

EUROPEAN COMMITTEE

Tuesday 24 September 2002
(*Afternoon*)

Session 1

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EUROPEAN COMMITTEE

11th 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)

COMMITTEE SUBSTITUTES

Dr Winnie Ewing (Highlands and Islands) (SNP)

Tavish Scott (Shetland) (LD)

*attended

WITNESSES

Campbell Christie (Scotland Europa)

Roland Diggins (Scottish Council for Development and Industry)

Kirsty Macdonald (Scotland Europa)

Donald MacInnes (Scotland Europa)

Alan Wilson (Scottish Council for Development and Industry)

CLERK TO THE COMMITTEE

Stephen Imrie

ASSISTANT CLERK

David Simpson

LOCATION

Committee Room 2

Scottish Parliament

European Committee

Tuesday 24 September 2002

(Afternoon)

[THE CONVENER *opened the meeting at 14:10*]

The Convener (Irene Oldfather): Good afternoon, colleagues. I welcome everyone to the 11th meeting in 2002 of the European Committee. I have received apologies from Nora Radcliffe, who is in Brighton at a party conference. Dennis Canavan expects to be here, but he will be a bit late because he has lodged amendments to a bill, which are being discussed at another parliamentary committee.

Scottish Executive (Scrutiny)

The Convener: The first agenda item is pre-Council and post-Council scrutiny. This time, the delivery of information has been more timely. Yesterday, the clerks met Executive officials and we hope that further improvements will follow. We will run through the papers briefly. Are there any points on the briefing on the internal market, industry and research council?

Helen Eadie (Dunfermline East) (Lab): Paragraph 4 is on the Commission's report on barriers to an internal market for service. The briefing states:

"The Commission's report 'The state of the Internal market for Services' published on 30 July 2002 marks the end of the first stage of its original two-stage Internal Market Strategy for Services."

I have a couple of key points. The first is that on 14 and 15 November or 26 November there will be considerable formal discussion of the issue among the member states. As members might recall, the matter has come before the Public Petitions Committee. At this morning's meeting of that committee, the topic arose during a review of on-going petitions. I agreed that I would ask the European Committee to keep the Public Petitions Committee informed on the matter. Also, the Health and Community Care Committee has appointed John McAllion as a reporter on the issue.

The issue is pertinent to service delivery in health and education in Scotland. I want to ensure that members do not allow those significant dates to go by without questioning the possible implications for Scotland. I ask the committee to ensure that the Public Petitions Committee and the Health and Community Care Committee are

made aware of the dates. Perhaps we should also flag up our concerns to the representatives who will be at the initial meeting on 30 September. We should say that we want to be involved more fully prior to the meeting on 14 and 15 November or 26 November. Members might remember that I questioned Jim Wallace on the issue last week.

The Convener: The first meeting is on 30 September, which is next week, but fuller discussions will take place in November. Perhaps we could flag up the matter to the Executive and ask for a copy of the report and information about the expected implications for Scotland. We could then refer that information to the other committees that you mentioned.

Helen Eadie: That would be helpful. It would also be useful to inform those committees that the request has been made and that we intend to take action.

The Convener: We will do that. Are there any other points on the internal market, industry and research council?

Helen Eadie: Perhaps I am nit-picking, but it says in the note that there is a Scottish interest. It does not say that in every note. It would be helpful if there were greater consistency of approach in the notes.

The Convener: I think that we are generally agreed on that.

Do members have any points to raise on the general affairs and external relations council of 30 September? It would be helpful if the Executive would keep us informed of developments in discussions on items 6, 7, 8 and 9, as we have an interest in them. Do members agree?

Members indicated agreement.

The Convener: The transport, telecommunications and energy council will be held on 3 and 4 October.

14:15

Helen Eadie: I flag up an interest in item 6, which is the railway package. It is stated that the Scottish Executive is promoting the expansion of the railway network. Perhaps we could have more information on the implications for Scotland of the railway package. We could also flag up the matter to our colleagues on the Transport and the Environment Committee.

The Convener: There are several areas that we might want to flag up to the Transport and the Environment Committee—for example, item 6 and item 15, which is on trans-European networks.

Sarah Boyack (Edinburgh Central) (Lab): I agree. The agenda for the transport, telecommunications and energy council is weighty.

It is difficult to guess how far down the line the discussions are, but they are fundamental. The items that you have highlighted have a potential legislative impact, depending on what is decided. Item 1 on aviation is also crucial. There is almost enough meat for the Transport and the Environment Committee to discuss the matters and track them.

The Convener: Do members agree to refer items 1, 6 and 15 to the Transport and the Environment Committee?

Helen Eadie: I ask that we also refer item 8 to the Transport and the Environment Committee, because there is a difference between the Westminster Parliament and the Scottish Executive on tolling and charging. The note to item 8 discusses wider infrastructure charging, which we need to keep an eye on. Two types of charging—infrastructure charging and road charging—are involved. If there is an implication for Scotland, we need to be clearer about what it might be.

Mr John Home Robertson (East Lothian) (Lab): The key point in the note is whether a charge or a tax is involved. If a charge were decided on, we would have a say. If a tax were opted for, that would be a reserved matter. It would probably be in our interests to have a charge.

The Convener: It would be relevant to flag up the issue to the Transport and the Environment Committee.

Sarah Boyack: Item 7 should be flagged up, too. I am not suggesting that the Transport and the Environment Committee should debate all the issues at its next meeting, but progress is being made in Europe and positions could be determined soon.

The Convener: We will add item 7 to the list. We must be wary of overloading other committees. Let us see how things go. We have a new role and we want to be seen to be doing a good job in assisting the other committees.

The employment, social policy, health and consumer affairs council takes place on 8 October. Item 4 concerns employment and social policy. Although employment policy is a reserved matter, it is important for us to keep abreast of developments in the European Union employment strategy.

Do members agree to note the agenda of the employment, social policy, health and consumer affairs council?

Members indicated agreement.

The Convener: The environment council is on 17 October.

Sarah Boyack: I have a couple of issues to raise. In the aftermath of the world summit on sustainable development, it might be useful to have a discussion about how Europe will engage in implementing the conclusions of the summit. The First Minister gave a statement to the Parliament and there was an opportunity to ask questions. The role of Europe in leading the debate and in seeking our views as part of that process is an interesting issue.

I note from paragraph 5 that the Executive will be taking forward its sustainable development strategy. I am not sure whether this is the most suitable point at which to invite the minister back to talk to us, or whether we should wait until after the discussion at the environment council has taken place and get the minister to report back at that stage. In any case, the issue would sustain a reasonable discussion.

Paragraph 9 says:

"The Council will consider a progress report on the ... Environmental Liability Directive".

It is suggested that

"The proposed Directive would require the Scottish Executive to amend legislation".

It would be useful to get a sense of the time scale for that.

The Convener: It is important that we liaise on such matters with the other committees. If the committee is agreeable, we will ask for reports to be made back to us. In the interim, the clerks could discuss the matter with their colleagues on the Transport and the Environment Committee, and I could have a word with the convener of that committee to find out whether it might want to become involved in a joint initiative or whether it is already addressing the matter.

I recognise the fact that we have a limited timetable between now and May next year, which includes our employment inquiry. I am reluctant to get involved in any major pieces of new work, but it would still be worth contacting the Transport and the Environment Committee to find out—

Sarah Boyack: I will clarify, if I may, convener. I am not suggesting that we should do a major piece of work on the matter; I was simply suggesting that discussion of the topic be enabled. I am not thinking of sustainable development per se; it is more about the development of the EU in that area, how we fit into that and where we go next. If you do not think that the topic is appropriate for a short-term discussion by the committee, that is fine, but it would be useful if somebody in the Parliament were involved in the debate.

Dennis Canavan (Falkirk West): I agree with Sarah Boyack. The committee has frequently

pointed out that we are left dealing with and commenting on decisions that are faits accomplis. We have an opportunity to influence the minister and the decision that will be taken by the environment council before it meets. In the last paragraph of the report on the environment council, the clerk has pointed out:

"there is sufficient time to call a Minister to appear before the Committee in advance of this Council."

It would be unwise to miss the opportunity.

If we feel that it is more appropriate for the Transport and the Environment Committee to cross-examine the minister before he goes to the council, that is fair enough, but either this committee or the Transport and the Environment Committee should do it. Perhaps you could have a discussion with the convener of the Transport and the Environment Committee and establish what would be more appropriate.

The Convener: I am happy to do that. The clerks remind me that Ross Finnie will attend the committee's next meeting. We may be able to extend our discussion on fisheries to cover this subject too. I agree on the importance of liaising with the Transport and the Environment Committee convener, and I assure the committee that I will do that. We will probably have the opportunity to discuss the matter a little bit at our next meeting if we advise the minister ahead of time that we are interested in doing that, and if we can secure the agreement of the Transport and the Environment Committee.

The post-event briefing mentions the economic and financial affairs—ECOFIN—council on 12 July, the budget council on 19 July and the general affairs and external relations council on 22 and 23 July. The briefing is rather out of date, although there are some interesting comments.

