



The Scottish Parliament  
Pàrlamaid na h-Alba

## Official Report

# EUROPEAN AND EXTERNAL RELATIONS COMMITTEE

Tuesday 1 June 2010

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**EUROPEAN AND EXTERNAL RELATIONS COMMITTEE**  
**8<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 ALSO ATTENDED:**

Ian Duncan (Scottish Parliament European Officer)

**THE FOLLOWING GAVE EVIDENCE:**

Struan Stevenson MEP (European Parliament)

**CLERK TO THE COMMITTEE**

Lynn Tullis

Simon Watkins

**LOCATION**

Committee Room 1



## Scottish Parliament

### European and External Relations Committee

*Tuesday 1 June 2010*

[The Convener opened the meeting at 10:32]

### Decision on Taking Business in Private

**The Convener (Irene Oldfather):** I welcome everyone to the eighth meeting in 2010 of the European and External Relations Committee. We have apologies from Michael Matheson and Rhona Brankin. We have also received an apology from George Lyon, who is unable to videoconference with us from Brussels.

Agenda item 1 is to decide whether to take items 5, 6 and 7 in private. Do we agree to do that?

**Members indicated agreement.**

**The Convener:** Item 2 is our videoconference with Struan Stevenson but, as he has not arrived yet, I suggest that we move on to the next item until he is able to join us.

## “Brussels Bulletin”

10:33

**The Convener:** I invite Ian Duncan to say a few words about the latest “Brussels Bulletin” before I invite comments from members.

**Ian Duncan (Scottish Parliament European Officer):** There are a couple of things in the bulletin that you will want to be aware of. The first concerns what is called the wise men reflection group, which was set up by President Barroso to scan the horizon to see how the European Union can evolve and develop. The group has been talking about some interesting things to do with how the EU could develop in the longer term. There is a lot of discussion in Brussels about whether there should be another treaty to stabilise the euro zone, but some of the more interesting discussions involve issues that are important to Scotland. Energy is a big issue at the moment and, to counterbalance the discussion around economic development, social welfare is being given a certain amount of focus. Further, as you would imagine, the financial area is also one in which the wise men would like to take some action.

I will touch briefly on three other areas. A report has come out that examines where the single market is not working and how it can be improved. You will be aware that many of the issues to do with the single market are quite controversial—certainly, issues such as the services directive have taxed this committee in the past. The European Commission would like to explore other areas as well, but some of them are more controversial than others, and you might want to have a think about those.

There is a big clash between what could be called the Anglo-Saxon model of a free market and the more protectionist continental or French model. How those models are reconciled will be one of the big battles around not only the single market but the budget, which we will discuss later.

The common agricultural policy is quite an interesting area. The big debate is between those who receive money and would like to keep or increase it and those who think that their money could be more sensibly spent elsewhere. Everyone had been anticipating that the Spanish presidency would take a lead in examining how to reduce the size of the CAP but—quite amusingly, in some respects—a leaked report showed that quite the reverse is the case, as the presidency’s view was that the CAP should be maintained at its current level and that consideration should be given to growing it. How that can be reconciled

with the fact that there is less money in the budget should be amusing to witness.

The common fisheries policy is all the rage at the moment. There is a lot of discussion in the European Parliament and elsewhere about how the CFP can be reformed. It is likely that we will see much more activity in that regard between now and Christmas.

I am happy to answer any questions that you have.

**The Convener:** Do colleagues have any questions?

**Sandra White (Glasgow) (SNP):** How did they come up with the name “the wise men”, given Europe’s concern with equalities?

Page 4 of the bulletin talks about

“Improvements in the partnership between different levels of power - national, regional and local”.

How focused is the attention on that going to be?

**The Convener:** Before Ian Duncan deals with those points, we will hear questions from other members.

**Jim Hume (South of Scotland) (LD):** I declare that I have agricultural interests. You mentioned a leaked paper on the CAP. What sort of paper was it? Was it a memorandum between members or was it an official draft consultation document or something of that sort?

**Ted Brocklebank (Mid Scotland and Fife) (Con):** Among the proposals for reforming the CFP, it is proposed that a distinction be made between small-scale and industrial fishing. What can you tell us about what the likely effect of those proposals would be on the Scottish and United Kingdom fisheries? Would they be beneficial for us? Would the large-scale pelagic fishing that takes place in certain parts of the North Sea be regarded as industrial fishing?

**The Convener:** Page 6 of the bulletin talks about organ transplants, under the heading “Heart of the matter”, and boiler efficiency. Is the UK going to be easily able to comply with directives in both those areas? I believe that the directives have been slightly delayed.

I will let Ian Duncan respond to those points and then we will start our videoconference with Struan Stevenson, who I see has joined us.

**Ian Duncan:** I will be quick.

On the wise men, I could be simplistic and say that they are men. Of course, whether they are wise is a different question.

