



The Scottish Parliament  
Pàrlamaid na h-Alba

## Official Report

# EUROPEAN AND EXTERNAL RELATIONS COMMITTEE

Tuesday 16 March 2010

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**Tuesday 16 March 2010**

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**EUROPEAN AND EXTERNAL RELATIONS COMMITTEE**

**4<sup>th</sup> Meeting 2010, Session 3**

**CONVENER**

\*Irene Oldfather (Cunninghame South) (Lab)

**DEPUTY CONVENER**

\*Michael Matheson (Falkirk West) (SNP)

**COMMITTEE MEMBERS**

\*Rhona Brankin (Midlothian) (Lab)

\*Ted Brocklebank (Mid Scotland and Fife) (Con)

\*Patricia Ferguson (Glasgow Maryhill) (Lab)

Jamie Hepburn (Central Scotland) (SNP)

\*Jim Hume (South of Scotland) (LD)

Sandra White (Glasgow) (SNP)

**COMMITTEE SUBSTITUTES**

Jackson Carlaw (West of Scotland) (Con)

Ken Macintosh (Eastwood) (Lab)

Gil Paterson (West of Scotland) (SNP)

Iain Smith (North East Fife) (LD)

\*attended

**THE FOLLOWING GAVE EVIDENCE:**

Michael Clancy (Law Society of Scotland)

Tonnie De Koster (European Commission)

Mario Tenreiro (European Commission)

**CLERK TO THE COMMITTEE**

Lynn Tullis

Simon Watkins

**LOCATION**

Committee Room 1



## Scottish Parliament

### European and External Relations Committee

*Tuesday 16 March 2010*

[The Convener opened the meeting at 10:32]

### Decision on Taking Business in Private

**The Convener (Irene Oldfather):** Good morning everyone. I welcome you to the fourth meeting of the European and External Relations Committee in 2010. I have received apologies from Jamie Hepburn and Sandra White.

Item 1 is to decide whether we take item 7, which is our European Union budget review inquiry, in private. Are members agreed?

**Members** *indicated agreement.*

## Europe 2020 Inquiry

10:33

**The Convener:** I welcome, from Brussels via video link, Tonnie De Koster, who is team leader in the strategic objective prosperity unit of the European Commission. Thank you for joining us today.

The committee will recall that we recently heard evidence from a selection of Scottish stakeholders on the Europe 2020 strategy. Today provides us with an opportunity to find out a little more about how the Commission intends to take forward proposals for the strategy. We will hear from the Scottish Government at our next meeting.

Before we move to questions, I want to check that everything is okay. Can you hear us in Brussels, Mr De Koster?

**Tonnie De Koster (European Commission):** We can hear you perfectly well, thank you.

**The Convener:** Good. I understand that you intend to make some opening remarks, after which the committee will move to questions. You have the floor.

**Tonnie De Koster:** Thank you. My name is Tonnie De Koster and I work in the secretariat-general of the Commission, which is the service that directly supports President Barroso. I am in charge of the Europe 2020 strategy.

**The Convener:** I am sorry, Mr De Koster, but we cannot hear you terribly clearly. Is it possible for us to have the sound a little louder? We will take a moment to check the connection.

10:34

*Meeting suspended.*

10:35

*On resuming—*

**The Convener:** Let us try again.

**Tonnie De Koster:** We will have to be quiet at our end so that we can hear you, but we will manage.

I am directly responsible for what was called the Lisbon strategy and is now the Europe 2020 strategy. With me is my colleague Jean-François Poisson, who works with me on these topics.

I thank the committee for the honour of being able to attend the meeting by videolink. You will have received a presentation, which is way too extensive to present now, but it will be useful background material.

It is important to sketch the context for the new strategy that we are proposing. First, the strategy

is conceived as a crisis exit strategy, which goes beyond simply an exit in fiscal terms. Secondly, it puts forward a vision of where the European Union should be in 10 years' time, starting with the recognition that the current crisis will have affected immensely the world that will come after it. We will emerge from the crisis in a very different situation, and the challenge ahead of us is to ensure that Europe is prepared for that.

We start from a position in which the recovery is still fragile, although we are seeing the first signs of it. In particular, unemployment is still on the rise, so we need to be cautious. We must acknowledge that the challenges that the European Union faced before the crisis in relation to ageing, the productivity gap and climate change will still be with us in the decade to come, and that, due to the crisis, we need to take a series of additional challenges into account. First, we have lost an important bit of growth potential; secondly, there is high and rising unemployment; and thirdly—last but not least—our fiscal room for manoeuvre will be extremely limited in the years to come.

In that context, it is important to take the international dimension into account and consider where Europe stands in comparison to the rest of the world. That gives us a sense of urgency, and we want to convey the message that it is necessary for Europe to move towards better and stronger economic policy co-ordination. We can see that the competition from developed and emerging economies around us is increasingly fierce.

If we do not take action, we would, at best, risk the prospect of a decade of sluggish recovery, or even a "lost decade", as you will see from the third slide in the handout that you have received. We think that such a scenario is unacceptable, and we propose to take action to ensure that we recover and return to growth, although not the same type of growth as we witnessed before the crisis. We seek growth that is more sustainable in economic terms—avoiding speculative bubbles—and in ecological and social terms.

To achieve that, the EU is including three objectives in its proposals for the EU 2020 strategy. The first is to focus on what we call smart growth, in the sense of developing an economy that is based on knowledge, education, research and development, and innovation. The second is to achieve sustainable greener growth by tapping into the potential of new green technologies and ensuring that our economy, services and products are more efficient in terms of energy and resource. The third is to have more inclusive growth that aims at fostering a high-employment economy to ensure stronger social and territorial cohesion within the EU.

To measure our progress towards achieving those three thematic priorities, the Commission proposes to set a limited number of headline targets for the EU as a whole and ensure that they are translated into national targets. A set of interrelated targets will give an overview of the main features of the proposed strategy.

First, we need to ensure that we raise EU employment to 75 per cent of those aged between 20 and 64.

Secondly, we must increase investment in R and D to 3 per cent of the EU's gross domestic product. That target does not come out of the blue—it is based on international comparisons. For example, the comparable R and D percentage is 2.7 per cent in the US, 3.4 per cent in Japan and over 4 per cent in Korea. We need to compete with those countries if we want the EU to move up the value chain. The 3 per cent target for R and D is therefore critical, but we must recognise that it is very much about ensuring that we create the conditions for increased private investment in R and D.

Thirdly, we propose to integrate in the new strategy the so-called 20/20/20 climate change and energy targets, which have already been approved at EU level.