Mr Lloyd Quinan (West of Scotland) (SNP): Paragraph 10 of the pre-briefing on the environment council, headed "Biosafety: Implementation of the Cartagena protocol", finishes with the sentence:

"Since this concerns international movements of GMOs, the Executive's interest in this item is limited."

Does that mean the transport of known genetically modified organisms by one company or state to another across international boundaries? Is there anything in the directive or in the Cartagena protocol about the protection of GMO sites to prevent the communication or spread of the organisms? Is the protocol purely about trade? If it is, I fully accept that the Executive's interest in the item is limited. However, if there are regulations about the control of GMOs on site, we should consider the matter.

The Convener: The feeling is that the protocol

is about trade, but I will ask the clerks to check that and report back to the committee.

The three post-briefing reports are out of date—we already have the agenda for those councils' next meetings. If the committee is content, we will agree to note them.

Dennis Canavan: Why is there such a huge time gap between the meetings and our getting the reports? We have a report on the general affairs and external relations council of 22 to 23 July. We did not get it until 18 September. There are important items on that agenda, including the middle east, the fight against terrorism and a common position on Iraq. So many things have happened since then. Can we not speed up the receipt of those reports?

The Convener: I agree, Dennis. One problem was the recess. Europe more or less closes down in August. At our last meeting, we mentioned the fact that we were not happy with the length of time that it was taking to get the reports and we asked the clerks to meet the Executive officials. They did that yesterday—you might have missed that at the beginning of the meeting—and we now have an agreement that we will get the information as soon as possible.

Dennis Canavan: Thank you.

The Convener: If there are any difficulties, you can be sure that we will monitor them and alert the clerks to take them up with the Executive. I agree that the reports are so out of date that, by the time we get them, we can read about the meetings in the newspapers. We hope that the new system will improve matters.

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

That is a marked improvement on what we have had in the past. I ask that we be informed of what is still to come. I remember from our previous meeting that there was a meeting of the agriculture and fisheries council in July. That is a bit of a glaring omission, given that fishing is one of the most pressing issues that we face between now and December. We have the submissions of five departments. Whose are we still waiting for and what have we missed? If we knew that, we could say, "Where is it, Mr Finnie?"

The Convener: We are fortunate with the timing of the next agriculture and fisheries council meeting, because Ross Finnie is coming to us in advance of it. I think that the meeting will take place 10 days later. The timing will be good from that point of view. However, I agree that it would be useful to have a full list of the dates of the meetings.

Stephen Imrie (Clerk): We had the post-Council report for the agriculture and fisheries council at our last meeting. The next meeting of

the agriculture and fisheries council was yesterday and today, so there is obviously no post-Council report. However, after the meeting that we had on Monday, I am sure that the report will follow shortly, as will the rest of the post-Council reports for the meetings that are mentioned in the pre-Council briefings.

I do not believe that we are awaiting anything from the Executive. I have looked back at the systems. As of today, the Executive has provided everything that it had promised to provide. It has undertaken to continue that in future.

Ben Wallace: When is the next agriculture and fisheries council?

Stephen Imrie: It is on 14 October. Our committee is meeting on 8 October and the Minister for Environment and Rural Development, Ross Finnie, has agreed to appear before the committee and take questions on the common fisheries policy.

Ben Wallace: Some of the other pre-Council reports are for meetings in early October, such as 1 October and 3 to 4 October. I wonder whether some of the detail for the agriculture and fisheries council is not yet ready. It is interesting that the detail for the transport, telecommunications and energy council on 3 to 4 October is.

The Convener: It has not been passed to us, but we will ask the clerks to circulate it to members as soon as it arrives so that they have it well in advance of the minister's appearance at the next committee meeting, rather than members having to wait for the next round of papers.

Ben Wallace: I see that we have the report for the environment council meeting on 17 October.

Convener's Report

14:30

The Convener: Members will agree that we had a successful conference, although, regrettably, it did not get much coverage in the press. On members' behalf, I thank the clerks, as a lot of work was involved in preparing the papers and arranging things such as the meal on the day. I think that everyone who was there appreciated the clerks' efforts. I thank committee members for the work that they did on the day, such as chairing the workshops, and for bringing people from their constituencies. It was a worthwhile exercise, which showed that we are interested in consulting and engaging constructively with civic Scotland.

Dennis Canavan: We should extend our thanks to the people who participated, particularly the young people. I was particularly pleased with the delegation from Denny High School, several of whom contributed to the debate and helped to enliven the proceedings, which were in danger of getting a bit boring due to some of the contributions from seasoned politicians.

The Convener: I agree with your comments. I believe that I said on the day that it was nice to see so many young people. A young person from my constituency who is on the Euro scholar scheme attended as well. It was great that young people not only came along but participated in the day's events.

Colin Campbell (West of Scotland) (SNP): I will represent the grey vote and say that I was delighted to see two elderly ladies from Johnstone, in the west of Scotland, who had decided to come along. I do not know what contribution they made, but they were certainly interested in the event when I spoke to them.

The Convener: It just shows that our marketing for the event worked.

Sarah Boyack: I agree that it was a good turnout. Although we did not get a huge amount of press coverage, we got some and I think that we managed to convey to people the fact that the European Committee is having an on-going debate about European governance. We have certainly raised more interest in the subject than we would have raised if we had not arranged the conference, which was the alternative. We have given people a chance to start engaging in the process. People can do so on many levels. It is difficult to be an expert on existing EU institutions, never mind the future opportunities.

It was well worth doing and I thank the clerks again as they put in a lot of work on what would otherwise have been a holiday weekend.

Ben Wallace: I thank Stephen Imrie, David Simpson and the other clerks for arranging the conference. I know that it was not the easiest thing in the world to arrange and that I was certainly not one of the easiest members to deal with in that regard.

I was surprised by how much the four pupils from Mearns Academy enjoyed the conference. They were not bored by some of the seasoned politicians, which was surprising because some of us were.

It was a good day and I hope that the end result is useful. However, there is much more to do.

Mr Quinan: The most exciting contributions that day came from younger people, because they did not come to the table with an axe to grind. If I hear another lunatic from the British Weights and Measures Association tell me that Europe is the evil empire, I think I will die.

The key statement was made by a girl from Mearns Academy and was echoed by a boy from Denny. They said that they feel that we do not understand that we have to start teaching about Europe—not the institutions but the countries, cultures and people—at primary school. The boy from Denny said that they have had a one-year crash course in modern studies, but they have a good teacher who has a great interest in the subject and that has led to them having a lot more information than they needed to pass the exam. They pointed out that most other kids are simply being given the information to pass the exam. Again, we are having conversations about the all-powerful and all-encompassing concept of Europe, while young people are saying to us, “Why don’t you start talking, people to people?”

I suggest that, at the earliest possible stage—probably after the election—the committee should organise exactly the same conference but should keep the British Weights and Measures Association and politicians firmly away from it. We should simply involve school kids and ask them directly what they want.

The Convener: Our Europe day event was successful. We invited children from all over Scotland and did workshops with them. Those of us who participated in that found it illuminating for all the same reasons. We should keep that on the agenda for the future.

It is important to recognise that we will take on board the comments that were made on the day. If the committee is agreeable, we should ask the clerks to draft a revised future of Europe report to take account of the comments that were made at the conference.

We have to decide what we want to do with the report. I recommend that we send it as a formal

document to the convention for discussion, and copy it to the Scottish MEPs, ministers and UK Government ministers. People will then be able to see that we acted on the day and that it was not just a fun day; we did something with it. Is that agreed?

Members indicated agreement.

The Convener: The next item is the draft opinion by the First Minister for the Committee of the Regions, entitled “More Democracy, Transparency and Efficiency in the European Union”. The committee received a copy of the report and we circulated it to all members. I understand that the report will be discussed at the next constitutional affairs meeting of the Committee of the Regions. It has been provided to the committee for information. If anyone has any particular comments, I am sure that they could submit them to the First Minister for consideration.

Ben Wallace: The report does not question the existence of the Committee of the Regions. It talks about improving its processes, but over the past few months and years we have heard a lot of people talking about whether or not there should be a Committee of the Regions. It is interesting that that question is missing from the First Minister’s opinion.

The Convener: I am sure that my perspective on the issue is biased because I am a member of the Committee of the Regions, but I can assure you that any document that recommended abolishing the Committee of the Regions would not be approved. We have to talk about reform as opposed to abolishment.

Other people in other political arenas might want to discuss that possibility, but this is an opinion about the Committee of the Regions and so the objective is to consider how the Committee of the Regions can contribute in the future and reform in order to work better.

I will take a brief comment from Lloyd Quinan, but I am conscious that our witnesses are waiting and I do not want to keep them too long.

Mr Quinan: My comment cuts to the heart of the issue. I agree with Ben Wallace, and the convener’s statement illuminated the self-perpetuating nature of the Committee of the Regions.

The majority of the membership of the COR wants to keep it going—that is a reality. There are also a large number of people who believe that it is so asymmetrical that it cannot work. The perpetuation argument affects the issue of guaranteeing subsidiarity if the Committee of the Regions is retained. Section 9 of the First Minister’s opinion appears to support the continuation of the COR despite the fact that we

have taken evidence from a great number of sub-state legislatures who do not believe that it carries out its function. The committee took evidence from the Basques, the Catalans and the Flemings.