**The Convener:** That is a very diplomatic answer. We quite like it.

**Ian Duncan:** On the issue of the different levels of power, there will have to be more engagement between the local, the regional, the national and the EU levels, as it is such communication that will drive forward the agenda. As subsidiarity takes hold, more work will have to come from the lower levels to push material up the way. Work needs to be done to flesh out how that could take place. At the moment, the system is a bit dysfunctional.

The CAP paper that was leaked was prepared by the Spanish presidency in preparation for a meeting about how the CAP material will be discussed and taken forward. It was not a formal document; it was more a collection of the presidency’s thoughts at the moment.

Ted Brocklebank always asks the complicated questions. I am tempted to defer to Struan Stevenson on fisheries, because he might know more about it than I do. It is true that, to some degree, pelagic fisheries could qualify as being more industrial, but I think that that is a debate that is yet to be had.

The convener asked about organ transplants and boiler efficiency. On organ transplants, I think that the UK would be quite supportive of a directive to clarify and codify because we are Europe now—we are not just one country—and organs should be able to move freely within a single market. Nonetheless, we are talking about a different sort of commodity that needs to be treated carefully.

The issue of boiler efficiency has bedevilled the Commission because it is complicated, particularly as it will affect everybody. The labelling and classification of boilers will have huge implications for how they are sold, whether they need to be renewed and so on.

I think that the UK supports both measures and would be able to take them forward.

**Jim Hume:** I did not quite catch what you said about the nature of the document that was leaked.

**Ian Duncan:** I am sorry. The paper that was leaked is an informal document that was drafted by the Spanish presidency. It has no weight whatever; it is simply a summary of the thinking of the Spanish Government at the moment, although, as Spain holds the EU presidency, it has more power than that.

**Jim Hume:** That is helpful.

**The Convener:** Just to update that, when the Belgian ambassador visits the committee, perhaps we can explore with him how matters may be taken forward during the Belgian presidency.

## MEP Evidence Session

10:41

**The Convener:** Item 2 is our videoconference with Brussels. Can Struan Stevenson hear us all right? Good morning.

**Struan Stevenson MEP (European Parliament):** Good morning. Yes, I can hear you very well. Are you picking up what I am saying?

**The Convener:** Yes, we are.

I welcome you to the meeting. You will probably be aware that we had a videoconference with Ian Hughton and Catherine Stihler in November. We are developing that initiative a little bit further. Obviously, the committee is keen to undertake more post-Lisbon treaty engagement. You MEPs must be popular people these days with the extension of competences following the implementation of the new treaty. I gather that everybody wants to speak to you.

**Struan Stevenson:** Immediately following this videoconference, I have a videoconference with the six Highlands and Islands councils, so I think that I will be sitting in this videoconference room for the next hour and a half.

**The Convener:** You are a popular person. As you have another videoconference and are running to a tight timescale, we will try to keep the discussion on time.

I understand that you will make some opening remarks. I will then invite committee members to comment, ask questions or pick your brains a little bit. Over to you.

**Struan Stevenson:** Thank you for giving me this helpful opportunity to speak to you. The opportunity clearly cuts down the time that would otherwise be necessary if committee members had to travel to Brussels, and it cuts costs, which is an imperative now.

I was informed that members want to discuss the Lisbon treaty and its impact on how we do our work, and the Calman commission proposals and how they affect relations with the EU.

There are key issues relating to the Lisbon treaty that we need to be aware of. There has been a substantial change in the values and citizenship of all of us. The 500 million citizens of the EU are now no longer simply symbolic citizens of the EU; they have become proper, real EU citizens with all the rights, duties and responsibilities that that entails. Likewise, the 27 member states have taken on the role of members of a multinational federation, rather like the 50 federal states of the United States of America. In turn, the Council of Prime Ministers and

Presidents has become an institution of the EU under the Lisbon treaty, and the decisions that it takes are no longer peculiar to that body; they are now subject to review by the European Court of Justice. In effect, the European Council has become the Cabinet Government of the post-Lisbon union. Ministers now have a role in representing the union to their member states as well as in representing their member states to the union. However, I am not sure whether many Prime Ministers and Presidents in the EU understand that they have that new responsibility and role to undertake.

10:45

Famously—although he does not remember doing so—Henry Kissinger once said, “Who do you phone if you want to speak to Europe?” The Lisbon treaty was supposed to clarify that by providing us with a new President of the Council, the former Belgian Prime Minister Herman Van Rompuy. In fact, we now have more Presidents in Europe than you could shake a stick at. Herman Van Rompuy is President of the European Council, José Manuel Barroso is President of the European Commission and Jerzy Buzek is President of the European Parliament. It appears that we still have the rotating presidency, which is with Spain until the end of June. José Luis Rodríguez Zapatero is the rotating President of the Council of Ministers. Therefore, we have four Presidents to telephone if we want to speak to Europe.