Fourthly, in a knowledge-based economy it is of course critical to invest in education. Again, international comparison shows that we are not doing terribly well in, for example, the rate of early school leavers. Currently, 17 per cent of the population leaves secondary school without a qualification. We think that that percentage needs to be reduced to at least 10 per cent. We propose also to raise to 40 per cent the number of people who come on to the labour market with a tertiary degree. Finally, we propose to reduce by 20 million the number of people who are at risk of poverty.

To achieve all that, the Commission proposes to launch seven flagship initiatives with both an EU and a national component. I cannot go into the detail of the initiatives, but a table on the handout in front of you gives an overview of them. They are comprehensive agendas, for which we intend to set priorities for action at the European level, whether that is legislative or non-legislative action, or using all the instruments available through European programmes or the EU budget. There is also a very important national component. Again, we need to ensure that the two levels work together.

10:45

Taking a brief step backwards to the Lisbon strategy, our assessment is that the glass is half full in that regard rather than half empty or entirely

empty, as the media often like to present it. We think that much has been achieved in creating consensus across the EU on the direction of reforms. However, there has clearly been a delivery gap, which is due to the fact that implementation of the structural reform agendas across the 27 member states is rather diverse. I say that because, in devising the new strategy, it is critical to consider how we should adapt our objectives to the new political and economic context that I just described, as well as how to deliver the new strategy—what we call governance, in terrible Brussels jargon. Clearly, the problems that arose with the Lisbon strategy were lack of political ownership by member states and insufficient involvement of their regions, local levels and social partners. All that must be tackled.

It is important to ensure more ownership at European level. To achieve that, we envisage a lead role for the European Council in which heads of state and Governments will take responsibility for the implementation of the new strategy in both the definition phase and the implementation phase. To do that, we propose to hold regular thematic discussions at the level of the European Council, based on a monitoring that the Commission will do. The monitoring will ensure that we also benchmark the EU against the rest of the world. In order to raise ownership in the period ahead it is also critical in both the definition phase and the implementation phase to ensure that regions, local levels and, ultimately, social partners and civil society are very involved.

I will stop there. I apologise for speaking at some length.

**The Convener:** Thank you very much. Your opening remarks have answered quite a few of the questions that we intended to put to you, but perhaps I can invite you to expand on one or two areas. You ended on a point about ownership, which is important. This committee has taken a range of evidence from Scottish stakeholders on the EU 2020 strategy. One of the major criticisms that has been made is that there has been insufficient consultation to date with social partners, civil society and the regions. In particular, it is felt that the timescale that was imposed in the initial consultation document meant that many partners could not respond to the Commission's initial proposals. Perhaps you can expand on that and say where we go from here. I take it from what you said that there will be opportunities ahead. I hope that that is so, because the committee would like to participate in the process and reflect to you Scottish stakeholders' concerns. Perhaps you can say a bit more about how you can ensure ownership among stakeholders through the focus that the European Council will take this time round. Many have said that the Lisbon policy failed because member

states' Governments lacked ownership of it. Can you expand on those points, please?

**Tonnie De Koster:** Sure. First, I thank you very much for the important contributions to the consultation that we received. I accept that the consultation period was short. Despite that, we received a significant number of contributions from all over Europe. It is important, and comforting to us, that those contributions do not just come from here in Brussels but from capitals of member states, regional capitals and industrial and social players at national and regional level. It is critical that we maintain such activism in the years to come.

You are right that the first step in defining the new strategy and how it works on the ground is to ensure that it is adopted at the European Council. We hope that that will happen next week when the Council meets in Brussels. Thereafter, there will be the important phase of translating the European targets, which we hope that the Council will adopt next week, into national targets. The Commission will conduct that process together with member states. It is important that there is also a process within member states that allows for regions and stakeholders to be involved and to be players in it.

Please understand that we cannot impose this from Brussels—it needs to happen within member states. We are, of course, calling for strong involvement from the regions, but it is ultimately up to member states to decide how they organise themselves.

Subsequent to the setting of the national targets, there will be the definition of so-called bottlenecks. We will be looking, country by country, at the main challenges ahead in meeting the national targets. Ideally, that should take place before June.

The third stage, which is what has happened with the Lisbon strategy over the past few years, is to ensure that each of the 27 member states presents a national reform programme—a Europe 2020 programme—that indicates what measures it will take to meet its targets, to what timescale and with what budgets, and how it will involve all the stakeholders. We hope that those elements will be part of the national reform programmes. When all that is decided, the Commission will issue guidance to member states on the structure and the points on which to focus in those reform programmes.

There is another important phase. In order to increase ownership, it would be extremely useful throughout the whole implementation phase of the new strategy to do what the European Council does and organise thematic debates about the

main themes of the new strategy and look at how member states or regions are progressing.

**Ted Brocklebank (Mid Scotland and Fife) (Con):** Good morning, Mr De Koster. As the convener said, we have had a number of evidence sessions at which witnesses have given their views specifically on the consultation document. Why was there such a short timescale for responses to the consultation document?

**Tonnie De Koster:** I acknowledge that the period was relatively short, but it is important to take into account the fact that, over quite an extensive period—a year or a year and a half—we have worked in the first instance with member states and national Lisbon co-ordinators to prepare the new strategy. With the help of the French presidency, we discussed with key stakeholders on several occasions how the new strategy should look. Through our contacts—unfortunately, they are mostly here in Brussels—we have had the privilege of making them aware of the important challenges ahead and of the direction that the discussion is taking.

That said, the consultation period was somewhat shorter than usual. It came at a bit of an odd time, and included the Christmas and new year period, but that was because we were trying to convey a sense of urgency about it. President Barroso did that with heads of state and Governments. It is not business as usual; we are confronting what is surely the most significant economic crisis since the second world war. Responses need to come in quickly. We hear clearly from our citizens that they expect us to be capable of providing solutions rapidly at European level. That explains the urgency and the necessity to move quickly.

**Ted Brocklebank:** Another criticism is that perhaps the consultation document paid insufficient regard to the role of the regions. What role does the Commission see for the regions in delivering the Europe 2020 policy?

**Tonnie De Koster:** Let me first explain that a consultation document has necessarily to be short. You cannot unveil everything that you intend to do in a consultation document. Its fundamental role is to set out the main ideas and allow everybody to pronounce on them so that we get contributions that reflect the profound thinking of the stakeholders, of which we can take account in defining the new strategy.