In reality, such an opinion will allow the COR to exist and be maintained so that the UK does not get access to the European Court of Justice to guarantee subsidiarity, because the COR becomes the guardian of subsidiarity. To be frank, I think it is a cobbled-together shambles.

The Convener: There is an opinion within the COR that the institution could be reformed, but not that it should be abolished. I have not heard other institutions say that the COR should be abolished.

Mr Quinan: I did not say that the COR should be abolished. I said that the COR in its present asymmetrical form is not sustainable. That is a direct quote from the Basque Government representative who spoke to us in the chamber less than a year ago.

The Convener: I am aware of several proposals about the COR: for example, that it should just be a local authority body; that it should be a regional body; and that it should continue to be a mixture. However, I do not think that we should debate that issue at this meeting.

Ben Wallace: The point is not that the First Minister should be discussing the abolition of the COR, but that the draft opinion document does not address the issue of why the COR should exist. We have heard views on that issue from MEPs and others. Perhaps the First Minister's opinion document should state that the COR is good and that the COR represents the regions' vision and long-term aim of being part of Europe. The draft opinion document does not seem to address that issue. It does not seem to have the attitude of sticking up for oneself, I suppose.

The Convener: As I said at the beginning of the meeting, members are welcome to make suggestions to the First Minister for incorporation into his report. However, I think that it is a good report overall and that it will allow for substantial discussion at the meeting of the Commission for Constitutional Affairs and European Governance—the CCAEG—at which all political parties will be represented and able to contribute to the debate.

Mr Quinan: Should not the European Committee have an opinion? That would involve us in a debate. Ben Wallace and I have kicked off that debate from different perspectives and the convener represents another view. Surely if the CCAEG is going to speak on behalf of the Scottish Parliament, the European Committee needs to debate that, rather than leave it to be discussed in another place.

The Convener: If members of the committee wish to have a debate on that, we could timetable it for another time. However, I did not pick up from Ben Wallace that that is what he wanted.

Ben Wallace: Lloyd Quinan made a good point. Is the First Minister reporting on behalf of Scotland? If that is the case, he would be submitting an opinion on behalf of the Scottish Executive, or the Scottish people or Scotland as a European region. If he is submitting an opinion on the Parliament's behalf, the European Committee should have input into that.

The Convener: The First Minister is acting in his capacity as rapporteur to the Commission for Constitutional Affairs and European Governance. Therefore, he is responsible to that body for his report. There is cross-party representation on that commission.

Ben Wallace: So, as a rapporteur he would be taking evidence, I suppose. Have we been asked for evidence?

The Convener: That will have been part of the process. There will have been discussions. When rapporteurs form opinions they do not always do so through taking evidence. However, they have discussions with interested parties and groups.

Dennis Canavan: I have a point that follows on from what Lloyd Quinan said about subsidiarity and its policing. There seems to be an inherent contradiction in the Executive document. It states:

"The Scottish Government believes that judgements on subsidiarity are a political issue, that would be best dealt with by a small body of Member State and Sub-Member State representatives. ... Others have suggested that a judicial mechanism is more appropriate. The Opinion does not seek to put forward a definitive solution."

A body of representatives of sub-member state Administrations and Parliaments is not a judicial body as such, is it? It is a political body. Perhaps we should ask for clarification of the Executive's views on that matter. A school of thought says that there could be a political body at some stage in the policing process and a judicial body at another stage. However, there is an inherent contradiction in the Executive document.

The Convener: We can certainly ask for clarification of the Executive's opinion. It will ultimately be up to the CCAEG and the COR to decide whether they want the First Minister's opinion to be open-ended or more specific; they might be happy with it as it is. The First Minister's opinion is ultimately still open for amendment in the COR. Therefore, I imagine that we can ask for clarification from the Executive. However, until the COR agrees the final opinion, it will simply be the First Minister's opinion and not the COR's opinion, which could be different.

Lloyd Quinan can make a final point. Witnesses are waiting, so I am anxious to move on.

Mr Quinan: I do not think that we have addressed the central point. When does the Scottish Parliament give its opinion? Is the opinion that we have before us the opinion of the Scottish Parliament, as presented by the First Minister of Scotland working as a rapporteur?

The Convener: My understanding is that the opinion would be a Committee of the Regions opinion, not a Scottish Parliament opinion.

Mr Quinan: So the First Minister's job is to present the evidence of the Scottish Parliament to himself. Where is he gathering that information?

The Convener: No, he is presenting it to the CCAEG. He has presented the opinion to us for information.

Mr Quinan: I understand that, but at what point did the First Minister, as rapporteur, ask for the opinion of this committee or the Parliament so that he could report as the First Minister of Scotland? Are we, on the other hand, not having a report from Scotland?

14:45

The Convener: I imagine that members will, after today's discussion, be free to write to the First Minister to ask for clarification. However, the First Minister has certainly presented the opinion to this committee. It has not yet been agreed by the CCAEG, so if members wish to put points to him, they are absolutely free to do so.

Mr Quinan: Should not we, as the European Committee, offer input as the European Committee, rather than as individual members of the committee?

The Convener: Well—

Ben Wallace: We could ask whom the First Minister has consulted in forming the opinion, and take it from there. If the answer is that he consulted Jack McConnell, we might be concerned.

Mr Quinan: Surely the question is: at what point does the European Committee of the Scottish Parliament input to the opinion of the rapporteur on the CCAEG? At what point has the Scottish Parliament, through this committee or the chamber, declared its opinion on the issues? Is our opinion being represented by the fact that the First Minister is the rapporteur? If so, that is not scrutiny.

The Convener: All political parties are represented on the committees in the Committee of the Regions. I understand Lloyd Quinan's point and we have sought to bring the Committee of the Regions on to this committee's agenda; for

example, we have listed all the opinions that are discussed at plenary sessions. Those opinions have appeared in our committee papers. This year, we have for the first time tried to incorporate the Committee of the Regions into the agenda of the European Committee. We might not have the detail quite right, but we are attempting to get there.

Mr Quinan: Irene, I think that you misunderstand me.

The Convener: I will just finish my point. In the Committee of the Regions, a number of opinions will be given over the next few years by Scottish rapporteurs. Some may be rapporteurs on local government and some may be rapporteurs from the Parliament. The First Minister is obviously presenting an opinion in this case. Perhaps we could discuss whether we should discuss those opinions, but, at the end of the day, the opinion belongs to the rapporteur. We can make recommendations or suggestions, but it is not for us as a committee to force a change in anyone's opinion, whether it is the local government representative—

Mr Quinan: I am not trying to force anyone's opinion—I am merely asking a simple question. Who is reporting to the rapporteur the opinion of either the European Committee of the Scottish Parliament or the Scottish Parliament as a whole?

The Convener: There is an opportunity to do so today. We have the opinion in front of us, so we have the opportunity—if members wish—to contribute to that opinion. I have said on the record that it is a very good opinion.

Mr Quinan: I am not asking about the quality or the content of the opinion; I am asking at what stage the Scottish Parliament, through its structures, makes a contribution to that report?

The Convener: We do not have a system at the moment for doing that.

Mr Quinan: So, would it be sensible to assume that the Committee of the Regions will accept the opinion of the First Minister of Scotland, acting as rapporteur, and that it will naturally assume that that is the opinion of the Scottish Parliament?

The Convener: No. Nobody will assume that the opinion is the position of the Scottish Parliament.

Mr Quinan: They absolutely will not?

The Convener: No. It is the First Minister's opinion, and through the political groups on the COR, there will be an opportunity for anyone of whatever nationality, Scottish or anything else—

Mr Quinan: It is not a question of nationality; it is a question of formal structure. At what point does the Scottish Parliament have an input to the discussion?

The Convener: What I am saying is that there is not a formal structure.

Sarah Boyack: I read the recommendation in the convener's report, which invites us to note the draft opinion and, if necessary, to agree to send any feedback that we have to the First Minister. It is, I presume, the committee's call whether we want formal input to the process and whether we want to offer our views. Ben Wallace suggested specifically that the opinion should make a case for the Committee of the Regions's being part of the future structure. I took that paragraph, which the convener did not read out, as a suggestion that there might be feedback from the committee. Lloyd Quinan made a fundamental point about the existence of the Committee of the Regions. I presume that it is up to this committee whether we want to engage in the process and accept the convener's recommendation.

Mr Quinan: I am genuinely not concerned about the opinion. I am merely asking a simple question: When, where and by whom will representatives in the Scottish Parliament be given a forum at which to present their opinion?

The Convener: We are working towards a new system. For the first time, the Parliament—

Mr Quinan: Is the answer that they will not have such a forum?

The Convener: For the first time, the Parliament has representation on the Committee of the Regions. That has been put in place only this year. We are working towards a new system. For the first time ever, a draft opinion for the Committee of the Regions has been sent to the European Committee. If we want to reform the process, that is fair enough and if we want to make comment, that is also fair enough. What do we want to do and how do we want to proceed? The suggestion is that we note the opinion and send any comments that we have to the First Minister.