Under the Lisbon treaty, we also have a new High Representative for Foreign Affairs, the British commissioner Cathy Ashton. She has taken on a very important role. In fact, she has three different jobs. She is senior vice-president of the European Commission; she chairs the foreign affairs council of ministers; and she is the EU High Representative for Foreign Affairs. In that role, she is in charge of a massive organisation. She is in charge of thousands of ambassadors and embassy staff right across the globe in virtually every country of the world, and of the EU's common foreign and security policy, which gives her the ability to involve the European Union in anti-terrorist activities, resolving conflicts, and, strangely enough, peace making, which is military-speak for waging war. Therefore, she is a very powerful lady.

The Lisbon treaty talks about the need for mutual assistance under the common foreign and security policy should any of the 27 member states be attacked. A member state has the right to call in mutual assistance from all the other member states. That is a mirror image of article 5 of the North Atlantic Treaty, which calls for mutual assistance among all North Atlantic Treaty

Organization members. Of course, some people have criticised the EU for trying to replicate NATO's work and, in so doing, undermining that work.

**The Convener:** We are having difficulties hearing you, Struan. There is a little technical problem with receiving some of what you are saying. I do not know whether problems are being caused when you speak close to the microphone, but we are not picking up everything that you are saying. Perhaps you could try to speak a little further back from the microphone.

**Struan Stevenson:** I am a wee bit further away from it. Is that better?

**The Convener:** Yes.

**Struan Stevenson:** Do you want me to repeat some of what I said?

**The Convener:** No. I think that we picked up most of it. There were problems when you leaned too close to the microphone.

**Struan Stevenson:** Okay.

The committee should be aware of the important issue of the subsidiarity principle. I do not know whether members have discussed that before. The Lisbon treaty contains a clear statutory right in respect of consultation with member states, which means that every time the European Commission publishes a legislative proposal, it must be sent to all 27 member states. The member states are given eight weeks from the day of publication to send a reasoned opinion to the European Commission on the draft legislative proposal. That enshrines in statutory and primary law for the first time the right of subsidiarity and the right of consultation, and it means that the EU institutions—the European Parliament, the Council and the Commission—cannot pass any law unless consultation has taken place. If any member state raises a challenge and questions whether it was properly consulted under that statute, the matter will immediately go to the European Court of Justice for conciliation and a decision.

In Scotland, we must work out how we can make that system work to our benefit. The timescale of eight weeks is extremely short. One assumes that, when the Commission produces a draft legislative proposal, it will be sent to Whitehall. If it is on an agriculture issue, such as the reform of the CAP budget, it will go to the Department for Environment, Food and Rural Affairs, which will then ask the agriculture minister and probably the agriculture committee in the House of Commons to consider the proposal. DEFRA will, one would hope, simultaneously send the proposal to the Scottish Government, which in turn will ask the European and External Relations Committee and the Rural Affairs and Environment

Committee for their input. By the time that all that has been undertaken, the eight weeks will almost have been exhausted, which leaves no time at all for consulting stakeholders and going out and speaking to people such as the National Farmers Union, farmers, consumers and trade unions.

We must figure out a way of dealing with that. The civil servants will have to look over the horizon to spot the major draft legislative proposals that are in the pipeline. Earlier, Ian Duncan talked to the committee about the Commission's future work programme. The committee will have to look at what is coming in the next six to 12 months and start the consultation with stakeholders at that point so that, when the proposals land on the Scottish Government's desk, the committee can immediately input its consultation results and reasoned opinion and have those ready to be sent back to Whitehall for submission to the European Commission. That is extremely important.

All the committees in the European Parliament are now fully legislative, including the Committee on Fisheries, on which I sit, and the Committee on Agriculture and Rural Development. Before the Lisbon treaty, they were only consultative, but now every aspect of the European Parliament is fully legislative. We work in triad with the Council and the Commission. Under the subsidiarity principle, we will have to deal with the dossier of submissions from all 27 member states before we arrive at a conclusion on any issue. Inevitably, that will slow down the work of the committees in Brussels, which might be a good thing because, if members of the Scottish Parliament have not had adequate time during the eight weeks of the mandatory consultation period, you will have a longer period to input your views to members of the European Parliament's committees.

On that point, I should say that we have apologies this morning from my colleague George Lyon, who sits on the Committee on Agriculture and Rural Development. He is dealing with 700 amendments to his report on the reform of the CAP with all the shadow rapporteurs from the various political groups. A crucial vote on his report is coming up shortly, which is why he could not be here this morning and why you have only me, I am sorry to say.