The role of regions is clearly present in the Commission's proposals for the new strategy that we issued on 3 March. There is also a clear objective to increase territorial cohesion. As I said previously, there is a critical role for regions in defining and implementing the strategy. We need to be clear about that. In most of our member

states, a large chunk of the areas that are covered by this kind of structural reform agenda fall within the competence of regions. That in itself is a response to your question. How can we undertake those structural reforms if we do not involve those who are responsible for them? In our proposals we set out an important role for the regions. We are extending the partnership that we have between those at EU and national level to a partnership that involves all those within the member state who are crucial to this agenda: regions, communities, social partners and civil society. The agenda is not something that we can or would like to impose from Brussels. We are pointing to examples of good practice in this area—there are quite a few around. The interest that the Scottish Parliament has shown in the topic, through the committee's debate today and its previous debates, is proof of how important the strategy is to the regions.

**Ted Brocklebank:** I will pass you to my colleague Patricia Ferguson.

**The Convener:** I was going to bring in Michael Matheson, but Patricia Ferguson may speak first.

We want to get in as many questions as possible, but I am conscious that we are running a bit short of time. I thank Mr De Koster for explaining matters so thoroughly, but we may need slightly shorter answers.

11:00

**Patricia Ferguson (Glasgow Maryhill) (Lab):** Good morning, Mr De Koster. Can you expand a little on what role the Commission envisages for the EU's social partners in delivering the EU 2020 strategy? Will the social partners have a specific role in any particular element of the strategy, such as the reduction in poverty target that you mentioned in your presentation? I would be interested to hear more information on that.

**Tonnie De Koster:** Again, the short answer is that they will play a very important role. We think that the target needs to be owned by both sides of the social partners. One often finds that the European countries where structural reforms have been undertaken successfully are those where there has been close involvement of the social partners early on, even at the stage of problem analysis, so that there is a shared assessment of where the problem lies and of what type of reforms need to be undertaken. The social partners will play an important role. We are already working closely with the European Economic and Social Committee, with which we have been involved in regular contact and debate.

You are right to point towards the flagship platform against poverty initiative, which should underpin the objective to reduce poverty. In addition, the new skills for new jobs initiative



includes an important component that is about continuing to introduce the principle of flexicurity. At the European level, agreement has already been achieved between the social partners on the definition of flexicurity and how it should be implemented in the various member states.

**Michael Matheson (Falkirk West) (SNP):** Good morning. I want to ask about the “three mutually reinforcing priorities” that are outlined in your presentation. Do any of the priorities have a higher priority than the others? Would you care to rank the three priorities?

I am also conscious of the danger that member states may choose to drop one or more of the priorities when implementing them at member state level. Does the Commission perhaps need to look at introducing binding targets as part of the EU 2020 strategy to ensure that member states work towards the targets that the Commission has set?

**Tonnie De Koster:** Did you say “binding targets”?

**Michael Matheson:** Yes. I asked whether the targets should be binding.

**Tonnie De Koster:** First, I do not think that there is a hierarchy in the priorities. They are interlinked.

Secondly, we are currently in the phase of discussing, negotiating on and preparing for the decisions that will be made at the spring European Council next week. At this juncture, not all 27 member states are ready to agree to the five targets that the Commission has proposed. The discussions are still preliminary, as the decisions will be taken by the heads of state and of Government. We like the fact that the strategy is not pre-cooked and that the heads of state and of Government will themselves decide on the matter, because we recognise the European Council's steering role. We in the Commission hope that President Barroso will make the case for all five targets that have been proposed and we hope that we will obtain the agreement of all 27 member states on them.

On whether the targets could be binding, I do not think that we necessarily have the competence through the Lisbon treaty to make binding targets in areas such as education or poverty, which are at best issues of mixed competence, but which are probably issues over which the EU has little competence. By the way, one of the strengths of this type of agenda—as has been the case with the Lisbon strategy—is that it provides a comprehensive and logical agenda that covers not only areas of Community competence but many areas where there is little or no Community competence. We are able to act in an integrated and coherent way without fighting over issues of

competence. Binding targets would be legally very difficult and would not necessarily take us much further. At the end of the day, the strategy needs to be a partnership and—if I may put the matter in simple terms—is not something that we can impose, or would like to impose, from Brussels.

**Jim Hume (South of Scotland) (LD):** Good morning. Will there be any flexibility within the targets? There is already flexibility in the 20/20/20 targets, which might become 20/20/30 if the conditions are right. Might we see a mid-term review of the targets if the environment changes?

**Tonnie De Koster:** I think that the targets need to remain realistic. They set the direction and the objective. At the end of the day, it is not a question of achieving the targets to the second digit after the comma; it is more important that we get movement in the direction of the targets. It would not necessarily be good regularly to revisit the level of the targets, unless we needed to revise them upwards because we had already achieved them.

You are right about the 20/20/20 targets—I should perhaps clarify that two of those are in effect binding targets, on which legal instruments have been agreed at European level. Our proposed objective is to have thematic monitoring at least once a year at the level of the European Commission, whereby the Commission might present what progress the European Union in its totality is making towards reaching those targets and how individual member states are performing. The European Council would then have a discussion based on those themes and, where necessary, might take the necessary additional measures to be able to meet the targets.

**Rhona Brankin (Midlothian) (Lab):** I want to ask about skills. It has been suggested by a witness from the Scottish Government's skills development agency, Skills Development Scotland, that the strategy

“views skills as almost temporary—they get people between jobs or take them to other learning.”

However, Skills Development Scotland

“would like skills to be represented as much more lifelong, important and vital for social and career mobility and to be used far more effectively”.—[*Official Report, European and External Relations Committee*, 23 February 2010; c 1416.]

Do you think that more needs to be done, in developing the EU 2020 strategy, to ensure that there is a clearer focus on lifelong learning than happened under the Lisbon strategy? You have been clear about the importance of education, but I want you to talk specifically about skills in relation to social and career mobility.

**Tonnie De Koster:** Behind the targets are the flagship initiatives, but time does not allow us to go

into detail on those today. The Commission will make its proposals once the strategy is adopted; as of June, you can expect those agendas to be presented. The critical one is the agenda for new skills and new jobs, the detail of which is provided in the Commission's proposal for the EU 2020 strategy. Behind that is the idea that we need to consider all the stages of life—it is not just about secondary and tertiary education; it is also about lifelong learning and ensuring that we have a policy for pre-school education. All the stages of life are important and must be addressed through a coherent set of actions.