Mr Quinan: Do we send our comments as individuals rather than present a committee opinion?

The Convener: If there were agreement on specific points within the committee today I would be willing to write a letter on behalf of the committee.

Helen Eadie: Sarah Boyack and the convener have made the point well. It is open to us to propose formally certain actions today. If we are proposing that a letter be written, that is entirely reasonable. I infer from what Lloyd Quinan is saying that we are not prepared to do that.

Mr Quinan: I am not saying that.

Helen Eadie: There seems to be a presumption on Lloyd Quinan's part that people are either

willing to engage or they are not happy to participate in presenting feedback to the First Minister. The convener has made it abundantly clear, as has Sarah Boyack—with whom I agree—that members can note the draft opinion and, if necessary, agree that feedback be sent to the First Minister. The recommendation could not be clearer. It does not invite us to comment as individuals; it asks whether we, as a committee, want to provide feedback. There is nothing to stop us writing individually in addition to that. We all have that option all the time. If members want us to go ahead and make a contribution, we can do so, through the committee.

The Convener: I suggest that if there is general agreement on Ben Wallace's point we should include at the beginning of the opinion some sort of draft statement on justification for the Committee of the Regions as the tier of government that is closest to the people. Would members prefer to submit individual comments, or is there general agreement in the committee?

Ben Wallace: There are points to be made on both sides. Let us try to establish whether the First Minister has submitted the draft opinion party politically. Did he use Scottish Executive officials to draft it? If he did, he should include in it a statement that Scottish Executive officials, authorised by the Parliament and using its finances, have drafted it. If he is on the Committee of the Regions wearing his party political make-up—as the Labour party nominee—I suspect that the opinion will have been drafted by a member of the Labour party, rather than by a member of the Scottish Executive. It might have been drafted by the secretariat support to the Committee of the Regions. It is perfectly fair to ask how the First Minister formed his opinion, who was involved and in what context he is presenting the opinion. If all parties are represented on the Committee of the Regions, I suspect that the First Minister will be presenting the opinion on behalf of the Labour party. If he is presenting the opinion as the head of the Scottish Executive—

The Convener: He may be speaking on behalf of the Scottish Executive, rather than the Scottish Parliament. We can seek clarification on that point.

Ben Wallace: Once we have received that information, we can make progress.

Mr Quinan: I am not saying that the opinion is not right. None of the points that I have made have anything to do with the content of the paper.

The Convener: I understand the point that Lloyd Quinan is making about having a forum for discussion of opinions in future. We may need a paper from the clerk on that.

Mr Quinan: Jack McConnell's situation is unique, because he is the First Minister.

The Convener: I do not think that his situation is unique. All Scottish members of the COR present opinions. Would an opinion presented by Corrie McChord have to come before the committee? We must consider the issue of how we deal with COR opinions that are prepared by Scottish members.

Mr Quinan: That is particularly true of opinions prepared by the First Minister.

The Convener: I do not think—

Mr Quinan: Is the First Minister the same as the rest of us?

The Convener: The Committee of the Regions includes representatives from Scottish local authorities, the Scottish Parliament and the Scottish Executive. We may decide that all opinions should be presented to the European Committee for comment. Whether we could or should impose a view on local government is a separate issue. I am not sure that the Convention of Scottish Local Authorities would be happy if we did that. We might be invited to comment, as we are part of a system.

Mr Quinan: That is not what I meant.

The Convener: You are suggesting that we put in place a system. I am mooting different ways in which we could do that. The only valid role for this committee might be to comment on papers or opinions that are presented by members of the Parliament. We need to have the matter clarified. If Irene McGugan or I presented an opinion to the COR, it would be valid for the committee to comment on that. However, I am not sure that it would be valid for us to recommend changes to an opinion that Corrie McChord presented. I will have to give further consideration to the matter.

Mr Quinan: I am not thinking about that. I am concerned only with the First Minister.

The Convener: The Scottish delegation to the COR consists of three parts—local authority representatives, Scottish Parliament representatives and Scottish Executive representatives. If the committee wishes, a system for considering opinions will be put in place. However, I am not sure that it is our role to comment in detail on opinions that are presented by local authority and Scottish Executive representatives. It might be, but the matter requires further consideration. We should ask the clerks to examine it.

The other difficulty is fitting in with the timetable of the Committee of the Regions. The First Minister's opinion will be considered on 4 October. To table amendments to an opinion, one needs to be a member of the committee in question and to be present at the meeting when it is considered. I am not sure that there is a member of the Parliament on the Commission for Constitutional Affairs and European Governance.

Mr Quinan: I am not talking about the Committee of the Regions. I am asking where the rapporteur got his information.

The Convener: If I understand you correctly, you are asking how we can comment on opinions. That is not as straightforward as it seems. Do we want to comment on all opinions? Do we want to comment on all Scottish opinions? There are many questions attached to your suggestion. This is not a simple issue and I suggest that we ask the clerks to consider how we may input constructively to opinions.

Today we have made a good start. The First Minister's opinion has been included in the committee papers. We have asked for comments and suggested that we will pass those on to the First Minister, if there is agreement.

Do we agree to note the opinion? Do we agree that if members would like to make specific comments they should write directly to the First Minister with those comments? Do we agree to task the clerks with examining how in future the committee may consider opinions that are prepared by Scottish members of the Committee of the Regions?

Mr Quinan: That is not the point that I was trying to make. Where in Jack McConnell's report is the opinion of the Scottish Parliament or of the European Committee of the Scottish Parliament? If that is not included, the report is incomplete.

15:00

The Convener: I do not agree. Rapporteurs prepare their own opinions, which are then agreed by their committees. This is not the opinion of the Scottish Parliament nor of the European Committee; rather, it is a rapporteur's opinion.

Mr Quinan: From where in Scotland did the First Minister take the evidence in order to develop that opinion?

The Convener: We have already agreed to ask for clarification on that point. At the end of the day, you are asking for the European Committee to have some input into an individual's opinion.

Mr Quinan: Are you saying that he did not have to take any evidence from anyone?

The Convener: I am not saying that.

Mr Quinan: So, do you think that the European Committee or the Parliament should not contribute to the debate directly through the rapporteur, or that he should have gathered evidence in Scotland to present as part of his opinion?

The Convener: I think that we have already discussed the matter. We have the paper; individual members have an opportunity to

comment on it and we will consider a system to deal with future papers. However, rapporteurs are individuals who are accountable to their committee and the Committee of the Regions. That is my understanding of the system.

Let us move on to a briefing that was requested by Ben Wallace. The Local Government International Bureau has provided information on the central local partnership working group on the future of Europe and related governance issues. We should note the information that has been provided, in particular the news that a conference will take place at the end of November. It would be appropriate for the committee to be represented at that conference. If members agree, I suggest that we write to John Prescott as chairman of the committee and ask for representation at the conference.

Helen Eadie: The paper says that there is a meeting on 11 October. Perhaps we should ask whether we could also be represented at that.

The Convener: I notice that the intention was to involve the devolved Parliaments and Assemblies. However, I am not sure how we were missed out of all this. Perhaps someone else in the Parliament is representing us.

Ben Wallace: I note that COSLA is part of the task force.

The Convener: There is also an issue about who would represent us and what their commitment would be. However, if members agree, we could first write to John Prescott expressing our interest and asking whether a member could attend the conference.

Helen Eadie: The document says that there will be

"a Forum with local government lawyers on 11th October to address the potential impact of the Charter on Fundamental Human Rights on local authorities, should it be incorporated into any future EU Treaty. A representative from the Scottish Parliament would be most welcome to attend the event, or we can copy you in on the preparatory papers and outcomes of the meeting."

The Convener: I know that committee members are particularly interested in this issue. Would anyone be willing to volunteer to attend the conference? Lloyd, will you volunteer?

Lloyd Quinan *indicated agreement.*

Mr Home Robertson: I hope only that Lloyd consults us about any opinions that he might express.

Mr Quinan: You went to a crap school, John. *[Laughter.]*

Ben Wallace: I found out about the working group only after a conversation with someone from LGIB and I suppose that I wanted to find out, in a

subtle way, whether the minister knew about it. It is clear that Scotland has been dropped out of the loop, although not on purpose. Now that we have a heads-up, let us hope that the minister also has the same.

The Convener: As the paper mentions an intention to involve the devolved Parliaments and Assemblies, it would be appropriate to find out where contact was made in the Parliament and to ask the Executive whether it has received any information about the working group. We will ask the clerks to look into the matter and report back to the committee.

Helen Eadie: Would it be possible to get copies of the minutes of the working group's first meeting on 20 June? The paper mentions that the clerk received them.

The Convener: I noted that. That is a good idea, Helen.

The final item of the convener's report relates to the European Police Office—or Europol. Members will recall that we asked for further information from the Executive, but I am afraid to report that we have not yet received that information. As a result, I suggest that we write to the Executive to advise it of the time scale on the matter and to say that we would welcome the information as soon as possible. Are members agreed?

Members *indicated agreement.*

Sift

The Convener: As part of our usual scrutiny, we have noted the documents that should be passed on to the relevant committees. Do members agree to forward those documents?