On key issues such as the EU energy strategy, financial services regulation, reform of the research budget and, of course, CAP and CFP reform, which Ian Duncan mentioned, there is a lot going on. There is also a consultation document out from Mr Barroso on a new strategy for the single market. That considers the four conflicting approaches to the running and organisation of the single market in the EU, which are based on member state clusters. There are the continental



social market economy countries, which include France and Germany; the Anglo-Saxon countries, including Britain; the central and east European countries, which are the recent accession states; and the Nordic countries. All four of those clusters have different strategies for operating in the single market, all of which are contrasting and fight against one another.

There is a view that we need to relaunch the single market to stabilise the euro. At a time when we have 9.9 per cent unemployment in Europe—with 23 million European citizens unemployed—that is clearly an important issue. The Commission is considering initiatives to support SMEs, to set up a digital single market and to reap the full benefit of the single market for goods and services. The Commission wants to improve labour mobility around the geographical areas of the EU and to establish a physical infrastructure for the single market. All those issues are of vital importance for Scotland, as are the issues that Ian Duncan talked to the committee about on CFP and CAP reform, in which I am closely involved.

That is enough from me. I will be delighted to answer any questions that the committee might have.

**The Convener:** Thanks very much, Struan—that was interesting.

It might be worth saying a few words about what the committee has been doing recently on some of those issues. We have had a fairly long inquiry into Lisbon in which we have taken evidence from a range of Scottish stakeholders, including participants, the voluntary sector and academics, on how we can better scrutinise European legislation and put in place a process in the Scottish Parliament to ensure that we pick up on subsidiarity issues and key priorities. We will have several ideas in our report, which we will discuss later in today's agenda, but I will not be revealing any secrets if I tell you about some of the challenges that we feel that we face.

One is on engagement with the Parliament's subject committees, which is an important role for us. We are considering looking in more detail at the European Commission work programme. Just a few weeks ago, we devoted committee time in the Parliament to a debate on that work programme. The idea was to give the Parliament's subject committees an opportunity to key in on some of the priorities. That takes on board the points that you made that leaving issues until the eight-week period is almost too late and that we need to take a long forward look. We feel that we have an advantage because the Commission work programme will now cover a four or five-year span, which is the entire Commission term, whereas in the past we have had to consider annual work

programmes. That might enable us to take a longer look.

We are using the European Commission work programme and we are trying to use parliamentary time to raise the profile of issues in the Parliament's subject committees. We seek to have greater engagement with Scottish MEPs and we recognise the importance of connecting with European Parliament committees, which you mentioned. We realise that all the Parliament's subject committees need to talk to rapporteurs and committee conveners in the European Parliament. We are considering many of the areas that you have mentioned. I hope that we are on the right track with some of our suggestions.

How can we make best use of our Scottish MEPs? The move to more frequent videoconferencing is good, but do you have any other suggestions? I know that you made a submission to the Calman commission about MEPs being members of the European and External Relations Committee. Will you comment on that? There are a range of views on that proposal among Scottish MEPs, given the practical difficulties that it could pose. Even when arranging videoconferences we recognise the huge pressure on members' time. It can take us two or three months sometimes to programme a slot in the diary for a videoconference.

I attend meetings of the European elected members information liaison and exchange network. We tend to arrange them during white week—constituency week—but, even then, we are probably doing quite well to get one MEP out of six to come along. That is in no way a criticism; it is simply a reflection of the fact that many members cover the whole of Scotland for their political party. There are huge pressures on your time during constituency week. It is important not to set up a system that could be geared to fail. Do you have any comments to make on that?

11:00

**Struan Stevenson:** Yes—I was going to discuss the Calman recommendations later, but this is a good opportunity to do so. As you said, I gave evidence to the Calman commission, which in its report endorsed what I recommended. My colleague Alyn Smith MEP took that even further with his submission. I think that he sent a letter to the Presiding Officer only last week—I am not sure whether you are aware of its contents yet—in which he talks about having a more integrated system between MSPs and MEPs after the Holyrood elections next year. He suggests replacing the European and External Relations Committee with a special joint committee comprising the deputy conveners of all the subject committees and Scottish MEPs. That would give

MSPs a direct role in Brussels and MEPs a direct role in Holyrood. According to his strategy, that would ensure that we improve integration and that we know exactly what is happening, especially now that the Lisbon treaty is having such a considerable legislative impact on the work that we do as MEPs.

My suggestions were more along the lines of what happens in the German Länder. Our German colleagues are automatically members of the external relations and European affairs committees of each region in Germany. They hold their meetings on a Monday morning or a Monday lunch time, or in the late afternoon or evening on Thursdays, to allow the MEPs to travel back and forward from Brussels to attend. The MEPs attend in an ex officio, observer capacity, of course, as they are not elected to serve in those regional Parliaments. I recommend that the same should apply if MEPs become involved in the work of your committee—I suggest that they do so on an ex officio basis.

