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Official Report

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Wednesday 4 June 2014

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Scottish Parliament

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[The Deputy Presiding Officer opened the meeting at 14:00]

Portfolio Question Time

Rural Affairs and the Environment

The Deputy Presiding Officer (John Scott):

Good afternoon, everyone. The first item of business is portfolio question time. In order to get in as many members as possible, I would prefer short and succinct questions and, indeed, short and succinct answers.

Emissions Reduction

1. Anne McTaggart (Glasgow) (Lab): To ask the Scottish Government what support it provides to local authorities to help reduce carbon emissions and contribute towards the 2013 to 2027 emissions reduction targets. (S4O-03296)

The Minister for Environment and Climate Change (Paul Wheelhouse): Aside from engagement through the public sector climate leaders forum, the Scottish Government provides a range of assistance to support local authorities in meeting their obligations under the public bodies duties in the Climate Change (Scotland) Act 2009, for example by providing £440,000 of funding support to the sustainable Scotland network; through the work of our resource efficient Scotland programme, which will receive £7.3 million in 2014-15; by providing access to finance and expertise via the Scottish Futures Trust and other mechanisms, including the £20 million central energy efficiency fund and the £2 million we invested directly in local authority LED lighting projects in 2013-14; by providing more than £10 million of investment to local authorities and partners to support electric vehicle infrastructure and vehicles, with a further £5 million investment planned this year; and by providing £20 million to councils to support food waste collections since 2011-12.

I could give further details on the support that we provide through the bus investment fund, the smarter choices, smarter places project and the home energy efficiency programmes for Scotland, but bearing in mind what you said, Presiding Officer—

The Deputy Presiding Officer: That will be enough for the moment.

Anne McTaggart: I thank the minister for that comprehensive response.

A key part of Glasgow's bid to host the 2014 Commonwealth games was the designation of several low-emission zones around each of the sporting venues. How does the Scottish Government intend to work with Glasgow City Council to ensure that air quality in those areas continues to meet national air quality standards after the conclusion of the games?

Paul Wheelhouse: The member's supplementary question is about air quality, but I accept that it is relevant to the issue of climate change.

We are interested in learning from the evaluation evidence that is gathered in Glasgow on low-emission zones, so we are working with the council to see what lessons we can learn about the impact of that measure over the limited period of the Commonwealth games.

We are also supporting Glasgow City Council to provide almost £600,000-worth of electric vehicle funding between 2010 and 2013-14, which is helping to reinforce that approach in Glasgow. In addition, under the Scottish green bus fund, we have given grants of almost £920,000 to First Glasgow for 10 buses.

We are taking a number of measures to support the actions of local authorities such as Glasgow City Council to trial such initiatives. I hope that the support that we are providing for infrastructure investment will make it more likely that that work will succeed in the future.

Tyre Recycling and Disposal

2. John Pentland (Motherwell and Wishaw) (Lab): To ask the Scottish Government what progress it has made with the monitoring and regulation of tyre recycling and disposal. (S4O-03297)

The Minister for Environment and Climate Change (Paul Wheelhouse): As John Pentland will know from our discussions about the Earthmover Tyres issue, when significant problems arose, we sought through the passage of the Regulatory Reform (Scotland) Act 2014 to strengthen the Scottish Environment Protection Agency's powers to ensure that SEPA officers have the regulatory tools to tackle non-compliance and criminality in the waste sector.

SEPA has taken enforcement action at a number of sites and will continue to take action to bring priority sites back into compliance. As part of a comprehensive plan, SEPA will also work with waste tyre producers, such as tyre fitters across Scotland, to ensure that they take a high level of interest in how their waste is dealt with and to prevent them from dealing with non-compliant storage or treatment sites.

John Pentland: As the minister will probably be aware, there is a huge tyre dump on the flight path to Glasgow airport. Like the one near Wishaw general hospital, it has 100,000 tyres, it is unlicensed and a fire there could have a catastrophic impact. Despite the responsible recycler scheme, there is still a lot of illegal disposal. Almost all major enforcement actions involve exempt operations. Has the minister considered a moratorium on waste exemptions for end-of-life tyres?

Paul Wheelhouse: We have not taken the approach that Mr Pentland sets out to date but, in the case of the site that he mentioned, we are taking regulatory action. I point out that—as of today, I believe—Fergus Ewing has signed orders that allow the Regulatory Reform (Scotland) Act 2014 to come into force, so we now have an act that we can use in implementing tighter enforcement.

I will be happy to receive representations from Mr Pentland on the issue that he raises, but at this stage we have no plans to impose a moratorium.

Jamie McGrigor (Highlands and Islands) (Con): What support is available for helping companies to promote the fact that they use products that are made from recycled tyres?

Paul Wheelhouse: The member will know that the cabinet secretary is very keen to develop a circular economy approach, looking at how we can use all sorts of important raw materials to ensure that we retain and reuse them within Scotland rather than lose their value. We are working through the likes of Zero Waste Scotland and resource efficient Scotland to promote those kinds of ideas.