Members *indicated agreement.*

The Convener: I see that members are going for coffee. I suggest that we take a five-minute break, which will also allow our witnesses to take their places for our inquiry into Scotland's representation in Brussels.

15:05

Meeting suspended.

15:10

On resuming—

Representation in the European Union

The Convener: Our last item is the beginning of evidence taking for our inquiry into Scotland's representation in Brussels. I am pleased to welcome Alan Wilson and Roland Diggins, from the Scottish Council for Development and Industry. We have had good, constructive meetings with Alan and Roland in the past and we thank them for the detailed written evidence that they have given to us.

Alan, I invite you to make a brief, introductory statement after which we will ask questions.

Alan Wilson (Scottish Council for Development and Industry): Good afternoon, ladies and gentlemen. I shall say a couple of sentences about the SCDI, a couple about our European credentials, then a sentence or two about the recommendations in our submission.

The SCDI has 1,200 members and a broad and unique membership. We are not for profit, we are not political and, although we are a small organisation, we cover the whole of Scotland. We are geared towards generating sustainable economic development, and we were founding members of Scotland Europa some 10 years ago. Nowadays, we undertake policy and trade missions to Brussels. We have undertaken two missions over the past year and we hope that such missions will become a regular six-monthly feature. They have been quite successful, short and snappy visits that have been supported by about 20 members on each occasion. Our next international forum, at St Andrews in March 2003, will focus on the big issues of Europe. That is our major flagship conference for 250 to 300 delegates and I am in the process of putting it together.

Earlier this year, we produced a document that encouraged our members and others to take the opportunities of EU enlargement seriously. That document has been well received and widely circulated. In a week's time, I am off to Estonia, Latvia and Lithuania, hopefully to forge new links and to explore the opportunities for two-way trade and, in particular, opportunities for future trade missions from Scotland.

We provide the secretariat to the cross-party group in the Scottish Parliament on international trade and investment. At its most recent meeting, the group addressed the subject of direct flights from Scotland. A lot of the discussion focused on direct flights to and from Europe.

A few years ago, we produced a curricular pack called "Over to Europe" specifically for use in secondary schools. It was designed to help young people to get a grasp of the importance of geography, marketing and linguistic skills. I hope that that is still somewhere in the classrooms rather than gathering dust on shelves.

The committee has used our statistics before. We have undertaken surveys of our members on such subjects as their attitude to the euro and EU enlargement. We intend to do that again this autumn, as we lead in to the conference in March.

We also measure Scotland's export performance. At the end of the year, we will produce the statistics for 2001-02. Suffice it to say that 63 per cent of what Scotland produces in the manufacturing sector goes to or through Europe.

We were pleased that the committee introduced this consultation exercise and thank its members for the opportunity to submit our views. There is scope for the more widespread dissemination of the information that is currently available. No doubt the committee will want to quiz us on that point and Roland Diggins will answer all those questions. A vast amount of information is available. It could be structured and cascaded to many more organisations than is the case at present.

We appreciate the location in Scotland of offices of the European Commission and the European Parliament and we work closely with their representatives in those offices.

We discussed widely with our membership the key question of whether to locate a representative of the Parliament in Brussels. In our response, we lean towards the position that there could well be a role for a representative of the Parliament. We lean towards it being an additional role—one that could bring wider benefits.

We have made a number of other recommendations but, as they are set out quite succinctly in our submission, I will take no further time to go over them.

15:15

The Convener: In the past, we have welcomed the information and statistics that you have provided. I have used them in parliamentary debates and we hope that the information flow will continue. Our two rapporteurs on the subject are Helen Eadie and Ben Wallace and I invite them to lead the questioning.

Ben Wallace: My previous experience of dealing with the SCDI is that it is a first-rate organisation, and its submissions, too, are first-rate. The SCDI is known to talk straight. After four years on the European Committee, it is always refreshing to read submissions that are written in

understandable language and get the point across.

Alan Wilson: I will have to put a stop to that.

Ben Wallace: I want to pick up on some of the points in your submission. First, it has been alleged—I use that word advisedly—that Scotland Europa does not have a medium or long-term vision of how the Scottish Parliament and the Executive should do business in the EU or how Scotland should represent its case. It seems that Scotland Europa works more on a six-month-by-six-month presidency basis. What is your view on that?

Alan Wilson: I am conscious that Scotland Europa representatives will give evidence next and that they will have strong views on that point. However, Ben Wallace asked for our opinion. Roland Diggins is the author of our report and I would like him to address the question.

The committee should bear in mind the fact that our representation in Brussels is evolving as the Scottish Parliament, the Scottish Executive and Brussels evolve. I remember the debate that took place when Scotland Europa was created 10 years ago about the role that it would play. The unanimous view was that it should not be a lobbying organisation, but that it had to be a trade and information-disseminating organisation. No doubt its role has changed quite considerably—we will hear about that later.

Roland Diggins (Scottish Council for Development and Industry): At the moment, Scotland Europa's strategy is one of intelligence gathering, advocacy and lobbying. We expect that to be the case at present and in the future. It is worth mentioning that the SCDI comes at issues from an economic development perspective. No doubt the question is one that the committee will want to put to other organisations.

Strategic areas on which Scotland should be represented include the impact on developing policy for Scotland of strategic EU issues such as enlargement and the euro; trade and investment patterns, which are obviously of interest to the SCDI; and an examination of what is to be achieved through working with and deepening the relationships with the other constitutional regions, which is Executive policy at the moment. For that strategy to get maximum commitment across Scotland, it will have to be consulted on. Opening up the network and providing information for organisations will allow them to give better responses to consultation.

Ben Wallace: Are you saying that that is missing in relation to the strategic issues?

Roland Diggins: At the moment, the representatives are working hard to gather

intelligence and lobby on those strategic issues. However, they are serving their audiences. For example, the Scottish Executive office in Brussels is looking after intelligence gathering and advocacy on behalf of the Scottish Executive. However, we might like a more holistic approach to be taken by Scotland and for us to arrive at a strategy that is acceptable to Scottish organisations in the long term. It is not that the work is not being done at the moment, but we would like the information to be spread more widely. We would like the ability of external organisations to nudge the representatives in certain directions to be strengthened.

Ben Wallace: Sometimes you prompt the Executive that an issue needs to be acted on and sometimes the Executive flags up an issue and asks you for your opinion on it. Is the balance right in that regard or do you think that you do more prompting than the Executive does flagging up?

Roland Diggins: The committee would be the first to recognise the sheer breadth and complexity of European issues. There is always a case to be made for external organisations to pick up those issues and ask the Parliament or the Executive to investigate them a bit more thoroughly. Equally, in the course of its intelligence gathering, the Executive will throw up issues and ask us for our opinion. The balance varies from issue to issue. Some issues are clearly strategic, such as enlargement and the euro, while some issues might not be natural subjects for the Executive to deal with in Brussels, such as corporate social responsibility, which was the subject of our conference last year. We have worked quite hard on that with other organisations.

Ben Wallace: Would you say that you spent more of your time prompting or being prompted?

Roland Diggins: It is our job to do the prompting a lot of the time. We respond to Executive consultations and to parliamentary inquiries, but we also have to reflect the views of our members. It is our job to point people in the right direction.

Alan Wilson: Also, because we are a small organisation with a fairly tight remit, we have the luxury of being able to be selective with regard to the issues that we try to understand and run with.

The question whether the Executive is proactive or reactive is difficult. On some subjects, the Executive is ahead of the game, but on other subjects it is not.

The Convener: When the Executive consults you, does it do so through a consultation paper? Does it do so formally or informally? Does it write to you directly?

Roland Diggins: The Executive uses a mixture of methods, but we are mostly consulted using

official consultation practices.

The Convener: So everyone is consulted and you pick up on certain subjects because you are an interested organisation.

Roland Diggins: That is right.

Helen Eadie: That neatly takes us to the idea of the team Scotland approach. There are officials who are worried about the conflicting messages that could come out of any different form of approach. The West of Scotland European Consortium and Glasgow City Council are worried that you might have a sanitised approach to the arrangements rather than a more representative one. I would be interested to know your views on the strengths and limitations of the team Scotland principle. Is there anything that can be done to utilise the strengths without incurring too many of the weaknesses?

Roland Diggins: The team Scotland approach operates on different levels. The MEPs could be seen as team Scotland. Equally, civil servants could be discussing matters with other civil servants, and external organisations could be talking to other external organisations.

We think that having one common, clear voice, with an agreed set of objectives, offers the most effective way to represent Scotland in Europe. The SCDI is well used to bringing together many disparate views—we have a very wide membership. One of the important procedures that we follow and that we suggest as good practice is our consultation process. We share information that is generated and we ask people for their views on that information.

Things can differ a great deal among organisations, but our experience is that most organisations that are involved in economic development will come together and arrive at a common position. It is relatively rare for them not to agree. I am not saying that there is a 100 per cent record on that but, in our experience, most people tend to be able to go with the main thrust of the objective of team Scotland.

