money, allegedly surrendering their vessels, then going straight back to fish in the sea. I have a hunch that such stories may relate to vessels that are under 10m long, which the licensing scheme does not cover or which may be subject to a less restrictive licensing scheme. I do not suggest another letter, but a phone call might be worth while, to nail down the source of such anecdotes about decommissioned fishing vessels being reincarnated and continuing to fish. As long as such reports circulate, the European Union and every national Government are left wide open to serious criticism.

Colin Campbell: I recall that we heard that from Struan Stevenson when we were in mainland Europe.

Mr Home Robertson: Apart from the conservation issues, such behaviour would be misappropriation of public money.

Ben Wallace: I have received answers to questions that I lodged about the number of vessels that have been decommissioned, the number that the Executive had expected to be decommissioned and the enforcement regime. I do not remember the exact figures, but the number of vessels that had been decommissioned was lower than the expected number. I think that the Executive had expected about 13 out of 100 vessels to decommission.

The Convener: It would be helpful to refute such reports. Would tasking the clerks with speaking to officials and reporting to us be satisfactory?

Mr Home Robertson: In anything to do with the sea fishing industry, life is always phenomenally complicated. I say that with feeling.

The Convener: Thank you for raising the issue.

I repeat that we have just circulated the Minister for Education and Young People's response and that we have agreed to discuss that, if necessary, when members have had a chance to read it.

Videoconference (Flemish and Catalan Parliaments)

The Convener: Agenda item 7 is on co-operation with the European committees of the Catalan and Flemish Parliaments. Members will recall that we have made efforts to develop closer links with those European committees and that we have discussed linking up with other committees of those Parliaments. We propose a three-way videoconference, which the clerks have arranged for the afternoon of 30 April, and I hope that we will have a follow-up meeting with the chairs of those committees. We had hoped that that would take place on 9 May, but that has proved impossible. We are trying to arrange such a meeting for before the summer recess.

Members are welcome to attend the videoconference. I hope that it will be the beginning of links to other regional Parliaments, which will give us an opportunity for closer liaison and for learning about and sharing good practice. As a new Parliament, we have a lot to contribute. We have gone down the road of transparency, accountability and new technology. Some of the other Parliaments are interested to learn from us about those practices. Equally, as a new Parliament, we can learn from other Parliaments. Developing such partnerships will be useful and I hope that the videoconference will take that a step further forward.

Do members have any comments on the paper? Are we happy to agree to it?

Members *indicated agreement.*

Co-operation (Saxony-Anhalt)

The Convener: We move on to the paper on co-operation with Saxony-Anhalt. Although the situation is similar to that with the Flemish and Catalan Parliaments, we are possibly a stage further forward, because committee members have met members of the Economics, Technology and European Affairs Committee of the Saxony-Anhalt Parliament. I understand that the elections in Saxony-Anhalt were held yesterday and that there have been substantial changes. Ben Wallace and his colleagues from Saxony-Anhalt will be much more in the majority than was previously the case, when Ben was worried about being the only Conservative at the meeting.

Ben Wallace: That can happen here.

Colin Campbell: Dream on.

The Convener: There might be some changes in the personalities who attend. We await the final results.

Mr Home Robertson: Do we still want to talk to them?

Irene Oldfather: We will still talk to them.

Colin Campbell: We will talk to anybody, within reason.

Irene Oldfather: The officials in Saxony-Anhalt, along with the politicians, were keen to advance the proposals in the paper to ensure co-operation. Some of the officials will come to Scotland later this week for the meeting on INTERREG with the Strathclyde European Partnership, which they mentioned to us. I hope that there will be further developments in that area. Do colleagues wish to comment on the paper?

Ben Wallace: I congratulate my colleagues in the CDU. "Not yet" is the phrase that springs to mind in relation to the suggestion in paragraph 4 of the paper to

"Encourage the development by others in Scotland of joint INTERREG III C proposals".

We do not know much about the INTERREG III C amounts or the programmes that are due to come the UK's way. I offer a cautionary note. Rather than jumping ahead before we know what INTERREG will mean to Scotland, perhaps we should make our commitment a bit looser.

The Convener: Perhaps we should say "in due course" or "as information becomes available", or some such phrase. Are colleagues happy to agree to the contents of the report, bearing in mind the amendment that Ben Wallace has suggested?

Members *indicated agreement.*

European Agriculture Legislation (Implementation)

The Convener: That takes us on to item 9, which is Nora Radcliffe's report. It is a short discussion paper in which Nora Radcliffe describes her plans to advance some of Tavish Scott's work.

Nora Radcliffe: The paper is a preliminary report, which states how we propose to develop our work on the implementation of European agriculture legislation in Scotland. The easiest way of doing that seems to be by means of case studies in five separate areas of the agricultural sector on which European legislation impacts. I seek colleagues' agreement that that is a sensible way of focusing the work that we plan to do.

Mr Home Robertson: Constituency experience comes into it. I note that your list mentions the imposition of penalties and sanctions on the sector. A number of us have heard extraordinary stories over the years. One guy inadvertently filled in the wrong form—he happened to be colour-blind, so he did not know that he was filling in the wrong form. As a result, he lost out on tens of thousands of pounds of subsidy that his farming business was eligible for. He appealed to the minister at that time, who was Lord Sewel. The line from the minister and his officials was that that was it—rules were rules. The new appeals system is meant to address such issues, but it would be useful if the committee could establish that the appeals system is working.

Nora Radcliffe: We hope to tease that out in the course of our work. Any member with a rural constituency could provide dozens of examples of disproportionate penalties for quite minor mistakes. Monitoring whether the appeals system that has been developed is effective will be an important area.

Sarah Boyack: One of the most important parts of the proposed report—models of good practice—is outlined in paragraph 7. When I was a minister, it was essential to have robust advice to give to the farming community on issues such as the use of pesticides. Such advice is essential to prevent each farming unit from being faced with a massive challenge and from having to learn things from first principles. Providing proactive support must be part of the agenda and it will be important to pick up on the extent to which that is done in other parts of the European Union.

The Convener: Good. Nora Radcliffe will be able to take that on board. Do members agree to the brief for Nora's report?

Members indicated agreement.

Sift

The Convener: Item 10 is scrutiny of EU documents. As you know, we have classified the documents and have tried to relate them to each committee. At this stage, the committees must choose to investigate further and ask us for advice as they see fit. Members will recall that I left our most recent meeting to attend the conveners liaison group. I emphasised to the CLG that we felt that it was important that committees looked carefully at the documents that we sent to them. I was heartened by the fact that some conveners told me that they spend quite a bit of time examining the information that we send to them and highlighting appropriate reports. Do members agree to note the sift document?

Members indicated agreement.

The Convener: That brings us to the end of the agenda. I thank colleagues and the public for attending. The next meeting is scheduled for Tuesday 7 May. I hope that the partnerships will attend to give evidence on the structural fund inquiry.

Meeting closed at 15:41.

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