On that basis, we could come to your meetings and tell you directly about the work that is going on and the forward programme. We could also get direct feedback from you about what you want us to say and do when we go to Brussels. That level of communication could prove important. Whether you agree with my idea or wish to go even further and adopt Alyn Smith's proposal is a matter for further discussion, but I think that we should have a new system in place after the Holyrood elections next year.

This is not particularly the fault of anyone, but the EMILE system has, frankly, not been terribly satisfactory. I do not think that it does very useful work in scrutinising the input from the UK Government or the Scottish Government into EU legislation. We need reform. I would be happy enough to go along with the Calman proposals, but if you want something more radical, I am open to persuasion.

**The Convener:** One of EMILE's functions was horizon scanning, giving MEPs the opportunity to come to the Parliament, the Convention of Scottish Local Authorities and the Scottish Government to highlight the big issues on the horizon that people need to be alert to. It has not worked, to be honest, and one of the reasons for that is the pressure on people's time. I add that caveat to any proposals for setting up a system that depends on such an exchange.

I now bring in committee colleagues.

**Ted Brocklebank:** Good morning, Struan. It is always nice to listen to your overarching views on such matters.

I am interested in your thought that MEPs might regularly take part in this committee's

deliberations. Whether we go as far as Alyn Smith's suggestion is open to debate. Personally, I would welcome MEPs' input at our meetings.

Given your position as a member of the Committee on Fisheries, it will not come as any surprise to you that the couple of questions that I wish to put are on fisheries matters. I do not know whether you heard the question that I put to Ian Duncan earlier, but we understand that the proposed reform of the common fisheries policy contains a suggestion that fishing be judged on a more local basis, with a distinction made between smaller, local fleets and industrial fishing when it comes to allocating quotas. Can you tell us any more about those proposals?

My specific point to Ian Duncan was that, in the north of Scotland, and particularly in places such as Fraserburgh and Peterhead, people regard fishing as a diverse sector, ranging from large pelagic vessels to under-10m and non-aligned vessels. Would the proposals designate the pelagic vessels as industrial fishery vessels?

**The Convener:** Before you answer that, Struan, I acknowledge that we have only seven minutes before you have to go to your next videoconference. I suggest that we take questions from other members now. If you could respond to them together, that might save a little time.

**Sandra White:** Good morning, Struan. I have found your contribution very informative. My question is on the involvement of MEPs with the Scottish Parliament and MSPs, and how that relates to the eight-week timescale that we have been discussing. If MEPs and the Scottish Parliament were more involved with each other's work, would that make it easier to reply within that eight-week timescale? If the Scottish Parliament received the documents but did not have time to respond to concerns that were raised, would those concerns then go to the Westminster Parliament, which would raise them with Europe, with matters possibly going to the European Court of Justice? Is it just the Westminster Parliament that is able to do that?

**The Convener:** As no other members have questions, I ask Struan Stevenson to respond.

**Struan Stevenson:** Thank you for those questions.

On the CFP, there will be an emphasis on giving more rights to and ensuring fair play for under-10m inshore fisheries. There is a view that they have been discriminated against. Mrs Damanaki, who has emphasised that point clearly, comes from Crete—she is an islander, she is well aware of fisheries issues, she has picked up her new brief very quickly and I think that she is very good as the Commissioner for Maritime Affairs and Fisheries.

On the future of total allowable catches and quotas, we are having a major debate on international tradeable rights. Mrs Damanaki has said several times that she does not favour ITRs being available on a Europe-wide basis

We in Scotland have said that ITRs would be terribly damaging for our fishery, because the wealthy and large multinational fishing companies, most of which are based in Spain, would quickly come into the North Sea and buy up all the fishing rights that they could from undoubtedly willing sellers—many skippers would be willing to sell their licences and their quotas. Once those companies had bought the rights and were fishing in the North Sea, they would be under no obligation to land their catch in Fraserburgh, Peterhead or Lerwick—in fact, they would probably take it back to Vigo in Spain. We would lose not only thousands of jobs at sea but tens of thousands of jobs on land.

EU-wide ITRs would pose a great risk for the future management of our fishery. We have emphasised that we want a system that retains relative stability and enshrines traditional fishing rights. Okay, the TAC records are out of date and we must modernise that system, but our traditional rights to catch fish in our British waters must be respected and retained.

Different ways of achieving that aim are being considered. In a mixed fishery such as the white-fish sector in the North Sea, we might go for an effort-only—a days-at-sea-only—system. In effect, quotas and TACs would be abolished, and fishermen would have days at sea only. If people had invested heavily in buying quota, that would be rolled over into a financial right in the new days-at-sea allocation. That would become a tradeable commodity, too.

It is generally accepted that the pelagic fishery is a clean fishery that works well, so the present system would probably not be altered. The same applies to the cod fishery in the Baltic Sea, for instance, which is also a clean fishery. Instead of changing the system of TACs and quotas there, TACs and quotas might be retained for cod in the Baltic but abolished for cod and other white fish in the North Sea.