Helen Eadie: So you are saying that there is room for manoeuvre, that the representative voices that are coming through—for example the West of Scotland European Consortium and Glasgow City Council—are suggesting that a team Scotland approach can still be adopted, and that a consensus can be brought to bear as far as lobbying is concerned.

Roland Diggins: That is true. There is some room for manoeuvre. If it can be achieved, having a common voice is very powerful and worth having.

Alan Wilson: The experience to date of the policy missions suggests that the existence of a

team working for Scotland is almost tangible. That comment has been made to me by many participants, who have been surprised and relieved that everybody seems to be pulling in the same direction. That is the broad perception, although there will obviously be differences on individual policies. The fact that everybody seems to be pulling in the same direction should be recorded. It is positive and refreshing.

In creating Scotland Europa and bringing different organisations under one umbrella, we started a momentum that has continued over the years. I know that there are other organisations in other areas that envy what we, as a group of Scots, have done in Brussels.

Dennis Canavan: Your paper refers to one of the limitations of the team Scotland approach. It says:

"The current nature of the representation network and the information network is more akin to an elite network for policy makers".

It goes on to say:

"it appears that briefing papers are prepared for Ministers and Scottish MEPs by the Scottish Executive but these are not widely disseminated or published within Scotland – even to the groups of Scottish MPs and MSPs."

I am concerned to hear those allegations. Could you give us some examples of those briefing papers and the subject areas that they cover? How would you suggest that we remedy the problem so that there is more access to information at an early stage, before decisions are taken?

Roland Diggins: I agree with the fact that it is a question of trying to share that information at an early stage. The most obvious example of what Dennis Canavan describes is a document called the "Forward Look", which is prepared every six months in connection with the presidencies of the EU. At the moment, it is shared among MEPs and the Scottish Executive. I am sure that the document is of a high quality.

It would be worth while to share, at an early stage, documents that outline what the main Scottish positions might be on the main issues for any presidency. The thrust of our submission is about opening up the dissemination of publications. There are excellent briefings. The "Forward Look" is a good example, as are the briefings from the United Kingdom permanent representation to the European Union, which the Scottish Executive receives. However, because of a concordat with the Foreign and Commonwealth Office, those briefings are not available more widely.

If we are going to work with a team Scotland approach, we should share such information at the earliest possible stage, which would allow external

organisations to flag up issues and to suggest joint working on particular issues. That would be for the common good and to Scotland's benefit.

15:30

The Convener: You mentioned relations with the Executive. Have you had discussions or contact with COSLA's full-time officer in Brussels?

Roland Diggins: We have more regular contact with COSLA's staff in Edinburgh.

Sarah Boyack: I want to discuss whether the Scottish Parliament should be represented in Scotland House. Your submission makes a case for that. The Scottish Executive, Scotland Europa and COSLA are represented in Scotland House, but the Parliament is not. Why do you believe so strongly that the Parliament should be there? What kind of staffing input would be required? You suggest that half of the staff time might be spent on relation building with EU institutions and that the other half would be spent on providing forward briefs for the European Committee. To what extent would that be a unique role that none of the other agencies in Scotland House carry out?

Roland Diggins: From speaking to MSPs and others who are involved, I understand that the main benefit of having a representative of the Scottish Parliament—which is a distinct organisation—in Brussels would be to provide direct and unmediated access to, and communications with, EU institutions. A representative would help MSPs by reducing the protocols that they must go through and by speeding up responses. Also, the move would allay any fears that MSPs might have that a third party interprets communications in some way. The principal benefit would be direct communication, which can be achieved only through a direct representative in Brussels. The best example of that is the Scottish Executive office in Brussels.

Another benefit would be that the Parliament could make the most of the EU institutions' willingness to engage with external groups. When we visit Brussels and speak to the Commission and the European Parliament, we find that staff and MEPs are willing to engage. The Scottish Parliament is relatively young. It should take advantage of that institutional willingness to engage by putting in place a permanent representative.

The European Committee has increased its work on the scrutiny of the implementation of EU legislation. A representative could approach—either formally or informally—other regional parliamentary officers in Brussels, for example from Catalonia or Bavaria, to ask them what is happening on the ground in those regions. That information could be brought together as a briefing

paper for the European Committee.

Alan Wilson: That is an important point. It is important to take the temperature on how others face up to potential directives or consultation papers. There are many issues to deal with. It would be interesting to listen to others on their priorities and how they approach issues.

Sarah Boyack: That is persuasive. One issue that struck me in your submission was that of whether people duplicate effort. There are also the issues of the Parliament's profile and of direct contact. The officer would have to ensure communication between officers who are pursuing parallel tracks and report on that to the Parliament.

Roland Diggins: We agree with that point. We made it fairly clear in our response that we think that a parliamentary representative should be located in Scotland House. The other Scottish representatives in Scotland House would probably welcome that and would be happy to work together and share resources. I should not speak on their behalf, but I am sure that that is the case.

Ben Wallace: I want to expand on Sarah Boyack's question. Your view is that, if the Scottish Parliament had a representative in Brussels, it would have much quicker and more direct access to the European Commission, which would benefit you. However, you mentioned that you already have good relationships with the European Commission office and the European Parliament office in Scotland and that you work closely with a COSLA representative in Scotland rather than with the one in Brussels.

Are we not using the European Commission office in Scotland properly? That could be a question for the European Commission, which may give evidence as well—we will have to clarify that later. I find the Commission's office here extremely open and helpful. If anyone wants to find out what is happening in Europe, they should go not to the Scottish Executive, but to the Commission's office. It is always very helpful to me. That being the case, how desperately do we need a Scottish Parliament person in Brussels? Would we not work better with the offices of the Commission and the European Parliament in Scotland?

Roland Diggins: You are absolutely right. The SCDI works with those other offices regularly. For example, they help us to contact specific individuals and to keep up to date with what is happening. Nevertheless, when the SCDI is undertaking a piece of work—responding to consultation or lobbying in a certain area—we tend to speak to people directly. I suggest that MSPs would also prefer to speak to people directly. It is perfectly acceptable for team Scotland to work together and to share information. However, an

institution that is as important as the Parliament is to Scotland should have a representative in Brussels to exchange communication directly.

Alan Wilson: You will get documents galore from the EC office, but you will not get interpretation or opinions, which is what you want from a Scottish Parliament representative.

Colin Campbell: Let us go off at a slight but important tangent. As you know, we had a debate on the future of Europe, which was not terribly well reported in the press. Paragraph 17 of Roland Diggins's submission suggests that there is limited discussion in the media here of what goes on in Europe. To an extent, what we are doing today and what goes on in Europe might as well take place in a vacuum as far as the great Scottish public are concerned. How could the press be better engaged with it? How could you or the other agencies encourage the press to take more interest in what is going on in Europe? What we get are the silly stories from the prejudiced press. We do not get much on Europe from the respectable media or broadcasters. How would you address that?

Roland Diggins: In future, we might try to increase the availability of information. Earlier, when the committee was reviewing pre-Council and post-Council papers, someone spoke of the difficulties with receiving those papers early enough to get their head round them. We would prefer organisations that produce information, data and briefings to share them and make them commonly available throughout Scotland, through a common Scottish European forum. It would make journalists' jobs an awful lot easier if they did not have to work quite so hard at tracking down the issues but had a briefing paper on a common Scottish position and a list of contacts in organisations that felt strongly in particular areas. That would make it easier for the media to report on those important issues.

Colin Campbell: So you are saying that there should be some way of producing easily digestible, ready-made press releases, to which journalists might be able to add their bylines.

Mr Home Robertson: The spoon effect.

Roland Diggins: That is broadly what I am saying, although press releases would not be necessary. The ready availability of the documentation, coupled with a list of the organisations and individuals who would be prepared to comment on it, would be sufficient. That could all be put together through a Scottish European forum. It would make a good starting position for improving media coverage.

Alan Wilson: It is not only on European issues that one could say the press are not overly interested. If we do a survey on the euro or on the

opportunities from enlargement, the first question in any article is—shock, horror—whether the result is for or against. How the article is spun will depend on who writes the piece and in which newspaper. As we all know, journalists are not interested in the opportunities that enlargement might create; they are interested in the threats. They focus on the jobs that might be lost and on all the negatives. We have to battle hard to get a balanced discussion going. It would be easy to say that business in the broadest sense should work harder to encourage balanced discussion, but in some respects business is just as divided as every other section of the community. How to engage the media in a positive way is an extremely difficult issue.

The Convener: Members probably agree with your comments on the media. We understand your point of view. Thank you for coming along and for providing comprehensive written and oral evidence. I assure you that your evidence will be taken into account in our deliberations.

I invite the representatives of Scotland Europa to address the committee. I welcome to the committee some well-kent Scottish faces: Campbell Christie, Donald MacInnes and Kirsty Madonald. Thank you for coming. We have until about 4.15 pm. I understand that you wish to make some introductory remarks.

Campbell Christie (Scotland Europa): Thank you for the invitation to give evidence. I am the chair of Scotland Europa and a board member of Scottish Enterprise. Donald MacInnes is the chief executive of Scotland Europa and Scottish Enterprise's director of international operations. I will give a few words of introduction, after which Donald will refer briefly to some of the key issues in our evidence.