On lifelong learning, we must go way beyond what we did in the Lisbon strategy. A lot of attention is paid to lifelong learning but, frankly, we are not performing extremely well on that in the European Union. Is our sub-target for it—which is 12 per cent, if I remember correctly—really ambitious? I doubt it, and even that target is not being met. We must make an effort in relation to the definition of lifelong learning and ensure that we work on incentives for employers and employees to invest in lifelong learning. Another important element of the policies that we need to work on as part of the flagship initiative is ensuring that the skills that we acquire meet the requirements of the labour market. Importantly, within that, we must anticipate the labour market's needs.

**The Convener:** Thank you for giving evidence to the committee, Mr De Koster. Unfortunately, we have run out of time. Later this morning, the committee will deliberate on a number of the points that you and committee members have raised. We hope to conclude our inquiry in a month or two and draft a report. It sounds to me as though there is still much to play for in terms of the detail under the headline targets. I hope that we will be able to submit our report to the European Commission as part of the substantive discussion to be had in the next few months.

**Tonnie De Koster:** Thank you for allowing me the honour of speaking to the committee. I look forward to reading your report and hope that we can give evidence again or continue our dialogue on the strategy as we move ahead with its definition and implementation.

**The Convener:** I suspend the proceedings for a few minutes to allow a change of witnesses in Brussels.

11:14

*Meeting suspended.*

11:22

*On resuming—*

## Treaty of Lisbon Inquiry

**The Convener:** For item 3 on our agenda, I welcome to the meeting another witness from Brussels, Mario Tenreiro, who is head of the institutional issues unit at the European Commission. Can you hear us, Mr Tenreiro?

**Mario Tenreiro (European Commission):** Yes, thank you. I can hear you very well.

**The Convener:** Good. In this evidence session for our Treaty of Lisbon inquiry, the committee will focus on some of the treaty's practical implications from a Scottish perspective and explore how the Commission intends to implement its various mechanisms. However, before we move to questions, I believe that you have a few opening remarks, Mr Tenreiro.

**Mario Tenreiro:** I thank the committee for the invitation to answer its questions. I have nothing fundamental to add to Mrs Day's letter of a few weeks ago, which the committee will know well, and suggest that it stand in for my introductory remarks.

However, I would like to focus on one or two issues. The fundamental point of departure for the Lisbon treaty is the coupling of respect for national structures with great attention to the local and regional dimension. As article 4 of the Treaty on European Union, as amended by the Lisbon treaty, states:

"The Union shall respect the equality of Member States ... as well as their national identities"

and

"their fundamental structures, political and constitutional, inclusive of regional and local self-government."

At the same time, a lot of articles and the protocol on subsidiarity emphasise the need to be attentive to the local and regional dimension. For instance, although article 5, on subsidiarity, states the principle that subsidiarity means that action can be taken at the Union level, instead of being achieved by member states

"either at central level or at regional or local level",

the protocol on subsidiarity itself states clearly that the Commission shall consult widely, and stresses:

"Such consultation shall, where appropriate, take into account the regional and local dimension".

I could go on. There are a lot of examples. The main matters should be respect for the national organisations and our structured dialogue with the national Parliaments, and emphasis on the need

and willingness to take into account the regional and local dimension.

I am at your disposal in answering your questions. I hope that they will not be too difficult and that I can give you some clarification.

**The Convener:** Thank you very much, Mr Tenreiro. I will begin by picking up on your remarks about the requirement to consult regional Parliaments and Governments “where appropriate”—the new mechanism within the protocol. How might that be interpreted in practical terms? Do you have any examples of existing good practice in lobbying or engagement at the early scrutiny stage between regional Parliaments, Governments and the European Commission? The Scottish Parliament is considering how it can engage early and effectively, and we are interested in the new aspect of the treaty that allows such engagement, where appropriate. Does the Commission have a view on how that might take place? What is meant by “where appropriate”? Are you able to offer a view on that?

**Mario Tenreiro:** The formal mechanism for subsidiarity is directed at national Parliaments. That is the mechanism as foreseen in the treaty. The subsidiarity mechanism must be co-ordinated internally in every member state, taking into account the national structures. That is the formal way of proceeding. However, long before the subsidiarity check, as foreseen in the treaty, comes into force, the Commission has always been willing to consult widely on its proposals.

What does “where appropriate” mean? Some proposals, by their very nature, are related much more to the local or regional dimension because the implementation of the proposed measures would probably fall to local or regional authorities. In such cases, it is clear from the outset that even more effort must be made to consult that dimension and take it into account.

11:30

In general, the Commission consults widely. That is a principle that the Commission established even before the Lisbon treaty. Before making proposals, the Commission always tries to issue consultation papers, many of which are green papers. Those consultations are open publicly—they are open to anybody. Sometimes, institutions respond to those consultations. The Committee of the Regions, which is to an extent the European Union body that represents the local dimension, often takes a view on such matters. Before a proposal is on the table, the committee works on the basis of such consultations. Of course, any regional Parliament or national authority can respond to the consultations. Those

responses are duly appreciated, analysed and taken into account in the process.

The consultation process is comprehensive and regional authorities are involved in it. To an extent, it is up to those authorities to pick from the proposals that consultations put on the table those on which they can make a contribution and about which they have concerns.

For example, we launched a consultation—it relates to implementation of the Treaty of Lisbon—on the proposal for the citizens initiative, which is a new provision in the treaty that allows for 1 million citizens to ask the Commission to propose a new measure. That green paper was adopted in November and received more than 300 responses. The Committee of the Regions took the initiative to make an *avis*—an own-initiative opinion—on the idea before the Commission made its proposal. The committee gave its views on the basis of the green paper, and any regional Parliament or national authority can do the same, as can all other stakeholders.

**The Convener:** I am a member of the Committee of the Regions, so I am aware of the good work that is done between it and the European Commission, and particularly through own-initiative opinions.

We want to learn from you this morning, so I will explore further whether you have examples of good practice involving regions, regional Parliaments or regional Governments responding to the Commission. Do you have other examples of networks or regional bodies other than the Committee of the Regions with which the European Commission tends to have a good exchange of views or good networking? Perhaps you do not want to single out a region, but do you have anything to add?

**Mario Tenreiro:** Perhaps the question needs to be answered more on a sectoral basis. There is certainly much positive experience in different policy areas of active participation by or active dialogue with regional Parliaments about specific items. I do not have that information now, but good examples of such collaboration exist.

The message that I would like to send is that the Commission is an open body. It is there for citizens in general and—clearly—for regional and local authorities to engage in dialogue with, when appropriate, when responding to consultations, and it takes requests into account. That is as far as I can go on the specifics of how it works in practice.