We are considering all such issues. We are examining how stakeholders can be involved, to ensure that fishermen and scientists in the regions are more involved in day-to-day decision making. Mrs Damanaki is very much in favour of that, but she tells us that she is coming up against strong legal advice in the European Commission that devolving management responsibility out of Brussels and down to the regions would be a breach of the treaty, because Brussels has primary responsibility for implementing the treaties. The common fisheries policy is one of the

EU's three common policies, so it is said that responsibility for it cannot be devolved to stakeholders. We are taking legal advice on that; any legal advice that the Scottish Government can provide to boost our case for devolving responsibility would be most welcome.

That is a long answer to a short question. Basically, there is no question that the pelagic fishery will be classified as industrial and come under a different management system from that which it enjoys at present.

Sandra White asked whether, if MEPs and MSPs worked together, we would better achieve reasoned opinion feedback in the eight-week mandatory period. I think that we would. I take it on board that the time pressure from which we all suffer means that no meeting would ever have a full turnout of MEPs and European and External Relations Committee members, but key MEPs would talk about the subjects that were on the agenda. MEPs would be totally involved in vital items on which it was necessary to turn around the reasoned opinion quickly, because they would be seen as having a formal role in the committee's work. That could only be to the good.

11:15

The ultimate responsibility for submitting a reasoned opinion lies with Westminster. The UK Government represents the UK member state, so the Scottish Government cannot submit its own reasoned opinion, except through Whitehall and the Westminster Government. A system to work closely with the new coalition Government will have to be evolved.

I have just come from a meeting with the new Minister for Europe, David Lidington. I had a useful talk with him in which he enlarged on how communication and integration between Whitehall and the new coalition Government and the Brussels MEPs will work. He told us that the Prime Minister has appointed William Hague, the Foreign Secretary, to chair a special committee that will meet monthly to consider all European policy matters. Of course, as the Minister for Europe, David Lidington is a member of that committee. The new Government will have regular input into European affairs. I suggest that the Scottish Parliament and the Scottish Government should quickly find ways of feeding into that new system.

**The Convener:** Thank you. We have had a useful exchange. I am aware that you have another videoconference to attend.

I would be happy to have a regular videoconference slot with MEPs, perhaps once a month. The difficulty has been finding slots in the diaries of people in Brussels to attend

videoconferences. Perhaps we can examine that further.

I thank Struan Stevenson for taking the time to give evidence to the committee. We look forward to more such exchanges in the future.

**Struan Stevenson:** Thank you to the committee and take care.

**The Convener:** I suspend the meeting to allow the videoconference equipment to be removed.

11:17

*Meeting suspended.*

11:20

*On resuming—*

## **European Commission Work Programme**

**The Convener:** Item 3 is the European Commission's work programme for 2010-14. Ian Duncan, who is with us, has provided a substantial paper that contains a very good analysis of the one-year forward look and the four-year forward look, broken down by their implications for each of our subject committees. It is a good example of the way in which the committee has developed our scrutiny process over the past few months, and has recognised that the Commission's work programme should form a basis for that.

We had a meeting with colleagues from Sachsen-Anhalt last week while they were visiting the Parliament. When I explained to them some of the measures that we have been taking recently, including consideration of the one-year and four-year forward looks, they were amazed because they had not realised that the European Commission is producing a four-year forward look—and they were from one of the German Länder.

You will recall that we wrote to all the subject committees with the work programme. We have received responses, which are attached to the paper, although we have not yet received responses from the Justice Committee, the Health and Sport Committee and the Rural Affairs and Environment Committee. We await those responses, so the report has to be considered to be an interim report.

**Ted Brocklebank:** Those are probably the key committees, in some ways.

**Patricia Ferguson:** The Rural Affairs and Environment Committee has responded.

**The Convener:** I ask Ian Duncan to update us on whether any last-minute responses came in, on the status of the paper, and on what we need to do next.

**Ian Duncan:** Absolutely. You are quite correct. The responses from the Rural Affairs and Environment Committee have been received but have not been incorporated into the paper because they arrived too late. I gave a private briefing to that committee last week and can let members know that it is keen to take forward some of the recommendations in the paper that you forwarded to it. As you would imagine, that includes the common fisheries policy, the common agricultural policy and the biodiversity strategy.

I will take members through the paper briefly. It is an interim report because, as the convener

rightly pointed out, we are still waiting for some of the big stuff to come in. I will make a couple of points on structure. The Holyrood elections will necessarily set a backstop to the exercise. We are almost halfway through 2010. With the new method, we have the luxury this year that we know the work programme up to 2014, so we have a further horizon to scan across, which is helpful.