Our colleagues from the SCDI have already commented on the fact that Scotland Europa was formed in 1992—some committee members might have helped us to celebrate our 10th anniversary not so long ago. Most members will be familiar with Scotland Europa's activities. Scotland Europa is a membership organisation, which was formed before the establishment of the Scottish Parliament and before the Scottish Executive existed or had representation in Brussels.

The SCDI is a founder member of Scotland Europa, as is the Scottish Trades Union Congress. Scottish Natural Heritage, the Scottish Environment Protection Agency and universities are among a range of organisations that look to Scotland Europa to provide a vehicle for entry into Europe.

We were formed to provide a means of taking members' views to European institutions and of feeding back intelligence to our members from

European institutions on what was happening in Europe. As time moved on, the Scottish Parliament and the Scottish Executive were formed. The Scottish Executive office in Brussels is co-located with Scotland Europa. In our view, that was a positive move towards establishing the opportunity to create a team Scotland operating in Brussels. The Scottish Executive office and Scotland Europa deal with some of the same issues, but our audience is slightly different and the basis on which we seek or pass on information is different. We see the move as positive and not as one that results in duplication.

There is some confusion about our written evidence, as there are two papers. The Scottish Executive produced one of the papers, to which we are party, but the second supplementary paper is our prime evidence. We would like to speak to that paper today. However, if members want to ask questions about the other paper, that is fine. Representatives of the Scottish Executive will undoubtedly give evidence to the committee, too.

15:45

Donald MacInnes (Scotland Europa): It is nice to be here. This is the first time that I have been in front of the European Committee, although I have been at Scotland Europa for five years. In that time, I have seen and overseen much change in the organisation's operations in Brussels, much of which has been occasioned by the creation of the Scottish Parliament and the resultant development of Scotland House.

We operate largely in the way that the SCDI mentioned—we promote the economic development interests of our members. Those interests are widespread. Basically, we have three jobs. First, we help our members with legislative advice and with regulations relating to the environment and energy in particular, which are enormously important for Scotland. Secondly, we help another group of our members with funding advice—currently, the big area in that respect is probably the framework programme for research and development with the universities. Thirdly, we work on the competitiveness agenda, which is a new agenda that aims to make Europe the most competitive knowledge-based economy in the world by 2010. We think that Scotland can play an important part in that agenda and that our members can contribute to it in a big way.

Scotland House is a work in progress. We think that we have a good formula. Many other European nations and regions come to us and ask how we have managed to get so many diverse interests under one umbrella—an umbrella is needed as much in Brussels as in Scotland. We think that our resources are used effectively and we look forward to the challenges ahead and to

working with the committee to identify what the big challenges are.

The Convener: Campbell Christie mentioned joint working and Scotland Europa and the Scottish Executive targeting different audiences. In Scotland House, are there opportunities for joint working with the Scottish Executive on legislative proposals, for example, or do you tend to work to your own clients?

Campbell Christie: Donald MacInnes will answer that question in detail. However, I can say that, in general, having Scotland Europa and the Scottish Executive office together is conducive to joint working. Often, the issues in which the Scottish Executive office is interested are the same as those in which Scotland Europa is interested, so there will be a great deal of joint working. However, we produce reports and information for our members and the Executive office has another constituency, in that its main function is to report to the Scottish Executive.

Donald MacInnes: Essentially, we are apolitical and keep out of politics and policy development when we can. The Scottish Executive is responsible for policy and policy development in Europe whereas we are responsible for interpreting and analysing policy and policy development for our members and for providing an intelligence service to them that will keep them in the forefront of what is happening. The division is that the Executive is responsible for policy, policy development and politics whereas our job involves interpretation, analysis and intelligence.

The Convener: You must therefore emphasise linking up with the Scottish diaspora in Brussels.

Donald MacInnes: Yes, we do.

The Convener: That brings us on to Dennis Canavan's area. He has a question.

Dennis Canavan: Just before I ask my question, could you tell me whether Scotland Europa has a view on the suggestion that the Scottish Parliament should have a presence in Brussels, possibly in Scotland House?

Donald MacInnes: We have not taken the views of our members on that. As a broad church, therefore, we do not have a view on the issue.

In the past three years, the Scottish Parliament, including the European Committee, has been to visit us on a number of occasions. We are keen to accommodate the Scottish Parliament and promote all Scottish interests in Brussels. We have a couple of hot desks available to members of the committee and committee clerks. We have hosted visits and we provide a monthly report and EU alerts. There is a lot of information around.

My personal view is that it is for the committee and the Parliament to decide what priority to give

that idea in the range of priorities that it has already.

Dennis Canavan: I want to ask about the Scottish diaspora in Brussels and Luxembourg. Scotland Europa gave us a useful list of Scottish people who live in Brussels and Luxembourg. Some of those people work in EU institutions. However, some of those on the list said that they heard little from Scotland Europa and were keen to get involved in events and the exchange of information. Could you tell us what use is made of the list of Scottish people who live and work in Brussels and Luxembourg? Could better use be made of that network of Scots? Has Helen Liddell approached those people as part of her friends of Scotland network?

Donald MacInnes: The answer to the last part of your question is yes. Both Kirsty Macdonald and I were at the launch of Helen Liddell's friends of Scotland network. We are plugged into that project. We are also involved with our colleagues at the SCDI on the global Scot initiative—many of the people involved in that are in Europe.

The Scotland Europa list is of Scots who work in Brussels and Luxembourg. It is not intended that those people would have to provide services or information for us or indeed for anyone else. They are simply people who are willing for it to be known publicly that they are Scots and they are happy to promote Scotland in whatever way they can. We make that list available to our members and to anyone else who is interested in using it. We do not direct the list in any way or use it to provide any services to our members.

The Convener: Could that be an untapped resource? I understand that the Irish are good at using everyone who is on their list. Could better use be made of your list?

Donald MacInnes: We hold a lot of events at Scotland House and we have never been accused of not being sociable. We will continue to act in that way, I suspect. Whether we have to catch up with the Irish is for others to judge, but we promote Scotland in the way that we think is effective.

Campbell Christie: It would be fair to say that the global Scot initiative, which will include many of the people who are in Brussels or Luxembourg, is intended to make use of existing expertise to help Scotland. Scottish Enterprise has been developing that. I agree that we can certainly learn from the Irish and the way in which they come together to ensure that the Irish view is well understood. We would want the global Scot initiative to achieve that.

The Convener: I was thinking beyond social activities. People always feel welcome in Scotland House but there are Scots who do important jobs in the Commission and the European Parliament.

It might be helpful to tap into that system a little and to make use of that expertise.

Donald MacInnes: We do that. The list of Europa Scots ranges from very senior people to junior people and those who have newly arrived. What they can contribute is diverse. One challenge for Scotland is using our diversity of people in Brussels and in Luxembourg. Some of our colleagues, such as the Irish, may be a little ahead of us on getting right into the range of skills that they have.

Helen Eadie: My questions are about team Scotland and conflicts. I understand that Scotland Europa is basically Scottish Enterprise in Brussels and that its members are a variety of bodies, which cover a wide range of interests and include public and private bodies, universities and industry. How does Scotland Europa value the team Scotland approach that we have heard about? How would it approach an issue on which its members had differing views and/or on which some of its members' views differed from the views of the Executive in Brussels?

Donald MacInnes: We say to our members, and they accept, that if a common Scottish position exists, we, they and the Scottish Executive should be happy to promote that. The current arrangement helps our members that are resident in Scotland House and our other members by allowing for diversity, so they can promote themselves in their own way under the broad umbrella that I mentioned, rather than toeing the line of Scotland Europa, the Scottish Executive or anybody else. That approach gives us the opportunity to promote their interests and allows them to promote their interests in their own distinctive way. That is why we think that the current arrangement works well.

Campbell Christie: I will talk about the team Scotland concept and how Scotland House is conducive to developing it. I did not quite recognise the elite nature of the policy development or work in Brussels that the SCDI talked about. I acknowledge that, on some issues, the Executive's representation feeds back tactics and strategy to the Executive or to ministers, just as we do with our members. However, in general, because everyone—COSLA, Highlands and Islands Enterprise, Scotland Europa and the Scottish Executive—is together in the same building and often deals with the same issues, the arrangement is more conducive to establishing informal links, informal information exchange and ideas more positively than an arrangement under which we were not as close.

One of Scotland House's strengths is the fact that people there talk formally and informally and thereby create a Scottish position or a Scottish understanding of issues more positively than they

would if we did not have such a grouping. That is done without duplication, because bodies feed back in different ways.

Mr Quinan: I will return to Dennis Canavan's question about the list of Scots who live in Brussels and Luxembourg. What do you use that list for?

Donald MacInnes: As I said, that list covers a range of interests. Some people are very senior and some are junior. Some people want to know about social events and some want to know about business events that we promote. Others want to know about policy events.

A range of conferences and seminars is held in Scotland House and we use the list to invite people along. In the first two years, about 10,000 people came through Scotland House. Many of them were Europa Scots. We tell those people about the current issues in Scotland that are relevant to them and let them use that information as effectively as they can in their jobs.