**Ted Brocklebank:** Good morning, Mr Tenreiro. You are clearly aware that a number of key policy areas have been devolved from the United Kingdom to Scottish competence. We are talking about matters such as sport, culture, tourism,

health and so on. You have explained, to some extent, how the Commission would seek to take those matters into account, but how can we in the Scottish Parliament help the Commission to be alert to the Scottish dimension?

**Mario Tenreiro:** Generally, you should let us know your main concerns and the main dimensions that you would like us to consider, and you should ask us to be aware of the areas or proposals in which you have competence and special concerns. That can be done in the abstract, so if you send us a simple letter to explain your position and your concerns in general, we can take stock of that and be more attentive to these issues.

In operational terms, it can be done by entering into contact with us case by case in relation to proposals or consultations that have been put on the table. The internal organisation of the United Kingdom and the Scottish Parliament's relationship with central authorities are also important in ensuring that there is a good flow of information and good collaboration between the different authorities. That is, of course, a matter for yourselves and the national authorities of the UK to organise internally.

**Ted Brocklebank:** In the substantial matter of the law, Scotland differs from the rest of the United Kingdom. I am thinking of freedom, security, justice and so on. Is the Commission aware that, in those areas, substantive and procedural Scots law are often quite different from what exists for the rest of the UK?

**Mario Tenreiro:** Yes, we are. I will make some personal comments. I remember from an earlier life, when I worked in justice and home affairs, that frequently there were Scottish experts representing the UK on the working groups of the Council. We saw how much debate on different perspectives was taking place inside the UK. Sometimes a Scottish expert was representing the United Kingdom and sometimes it was an expert from another side.

We know about the issue, so when a proposal is prepared, studies and consultations are conducted and we try as much as possible to take into account all the different elements, including the specificities not only of the UK but of other member states where regional Parliaments, which sometimes have legislative powers, raise similar concerns. That is part of the picture. We are dealing with 27 member states, but we are often dealing with a lot more than 27 sets of laws. That has to be taken into account in the preparation of, and negotiations on, any proposal.

**Ted Brocklebank:** Should the initiative come from the Commission or should it come from us here in Scotland?

**Mario Tenreiro:** The initiative should come from both sides. When the Commission prepares a proposal, it usually studies, for example, comparative law. It also conducts other kinds of study. Before the Commission produces a proposal, it has often considered the various elements and has also, in consultations, tried to find the best solutions, but you should—of course—be proactive in the sense that you should take the initiative to raise your concerns with the Commission.

**Jim Hume:** The EU structures are changing, of course. As you know, Scotland has its own legislative powers. Which of the EU institutional changes are likely to have the biggest impact on the Scottish legislative process?

**Mario Tenreiro:** That is hard for me to assess because I am a specialist neither in Scots law nor in the internal organisation of the United Kingdom, but one immediately thinks of the old area of justice and home affairs, or the third pillar, as it has traditionally been called. With the suppression of the pillars and the new qualified-majority system for adopting proposals, there is a new legislative system. There will, as members know, be normal law, with directives and regulations, full Court of Justice control and so on. The communitarisation of issues is one of the substantial advancements that have resulted from the Lisbon treaty. Co-operation on criminal affairs and police co-operation are a sensitive field that might have an impact on the Scottish legal system, because many of the competencies are regional, if I can put things in that way. That is one field that I would automatically think of in which there could be an impact.

As members know, there is an opt-in system. As always, the United Kingdom has, from the starting point, the right to accept or not accept inclusion in a new proposal and, of course, decisions will be co-ordinated internally. Scotland would certainly have a say internally in deciding the United Kingdom's position on such matters.

**Jim Hume:** On the slightly different matter of the co-decision procedure, the Commission, the Council presidency and the European Parliament may take views and make decisions in so-called trialogues and first-reading deals. How might that affect other Parliaments' scrutiny? The House of Commons and the House of Lords have already expressed concerns about that.

**Mario Tenreiro:** The European institutions are involved in the co-decision legislative process. The actors in that process are the Commission, which presents proposals at the beginning of it and has powers afterwards in it, the Council of Ministers and the European Parliament, which are the legislators. The Council of Ministers is composed of ministers of the European Union's 27 member

states, and the European Parliament is composed of directly elected members. The existence of the trialogues means that the Council of Ministers and the European Parliament must agree. A final directive or regulation that is adopted after the negotiation process must have at least qualified majority support from member states in the Council of Ministers and the support of the majority of members of the European Parliament.

11:45

National or regional Parliaments are not implicated formally in the legislative process per se. National Parliaments are implicated formally at the beginning of the process, during the subsidiarity check. The procedure requires that the Commission send out a proposal to national Parliaments, which have eight weeks to return it. If there is no difficulty in that regard, the process continues. National democratic scrutiny is then a matter of national autonomy: the position that a minister expresses in council is the position of their member state. It becomes an internal matter for the member states; the commission does not interfere and it should not be seen as part of the legislative process. We hope that the position is consensual and that proposals are discussed at home, if possible, because the process is, to a certain extent, part of the general statements at the end of the process as it is voted on by Brussels, as the press tends to say—although, in reality “Brussels” means member states and the European Parliament. The process comes under the law.

**Rhona Brankin:** My questions are on the practicalities of subsidiarity and proportionality. The Commission says that, according to protocol 2, draft legislative acts should be accompanied by a

“detailed statement, making it possible to assess compliance with the principles of subsidiarity and proportionality.”

Will the statements be communicated directly to regional authorities with legislative powers?

**Mario Tenreiro:** We have to separate out the impact assessment and the proposal. In principle, every proposal is accompanied by an impact assessment, which includes an assessment of subsidiarity, the potential impact of the proposal and alternative solutions. Where appropriate, the assessment includes the impact on regional legislation. It is an evaluation, or study, that accompanies a proposal. The Commission has an internal procedure—a board that is responsible for assessing the impact of the assessments. All that is publicly available. The impact assessments are not hidden documents—the Commission makes them available on its website at the end of the process. The proposal contains an explanation of

the reasons behind it and the applications of subsidiarity and proportionality principles. Again, the Commission makes the proposal publicly available. The Commission does not formally send the proposal to regional Parliaments. In the protocols under the treaty, they are sent formally only to national Parliaments. Again, every country has to organise itself; it has to spread the information. That said, the information is publicly available; it is not hidden but accessible. It is possible to react to the information even if the commission has no formal channel to send directly all proposals to regional Parliaments.

**Rhona Brankin:** I have a second question on practicalities. If it was felt that the Scottish dimension had not been considered adequately or that a policy was perhaps too burdensome, how could Scottish authorities address that?