The document, as it is set out at the moment, looks at some of the things that the committee might wish to do in the short term, in the medium term, and post election. It then looks at five thematic areas rather than at specific individual proposals. The reason why is that the committee noted at an earlier meeting—as you will recall—that you were keen to get in early, before the proposals are drafted. Clearly, getting involved at the thematic stage just now lends you that opportunity. I have suggested five broad areas that the committee might want to think about exploring in one way or another or, indeed, about leaving as a legacy to your successor committee.

You have already done quite a lot of work on Europe 2020. That is a broad strategy that touches on economic development on one side and social affairs on the other. It is bobbing around at the moment and it will go through the Council in June. We are not sure in what format it will go through, but the document will set a strategy running that will take us right through to the end of the mandate. It will include a lot of material that will have a direct impact on Scotland. I refer both to policies that will be enacted and to funding opportunities, which are important to bear in mind.

The Stockholm justice programme is also important; the Justice Committee is exercised by the issue. The reason why it has not responded to the consultation is that it is setting up a meeting with the Scottish Government, the European Parliament, the European Commission, the Law Society of Scotland and me so that it can get a full grip on what the programme will mean for it. That meeting, which will take place on 29 June, will give the committee a chance to flesh out its thoughts. The Justice Committee will respond to the European and External Relations Committee shortly thereafter.

The third item, which has rolled over from the previous year, is energy and climate change, which is now core to the European Union. Moves towards a common energy policy are likely to be a big issue. Climate change remains the engine of the policy area. There are already moves afoot to see whether the Commission can increase emissions savings from 20 per cent in 2020 to 30 per cent. I am happy to say more about the issue, which is in flux at the moment.

Two more specific policy areas are the common agricultural policy and the common fisheries

policy, both of which are no longer at the starting blocks. The race is now running. The question is this: at what point do the European and External Relations Committee and subject committees wish to join it? It is for members to tell me about engagement, rather than for me to tell them, but at our away day we spoke about different opportunities for members to engage directly with policy players in Brussels and stakeholders here in Scotland, and ways in which the committee could interact with subject committees. A number of options are available to members, even at an interim stage.

**Sandra White:** You have produced a good paper. Basically, we are talking about early engagement. In paragraphs 13 and 14, on page 4, you talk about indirect engagement. The Parliament will be in recess in July, when the Belgian presidency begins. If anything is forthcoming from the presidency or the Scottish Government, how will we find out exactly what is happening, given that we will not see any paper that is produced until September?

**Ian Duncan:** I suppose that it is my job to ensure that you get a paper before it is published. I will try to work my magic. I hope that in the next two or three weeks I will be able to provide the proposals that are likely to emerge during the Belgian presidency, so that you can see them before you head off on the longer break. Members will be aware that, at the moment, the situation is a bit confusing for Belgium, because it does not have a functioning Government. I imagine that the Belgians, too, are looking forward to finding out what is in the paper.

**The Convener:** Brussels tends to shut down in August, so we have a slight advantage. If Ian Duncan can produce a forward look for July, we should be back on track in September.

I have a question about the thematic policy areas. Should the issue of structural funds appear somewhere on the list?

**Ian Duncan:** You are right. I had envisaged structural funds being part of what might be called broader Europe 2020. You may wish to promote the issue as a separate strand, so that we can take it forward specifically.

**The Convener:** It would be useful to include the issue as a specific bullet point, if members are agreed, especially given that the Industrial Communities Alliance has submitted for consideration this morning a paper on the importance of structural funds.

The points that Ian Duncan made about engagement are developed in the papers that we will consider later in the meeting. Do we need to agree anything further today, or should we just note the contents of the paper?

**Ian Duncan:** You should note the contents but be prepared to hit the ground running after the summer recess. At that stage, there will be limited time to take matters forward before the Scottish Parliament elections. After the recess, once you have absorbed the material in the paper, you can meet to consider how you wish to commit to engagement. In the meantime, I will continue to monitor and report on the issues that have been sketched out.

**Ted Brocklebank:** Struan Stevenson said that the rotating presidency is still in place. Is there a timescale for bringing that to an end, or is it likely to continue into the foreseeable future?

11:30

**Ian Duncan:** I do not think that the rotating presidency will ever end. The holders of the presidency for the next two decades have already been scheduled in, so I do not think that the end of rotation is imminent, although there might be a move towards it as I approach retirement. You never know.

As the committee will be aware, the new President is chair of only a limited number of the Council meetings, particularly the summits. All the others are still chaired by members of the Government that holds the rotating presidency, so from a functional point of view it might be difficult to achieve that ambition. Another treaty might be required for that to happen in the future.

**Ted Brocklebank:** That being the case, and as we are talking about engagement, is it still important for us to engage at an early stage with the incoming presidency, as we did with the Czechs and the Swedes, and as we were going to do with the Spaniards, although it did not turn out that way?