16:00

Mr Quinan: So they are constantly being mailed.

Donald MacInnes: Yes.

Mr Quinan: Have you assessed the input that you have as a result of that mailing list? A number of people who are on the list have said that they hear little from Scotland Europa, although they were keen to be involved in events and in an information exchange. Have you assessed how effective the list is?

Donald MacInnes: We have not conducted a formal assessment of the list's effectiveness. We would measure the effectiveness of the list by the number of people on the list who use it as a network.

Mr Quinan: Does everyone on the list have a copy of the list?

Donald MacInnes: Yes.

Mr Quinan: I realise that you cannot tell us whether your organisation supports the idea of Scottish Parliament representation in Brussels, as you have not asked your membership. However, do you think that it is vital that COSLA and Scottish local government be represented in Brussels?

Donald MacInnes: More important than my view is the fact that COSLA believes it to be vital. Scotland House also serves as the home of the Scottish local government office, the West of Scotland European Consortium and the East of Scotland European Consortium. They have been with us in Scotland House from the outset and I

believe that they regard their work as relevant and important.

Mr Quinan: What access to representation do the local authorities that are no longer members of COSLA have?

Donald MacInnes: I understand that they are members of either the West of Scotland European Consortium or the East of Scotland European Consortium.

Mr Quinan: Do you agree that, logically, the missing piece of the jigsaw in terms of representation in Europe is the Scottish Parliament?

Donald MacInnes: We are open to that idea. If I can put it this way, we will make room available to the Scottish Parliament.

Mr Quinan: Thank you.

Sarah Boyack: I understand that Scotland House is doing a huge amount of work on networking. Reading in your report about the practical results of networking, such as economic development and twinning arrangements, I noted that the fact that the Czechs had moved into Scotland House had cemented the relationship with them. Part of the idea of our inquiry is to come up with ways in which we can develop Scotland House and make it more effective. One of the pleas that was made by business representatives at our conference last week was for more support to allow them to operate in Europe. The network in Europe seems to be working effectively, but questions arise about how that can be communicated back here and how people who are not part of a network can get into one.

Donald MacInnes: That is a hugely important issue, particularly because of the way in which the European Commission likes to deal with trans-national projects, whether in relation to funding or alliances for economic development purposes or whatever.

Over the past few years, we have taken part in a number of joint projects. Probably the most prominent one recently was with North Rhine-Westphalia, which involved a joint examination of the use of structural funds in post-industrial areas. We have published a report on that, which all members of the committee have received. Our report raised four areas in which Scotland could co-operate with North Rhine-Westphalia in order to gain advantage and influence in relation to green technology, land reclamation, entrepreneurship and skills and training in areas where a variety of small employers have replaced a big employer. North Rhine-Westphalia and ourselves are taking forward a number of concrete projects as a result.

There are examples of such co-operation throughout Europe. We would like to do more of that work, because we think that it is an important vehicle for promoting Scotland's influence in Brussels and beyond.

Ben Wallace: I am trying to understand the relationship between Scotland Europa and the Executive. We have a written submission from SEPA, which is one of your members, about its representation within the EU. SEPA's submission states generally that it follows the Executive line because it is a Government body. Many of the residents of Scotland House are Government bodies.

Is it necessarily wise for Scotland Europa to be so close to the Executive? You said at the beginning that you would like us to question you on Scotland Europa's separate submission, but we also received a joint written submission from Scotland Europa and the Scottish Executive. The Executive focus is on policy and influencing UK positions at UKREP level on particular issues and not on representing its members, which include Scotland Europa. I am interested in your views on that.

Donald MacInnes: The Scotland Europa written submission represents the broad view of all our members. We would like to ensure that that broad view is communicated to the European Committee, which is why we were keen to make our independent submission. We were also keen to show the committee that we work effectively with the Executive and the other residents of Scotland House. That was why it was appropriate for us to co-sign the Executive's written submission.

Ben Wallace: I want to expand on that. I regard Scotland Europa's role as that of a facilitator, a conference host—to which your submission refers—and an exchange that brings people together. However, Scotland Europa is also an intelligence-gathering organisation, which is what I find odd. We often hear it said that the Scottish Executive and the Foreign Office are not good at consulting more widely than the close-knit circle of Whitehall. However, some Scotland Europa members are part of the Scottish Executive.

I do not understand how Scotland Europa can be proactive without compromising its members' constraints. For example, SEPA is constrained to follow its procedures as a Government organisation. However, intelligence gathering is always about doing other than following procedures; it is about using the list of Scottish members and personal and private contacts and skinning the cat in another way. Can you do that when so many of your members are bound by protocol?

Donald MacInnes: Your point reflects the argument for having the broad church that we have in Scotland House. Scotland needs that diversity of representation. If we were just one team, we would not be able to represent individual interests—organisations want to do that independently—and have a Scotland-wide view. We work effectively with the Executive, but we also work with other organisations such as UKREP, non-governmental institutions and the Scottish Parliament. We try to influence Scottish interests wherever we can, whether that is with the Scottish Executive or any of the institutions. That is why we operate in the way that we do.

Campbell Christie: It is like trying to draw an elephant and recognise it when you see it. It is difficult to institutionalise and constitutionalise the benefits of working together in the way that we do and of reporting in different ways to different constituencies.

Operating in the way that we do in Scotland House means that we get the best of both worlds, in the sense that the Scottish Executive will report to its constituency and we will do the same. The sum of the total—of COSLA and HIE being there—is bigger than it would be if we were operating as individuals in different situations. It is difficult to tie down the process and say that there should be a rule for this or a rule for that. The benefit, as I see it, is that different groups provide support in different ways. They gather information and cascade it throughout Scotland and cascade the Scottish position into European institutions in a way that UKREP on its own, or the Scottish Executive on its own, would not be able to do. The process is difficult to describe, but it works well.

Donald MacInnes: We do not wish to be complacent, but we have been amazed and encouraged by the number of nations and regions throughout Europe who have come in to see us and have wanted to talk to us about the Scotland House model. There is a continuing high level of interest in Europe—in Brussels in particular—in devolution and the Scottish Parliament. If somebody would pay me, I could spend all my time making presentations to other nations and regions in Europe about the Scotland House model and what it is all about. We think that the model is effective. We want to develop new ways of making it flexible and more effective to meet the big challenges that lie ahead.

The Convener: Are you financially independent of the Executive? I noticed from your submission that you receive a wide range of EU funding.

Donald MacInnes: Yes. We get no finance directly from the Executive.

The Convener: So you are responsible to and accountable to your client base.

Donald MacInnes: Yes. Our members have to keep paying their fees every year. If they did not, we would be out of a job.

The Convener: What would happen if there were a conflict of interests? One of your members is the Scotch Whisky Association. Would your primary role be to represent its interests if there were, for example, conflict with the water framework directive?

Donald MacInnes: Yes. That is right.

Campbell Christie: We are for the Scotch Whisky Association, all the time.

Kirsty Macdonald (Scotland Europa): On representing our members at a practical operational level, the Scotch Whisky Association, for example, will be a member of numerous other umbrella organisations and trade associations. The Scotch Whisky Association will use Scotland Europa as one vehicle to input into what it needs to do at a Brussels level in relation to legislation or policy development.

There is a lot of potential for conflict of interest across our membership, which ranges from British Energy to SEPA to SNH. The one thing that our membership respects—it is something that we make clear early on—is that we represent Scotland on a Scotland-wide basis. We will not enter into the debate. We can lead our members to the door and show them how to develop an advocacy strategy, but as soon as they walk through the door, they have to deal with the matter.

The last round of structural funds review was a prime example of that. There were some major differences in interest throughout Scotland about how the money would be divided up, yet we all worked together. We worked alongside HIE and Government departments to say what would be the best deal for Scotland. We have not been compromised so far, but that is not to say that we might not be. We give the message loud and clear to our members that we will go for a Scotland-wide position.

The Convener: Are you financially independent of Scottish Enterprise?

Donald MacInnes: No. We depend to a large extent on Scottish Enterprise. Since we started, about 50 per cent of our funding has come from Scottish Enterprise. Scottish Enterprise uses us as its Brussels arm because it represents the small and medium enterprise community in Scotland and it also operates with the big industry sectors. The other 50 per cent of our funding comes from our other members and the events that we put on.

The Convener: Does not that put you in a situation where a conflict of interests arises?

Donald MacInnes: No.

The Convener: Not yet.

Donald MacInnes: We will let you know if we are in such a situation.

The Convener: Thank you very much for your presentation and for your written evidence. We appreciate the time that you have taken and thank you for your comprehensive report. We look forward to seeing George Calder, who is coming in two weeks' time.

Donald MacInnes: Kirsty Macdonald should get the credit for writing the report.

The Convener: That was the last item on the agenda. We will meet again on 8 October and fortnightly thereafter until Christmas. The main items of business at our next meeting are to hear from Ross Finnie and to continue our discussions and deliberations in our inquiry into Scottish representation in Brussels.

I thank members of the committee and members of the public for their attendance.

Meeting closed at 16:15.

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