**Mario Tenreiro:** The Commission remains an open institution at every stage of the legislative process. That means that, even after the proposal has been put on the table, the Commission continues to receive from different players opinions in which they raise concerns and propose changes. During the legislative process, the Commission has the power to produce a revised proposal and to take contributions into account while it negotiates the proposal with the legislatures. There is always time to address issues and to draw to the Commission’s attention concerns about specific proposals. That can be done simply by sending the Commission a letter about your concerns, which would be taken into account. There is no specific process, but you can bring concerns to the Commission at any time, which we will of course look at carefully.

**The Convener:** We have run out of time, Mr Tenreiro. Thank you very much for coming along to Brussels to give evidence to the committee by videoconference. You have indicated clearly that the Commission has an open door and that where we have concerns we should make it our business to highlight them to you by writing a letter, visiting, lobbying or producing a report. Your evidence has been very helpful. Later today we will consider further the issues that you have raised with us. Thank you very much for your attendance this morning.

**Mario Tenreiro:** It was my pleasure. Thank you.

**The Convener:** I will suspend the meeting for a few minutes to allow a change of witness.

11:52

*Meeting suspended.*

11:56

*On resuming—*

**The Convener:** I welcome Michael Clancy, who is director of law reform at the Law Society of Scotland. We are grateful to you for coming along to today's meeting and for the Law Society's written submission. I advise colleagues that Mr Clancy has agreed to waive the opportunity to make any opening remarks because we are running rather late—we appreciate that.

We move straight to questions. I know that you listened to the evidence that we took from the European Commission. It is clear that the Treaty of Lisbon is quite a big issue for the Scottish Parliament. I suppose that we are looking to pick your brains. What do you see as being the key implications for Scotland that arise from the Lisbon treaty?

**Michael Clancy (Law Society of Scotland):** Thank you, convener. It is a great pleasure to come along. At least I am a witness who does not have to be plugged in, and I can modulate my own volume.

I listened with great interest to what Mr Tenreiro said about the issues that you raised. From the Law Society's point of view, we identified a number of issues in the Lisbon treaty that were of key importance for Scotland. The change to the European Parliament sharing decision making—I am referring to the ordinary legislative procedure—the rebalancing of voting through the introduction of qualified majority voting, changes to the European Court of Justice and issues around how national Parliaments and devolved Administrations can operate are the four key areas that we thought had some implications for Scots law on which we could comment.

**The Convener:** My colleagues have quite a number of questions for you, but before we move on to those, do you have any thoughts on the use of informal dialogues and first-reading deals, which Jim Hume picked up on? I do not think that your submission deals with that issue specifically, but it is one that has troubled me a bit, given that the Lisbon treaty is partly about enhancing democracy and ensuring that the views of the regions and national Parliaments are taken into account, and that stakeholders and so on are thereby involved. I share the concerns of the House of Commons and the House of Lords about the lack of accountability to which first-reading deals will give rise. Do you have any views on that? I ask that off the top of my head because it is an issue that I am interested in.

**Michael Clancy:** I would be quite happy to give you an answer off the top of my head. There is something counterintuitive from the point of view of transparency about doing something that is

described as a "deal". As I understand it, the Lisbon treaty was structured in such a way as to open up the European institutions and to make them more relevant to the people of Europe, the national Parliaments and the devolved Administrations. There is something counterintuitive about having a first-reading deal when national representatives are not involved or there is insufficient transparency about what the process was.

12:00

**The Convener:** Thanks very much. We have some detailed questions that will be much more about your area of competence. My colleague Ted Brocklebank will begin.

**Ted Brocklebank:** Good morning, Mr Clancy. You probably heard me say to Mr Tenreiro that competence and supporting competence have been extended into areas such as health care, culture, sport, tourism and education. What are the implications for Scotland and its legislative system of the EU's supporting competence in those areas?

**Michael Clancy:** The Law Society has not thought much about tourism and cultural matters: we have much more to say in relation to law, particularly about the extension of the justice, freedom and security agenda, which is where our focus has tended to lie. I suspect that if we are talking about influencing those arrangements, we have to recognise that considerable areas of law are involved. Title 5 of the treaty says:

"The Union shall constitute an area of freedom, security and justice with respect for fundamental rights and the different legal systems and traditions of the Member States."

It is a key issue for us that there is recognition in article 67(1) of the different legal systems that exist. Mr Tenreiro referred to, as he put it, 27 member states, but he actually deals with many more legal systems and even the three legal systems in the United Kingdom add to the total. From the perspective of the Scottish solicitors profession, our greatest concern is to make sure that that different legal system element is properly recognised and respected.

**Ted Brocklebank:** What did you make of Mr Tenreiro's response when I asked him about where he thought the initiative or responsibility lies, when legislation is being formulated, in identifying aspects of Scottish law on which legislation would bear differently? I think he said that they would take that into account and do their best to ensure that legislation complies with Scots law, but I think he also said that it would be up to us in Scotland to put forward our views and draw

the Commission's attention to aspects that might be meaningful under Scottish law.

**Michael Clancy:** He also said that he is not an expert on Scots law and would need to be guided as to where such issues of concern lay. Mr Tenreiro was clear about opportunities for consultation and said that before any regulation or directive was introduced, there would be a green-paper consultation. That provides an important opportunity for people in Scotland to make representations. The Law Society makes representations on green papers all the time and we encourage other actors in civil society and the Parliament to do just that. However, anyone who deals with European legislation or the European institutions knows that by the time a proposal becomes a green paper, thoughts are fairly well formulated and it is quite difficult to dissuade people from a particular perspective, so representations need to be made at the earliest opportunity. As soon as there is sensitisation about a proposal coming down the track, we ought to be getting involved with Commission officials to discuss with them areas that might be of concern to the Scottish legal system and to identify the issues of which they should take account when preparing the consultation paper that is to follow. In that sense, the Parliament's initiative in having an officer in Brussels is extremely commendable.

I know that the representative—I will spare his blushes—is highly respected in Brussels. We must ensure that there is co-ordination of responses between the Parliament and other bodies and that the effort is prosecuted at the earliest stage.

**The Convener:** Thanks. That is an interesting point. On a practical level, how do you go about making your submissions? Do you input them directly to the European Commission when you are responding to a green paper? How do you respond to consultations? Do you copy the Scottish Parliament at any level—our Brussels officer, for example—or the United Kingdom permanent representation to the European Union into that process so that we are aware of the issues about which you have concerns?