**The Convener:** My view is that inviting the ambassador of the relevant country to the committee is a useful forum for such exchanges. The soundings that I am getting are—even Struan Stevenson alluded to this—that the idea will be that as the new post of President of the European Union develops, a lot of the power will be centralised there and the rotating presidency will be more of a bonus for the member state that holds it. When we did the trip to Brussels, we strongly got the message that an EU presidency that was serviced by permanent staff would offer an advantage over a six-month rotating presidency. I think that that is how the system might work in practice, but I invite Ian Duncan to comment.

**Ian Duncan:** I agree up to a point, but things happen slowly in Brussels, and I think that it might take quite some time for that position to be reached.

At the moment, the architecture remains broadly the same. The people who write the papers and develop the material are the same—it is just that they are now under slightly different management, if I can put it that way. The holder of the rotating presidency would still argue that it is an important position for that country, although it is no longer as important for its Prime Minister, who no longer gets to chair anything. A holder of the presidency could still use the powers that come with it to kick into touch a proposal that it really did not like. The holder of the presidency will still have powers, not to veto a proposal, but to look the other way, and that will probably continue for some time.

The convener is quite right that there will be a move towards a more unified approach, which will involve allowing the rotating presidency to wither on the vine. Whether that happens remains to be seen.

**The Convener:** Watch this space.

**Patricia Ferguson (Glasgow Maryhill) (Lab):** That seems to me to be an argument for engaging with the structure in Brussels as it will be until the next treaty, and for continuing the engagement with the incoming holder of the rotating presidency, as Ted Brocklebank said. I was involved in only one such event, but our visit to Sweden and the conversations that we had were extremely useful, particularly the conversations about the justice priorities that had been identified, which I presume is what the Justice Committee has picked up on. It would seem that our interest in what was said to us in Stockholm has borne some fruit in a strange and roundabout way. We recognised that what the Swedes suggested is quite important for European justice issues. That seems to have been borne out by the interest that the Justice Committee has taken in those matters.

**The Convener:** Jamie Hepburn wants to comment. I am acutely aware that we still have a budget report and a paper on the Treaty of Lisbon to consider, so we are running a bit late.

**Jamie Hepburn (Central Scotland) (SNP):** I will be very brief. I concur with everything that Patricia Ferguson said. We found out things on our trip to Stockholm that we would not have found out if we had not gone.

I want to pick up on what Ian Duncan said about the division that exists between meetings of the Council that will be chaired by the recently appointed President and those that will continue to be chaired by the ministers of the relevant member state. Do you have any idea of the nature of that division?

**Ian Duncan:** The new President chairs what we would recognise as the summits—the quarterly meetings of the heads of state and government. That is his principal engagement. The high

representative now also chairs—as you would expect—the external affairs component that the vice-president of the Commission once chaired when holding the same title. Those two are the only councils that are separated off; all the others remain exactly as they were, and are chaired by a Government minister of the country that holds the rotating presidency. That is unlikely to change in the short term. It was a difficult thing to have brought about. As the committee will be aware, both the new President and high representative are structuring their staff to allow this to work and to work well.

**Jamie Hepburn:** Can you give the numbers—

**Ian Duncan:** In terms of meetings?

**Jamie Hepburn:** Yes.

**Ian Duncan:** Herman Van Rompuy will chair four meetings and the High Representative for Foreign Affairs will chair 10 meetings.

**Jamie Hepburn:** How many is that?

**Ian Duncan:** Okay. Now we come to the multiplication factor. Let me see—

**The Convener:** We are challenging you today.

**Ian Duncan:** I am tempted to say that I will come back to the committee on that one; my multiplication skills are quite poor. I think that we end up with something like 42 meetings.

**Jamie Hepburn:** The majority?

**Ian Duncan:** Yes. The majority will be chaired under the current arrangements. I ask the committee not to quote me on the exact figure. I did it off the top of my head and I am not renowned for doing that.

As Patricia Ferguson rightly said, it would be an error to ignore entirely the rotating presidencies. As members would expect, those who are involved in the presidencies are still players in the operation. Bringing in the ambassador would be one way to engage with those who are involved in that way.

In terms of my engagement, I tend to be able to engage less with the holders of the presidency, who are at their busiest during the presidency. I tend to engage with those in the official structure in the commission; those with more time. I tend to engage with the official architecture and not with the political architecture that comes with the rotating presidency.

**The Convener:** Thank you. We have made our bids for our international strategy and our look at the Brussels office. I think that that will afford us the opportunity to meet representatives of the holder of the next presidency—Belgium—in

Belgium, if we so wish. That is pretty much agreed. The opportunity to do that is in place.

Do members agree to note the contents of the paper? In so doing, are we agreed that it is an interim response to which we will add outstanding comments, as and when they are received?

**Members indicated agreement.**

**The Convener:** Thank you for all the work that you have done on the paper, Ian.

I thank members of the public for their attendance today. We have agreed to discuss the remainder of our business in private.

11:37

*Meeting continued in private until 12:28.*





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