**Michael Clancy:** Yes, I can give you a sketch of where we go with something. We share an office in Brussels with the Law Society of England and Wales and the Law Society of Northern Ireland. My colleagues there, Julia Bateman and Andrew Laidlaw, are great blessings to the legal system of Scotland—I hope that, when they read the *Official Report* of this meeting, that makes them blush—and they give us information on what is happening and what is going to happen in Brussels. We publish a monthly bulletin that points out upcoming proposals for change and marks the progress of proposals for change that are currently in play.

The Brussels office is a fantastic asset in the whole process because it enables us to make early contact with Commission officials so that we can discuss matters that might be of importance to the Law Society. For example, we expect a green paper on authentic acts—documents that have the character of enforceability—to be published in July as a result of discussions that took place last year, which went before the European Parliament's Committee on Legal Affairs. We became engaged in that process, had meetings with Commission officials and lobbied members of the committee so that the views of not only the Law Society of Scotland but of colleagues throughout the British isles were put to the relevant committee and those officials. That is how we go about it.

As for participation with other Parliaments, we are regularly consulted by the European Union Committee of the House of Lords on a number of issues. We make submissions to that committee and, sometimes, to the European Scrutiny Committee of the House of Commons. We have also made submissions to the Scottish Parliament on points of law. For example, we gave evidence to the Justice Committee when it was dealing with the recent green paper on succession and the one on divorce and matrimonial property. We have a lot of contact with parliamentary institutions. Frequently, although not on every occasion, we engage with the civil service at either the relevant UK ministry or the Scottish Government. We have very good relationships with the civil servants in the Scottish Government on these issues and we send them any comments that we are submitting to the European Union.

**The Convener:** Thank you. That is helpful.

**Patricia Ferguson:** Good morning. In your written submission, you mention protocol 21 and the opt-outs—I should have said opt-ins, as that would make it an entirely different argument. How significant might a divergence of views between the devolved Administrations and the UK Government be?

**Michael Clancy:** It might be significant. Of course, whether or not the UK wanted to opt in but Scotland wanted to opt out would all depend on a case-by-case analysis of the proposal in question. Essentially, that becomes a political issue, and politicians will have to decide what accommodations can be made with regard to the relative merits of the different positions of the UK's constituent jurisdictions.

**Patricia Ferguson:** Would it be wise or even possible to put in place a mechanism that allows those decisions to be scrutinised to ensure that Scottish interests are represented and fed back in? One would imagine that such exchanges already take place, but should the Parliament rather than the Government be doing anything?

**Michael Clancy:** Specific arrangements will have to be put in place. Of course, there are arrangements for discussions at EC and UK meetings but, as they take place only twice a year, that might not necessarily be the way to go. Relationships should be much more embedded to ensure that there is a free flow of information between this Parliament and the UK Parliament.

In his evidence, Lord Roper lists various issues on which, prior to the Lisbon treaty coming into force, views might have been sought from the Scottish Parliament. Those include matrimonial matters, postal services, combating terrorism—which, although a reserved area under the Scotland Act 1998 and therefore an issue on which the Parliament was not consulted, is nevertheless something that we have an interest in, given the bombing attempt at Glasgow airport—equal treatment, organ transplantation, translation in criminal proceedings and wills and succession. In certain areas, the UK Parliament was able to take on board comments and, in others, it found itself unable to do so. Whether comments are taken up seems to revolve around the recesses, and we have to figure out some way of ensuring that that rather poor excuse for not taking up comments is not used. It should not be beyond humankind's wit to devise a mechanism whereby, if we know that something is going to come up during the recess, we can put in some kind of advance comment or even, as Mr Tenreiro indicated, simply send a letter.

Lord Roper also refers to the Conference of Community and European Affairs Committees of Parliaments of the European Union's subsidiarity pilot exercises. COSAC is an interesting organisation and it would be a good thing if it were willing to extend the hand of friendship and allow one of its six UK delegates to be a representative of the Scottish Parliament. If that proved not to be possible, some special relationship could be established between COSAC members and committee members to ensure that views could be regularly exchanged. I know that views are exchanged not only between this committee's clerking team and the clerking team at Westminster but between ministers here and at Whitehall, but those suggestions might help the situation.

**The Convener:** Those ideas are quite interesting. In the past, the committee has recommended that we try to become a member of COSAC but, when we approached the organisation, it did not seem very keen to have us. Of course, that was in the early days; with the Lisbon treaty, things might have moved forward. It is certainly worth looking at the suggestion again.

**Jim Hume:** The Law Society seems a little bit concerned—to put it mildly—about the creation of

a European public prosecutor. What is likely to be the impact of such a move on Scotland?

12:15

**Michael Clancy:** We were and are concerned about that. Given that it will require unanimity, the prospect of it happening may be very distant. When we expressed our views originally on the corpus juris proposal, which was perhaps as long ago as 1999, we said that the idea of a European public prosecutor was ill defined and that we would need a lot more detail and a lot more flesh put on the bones before we could say that it was a thoroughly good idea or give it our qualified acceptance.

**Jim Hume:** That is fine. Thanks.

**Rhona Brankin:** There is probably not a straightforward answer to this question. Which changes in institutional structure are likely to have the greatest impact on the roles that the Scottish Government and the Scottish Parliament play in the policy process?

**Michael Clancy:** The ordinary legislative procedure should enable the Scottish Parliament to make representations directly to the European Parliament. For me, that would certainly be a significant change to the way that things are done at the moment—it is very likely that it could result in some satisfactory change.

From a legal perspective, there are issues about the loading on the European Parliament's relevant committees, because no Scottish MEP sits on the Committee on Legal Affairs or the other committee that deals with justice matters, which means that there is no natural linkage. However, that should not stand in the way of the Parliament making direct representations to the European Parliament and exercising this new democratic transparency.

The other key changes are the changes to the European Court. There are now in effect three courts: the European Court of Justice, the General Court, which is the old European Court of First Instance, and the European Union Civil Service Tribunal.

The creation of a direct right for individuals to go to court where they are directly affected will be quite a significant issue. The extension of preliminary questions to all national courts could also be quite a significant change.

**Rhona Brankin:** Could you explain that?

**Michael Clancy:** If an issue of European law arises during the course of some ordinary case in a Scottish court, the judge can refer the matter on to the European Court for a preliminary hearing and get a ruling from it. Sir David Edward made some comments about the timeframe and court



resources that would be necessary for that to operate successfully. I suspect that I share the view that the court will not be overwhelmed by thousands of preliminary hearing approaches but, nevertheless, one has to bear in mind that it is now possible that we will see an increase in that work. As Sir David pointed out when he gave evidence to the House of Lords European Union Committee, there are issues to do with timing in criminal cases, such as the 110-day rule and the 140-day rule, which mean that a quick turnaround in the court is necessary.

**The Convener:** Given that you did not have the opportunity to make an opening statement, I invite you to bring to our attention any issues that we did not pick up.

**Michael Clancy:** I think that the issues are covered in the written submission that I have provided on behalf of the Law Society. The submission courses over issues such as the role of national Parliaments and the important role that this Parliament's European and External Relations Committee will have in responding to proposals within the eight-week consultation period. When I saw reference to an eight-week consultation period in my very first copy of the Lisbon treaty, I thought to myself, "That will be a tough timetable." Of all the issues that we have not touched on specifically today, that is the one that will require us to think hard about enhanced co-operation with the House of Lords and House of Commons committees to ensure that there is a free flow right the way through. Consideration will also need to be given to the timing of meetings to ensure that there can be discussion of any proposals that are made in that context.

Of course, if there is enhanced pre-legislative—that is, pre-green paper—engagement, the eight-week consultation period will become less of an anxiety. In addition, as a paper accompanying Lord Roper's submission points out, whereas the English-language version of a proposal is usually published first, the eight-week consultation period will kick in only when, for example, the Estonian-language version is published some 16 weeks later. However, that is not necessarily the best way of organising legislation on what might be an extraordinarily important area of law affecting many millions of people.

**The Convener:** In evidence to our committee, Sir David Edward suggested that, realistically, the only way to tackle that is through effective horizon scanning so that proposals are picked up very early. From what you are saying, I think that you would agree with that.

**Michael Clancy:** Sir David Edward has a much more eloquent way of putting such matters. I certainly agree about the need for horizon scanning, which is the appropriate phraseology.

**The Convener:** I also notice that your submission, in paragraph 5, argues that it is a very good thing that the right of legislative initiative rests much more clearly with the European Commission. You and I might be in a minority of two on that. The Commission tends to get into a lot of trouble for being bureaucratic and too remote and so on, but I agree with the Law Society's comments. I just found it interesting that you made that point in your submission.

**Michael Clancy:** I am grateful for your support, convener.

**The Convener:** Thank you for coming along this morning and for providing a written submission. When the committee moves into private session, we will deliberate further on some of those issues, so we very much appreciate your taking the time to make those submissions to us.

Colleagues, I will not suspend the meeting at this point as we have only the "Brussels Bulletin" to consider before we move into private session. If members are content, we will just push ahead.

## “Brussels Bulletin”

12:22

**The Convener:** Item 4 is consideration of the “Brussels Bulletin”. Do colleagues want to raise any points or seek clarification on any issues that the bulletin raises, or are they content to note its contents? Ian Duncan’s bulletin brings a number of interesting issues to our attention. From looking round the table, I think that colleagues might want to ask about one or two issues.

**Ted Brocklebank:** I will make two little points. First, it is interesting to see that the Committee on Fisheries has at long last produced its report on the reform of the common fisheries policy. I note that the bulletin refers to the comments of Ian Hudghton and Struan Stevenson. Although everyone seems to be saying all the right things, there is still no indication as to how we are to achieve the happy state to which Ian Hudghton and Struan Stevenson refer. We will watch that one.

The other issue of interest is the debate on minority languages. I see that there was some concern that, if Scottish Gaelic and other languages were made official languages of the European Union, that might give succour to independence movements. I do not know whether Michael Matheson has any views on that.

**Michael Matheson:** Sorry, I missed that, as I was reading another point.

**Ted Brocklebank:** The bulletin says:

“The speakers called for Catalan, Basque, Galician, Welsh and Scots Gaelic to be made official EU languages ... The Spanish Government warned that there is political resistance to minority languages in some member states. He said that ‘some politicians fear separatist movements’ could rise up as a result of linguistic diversity.”

**The Convener:** I read that comment too, and I was puzzled by it because I know that there is the facility for simultaneous translation of Gaelic in the Committee of the Regions. UKREP signed an agreement to allow for that, so translation already happens in the Committee of the Regions. There has been a financial package, which is backed by UKREP, to support that facility.

I know that one difficulty has been training Scots Gaelic translators up to the language requirements of the European Union. We are a little behind the Welsh on that—at the minute, people can speak in Welsh but not in Gaelic, not because there is no agreement but because we do not have translators who are trained up to the correct level.

**Patricia Ferguson:** The comments that have been made by colleagues in Europe are interesting, but it might be worth pointing out to

them—this is not a political point but a debating point—that it was a Labour-Liberal Executive here that took forward the legislation that enshrined the place of Gaelic and that launched the Gaelic television channel, with cross-party support, obviously. Across the political spectrum in this Parliament, the issue is not seen in the same way as in that comment.

**Michael Matheson:** I think that the Spanish Government view is bizarre. Another way of putting that argument is to say, “If you want to avoid any separatist groups from gaining momentum in parts of your country, suppress minority languages,” which has been tried in the past and has not proved to be very successful. It is a bizarre and reactionary view, although some aspects of the Spanish Government have been quite reactionary in recent times.

**The Convener:** We all agree that minority languages are a good thing and that they have been well promoted in this Parliament.

**Rhona Brankin:** The view perhaps just reflects the violent past of some fringe minority nationalist movements in Spain.

**Jim Hume:** I was interested in the common agricultural policy reforms and the French group of 16 personalities, including chefs, writers and businesspeople. I do not know whether Gordon Ramsay will be involved in that, but it sounds like his French equivalents might be.

**Ted Brocklebank:** They can use some of his minority language.

**Jim Hume:** Certainly. The CAP is going to be huge and will move further and further up the agenda.

I was also interested in the forests green paper. It shows all the benefits to communities of the forests, and luckily it does not look like the Commission is proposing to sell off any of the forest estates to banks, which is reassuring.

**Patricia Ferguson:** The comments about Iceland are very interesting, not to say significant. If one criterion for EU membership is suitability of institutions, I would have thought that it is entirely questionable whether Iceland is in a position to join at this time. I have no problem with Iceland joining—it would be good—but I think that the EU needs to think about the application more broadly.

**The Convener:** My understanding is that there would be careful monitoring and auditing of what is happening before any further positive discussions

took place, but we could clarify that with Ian Duncan.

12:28

*Meeting continued in private until 13:04.*

If there are no other points, are we content to note the paper and forward it to the relevant subject committees?

**Members** *indicated agreement.*



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