I am sure that the cabinet secretary would be keen to engage on that particular issue. Where SEPA comes in, of course, is in relation to regulatory compliance issues and ensuring that sites are compliant with the law, but the cabinet secretary has an interest in the circular economy and I am sure that he would be interested in any representations from the member.

Sustainable Action Fund

3. Gavin Brown (Lothian) (Con): To ask the Scottish Government how the sustainable action fund is progressing. (S4O-03298)

The Minister for Environment and Climate Change (Paul Wheelhouse): The sustainable action fund funds a range of activity to support local sustainability action and reduce carbon emissions.

The largest component of the sustainable action fund is the demand-led climate challenge fund. The CCF supports communities to take practical

action to reduce carbon and, in the period since 2008, it has supported 658 awards to 486 communities, with total awards of £57.2 million. The annual CCF allocation is £10.3 million of the total sustainable action fund budget of £15.3 million.

Following the CCF refresh, take-up has increased significantly, and spend in 2013-14 was £9.8 million out of the £10.3 million allocated. In-year demand has been such that I recently announced a CCF top-up of £1.5 million in 2014-15—taking the total funding available in the current year to £11.8 million—and confirmed CCF funding at £10.3 million for 2015-16.

Good progress has also been made in other areas of sustainable action fund spend. For example, in 2013-14, the remaining £5 million in the sustainable action fund supported a range of activity, including rolling out the individual, social and material—ISM—tool; providing £2 million to support transition to low-carbon street lighting; and supporting the greener Scotland marketing campaign.

Gavin Brown: I understand that, in 2013-14, the original budget for the fund was £15.3 million. It was reduced at the autumn budget revision to £13.3 million; and it was reduced again at the spring budget revision to £11.7 million. What was the final outturn figure for 2013-14?

Paul Wheelhouse: I do not have that figure to hand, but I will happily write to Mr Brown with that information as soon as I can get hold of it.

Environmental Improvement Initiatives (West of Scotland)

4. Stuart McMillan (West Scotland) (SNP): To ask the Scottish Government what discussions it has had with west of Scotland local authorities on environmental improvement initiatives. (S4O-03299)

The Minister for Environment and Climate Change (Paul Wheelhouse): The Scottish Government engages regularly with local authorities about a range of environmental issues, including, among other subjects, flood protection, biodiversity, climate mitigation, air quality, environmental protection and drinking water quality. A range of environmental improvement initiatives are under way in the west of Scotland.

Stuart McMillan: The minister is aware of my continuing campaign for better flood protection measures throughout the west of Scotland, particularly in the Inverclyde area, and I recently met the minister to highlight the case for flood protection funding for Inverclyde. I would be grateful if the minister would update me on the situation on flood protection funding for Inverclyde.

Paul Wheelhouse: Officials from the Scottish Government and the Convention of Scottish Local Authorities recently met representatives of Inverclyde Council to provide feedback on its unsuccessful application for funding for flood protection work.

The council will now be invited to clarify the rationale for how the Greenock part of the scheme, if taken alone, would meet the published criteria for funding when the scheme as a whole did not meet the criteria in the January funding round. If the joint Scottish Government and COSLA assessment panel agrees that the Greenock scheme is eligible, it will be funded.

Forest Estate (Recreation)

5. Mark McDonald (Aberdeen Donside) (SNP): To ask the Scottish Government how it promotes the recreational opportunities of the forest estate. (S4O-03300)

The Minister for Environment and Climate Change (Paul Wheelhouse): The Scottish Government and Forestry Commission Scotland fully recognise the growing evidence that Scotland's woodlands play an important role in tackling health inequalities.

Forestry Commission Scotland actively promotes responsible access by a wide range of users to the largest network of informal and formal recreation opportunities in Scotland, which last year hosted around 9 million visits. It achieves that through annual investment in its facilities, which in 2014-15 will be £11.8 million. That expenditure is supported by its recently renewed recreation website, targeted advertising, media releases and on-site interpretation, including at its six visitor centres.

The commission works in close partnership with public, business and voluntary organisations at a national scale, such as mountain biking groups, and at a more local scale, such as at Castlemilk Wood, near Glasgow, so that more people from a wide range of backgrounds can enjoy their local woodlands. That is complemented by work that VisitScotland, the Scottish Tourism Alliance and the Scottish Sports Association undertake.

Mark McDonald: The minister might be aware of the sculpture trail at Tyrebagger wood in my constituency. The trail has been in place now for 15 years and is beginning to look a little tired and past its best. Is the minister willing to meet me to discuss how the trail could have its recreational value enhanced to ensure that it can sit alongside some of the other pursuits that he has identified, such as mountain biking and walking, and attract more people to use the fantastic forest estate in the north-east of Scotland?

Paul Wheelhouse: I take Mark McDonald's point. Kirkhill and Tyrebagger forests are popular. I understand that 1.8 million visits per annum are made to forests in the Moray and Aberdeenshire area, so it is obviously an area in which the forest estate is valued. I am happy to arrange a meeting with the member to discuss the promotion and management of recreation on the national forest estate.

In relation to Tyrebagger, as with many art projects, the sculptures were commissioned and managed by a charitable trust, which has an agreement with Forestry Commission Scotland and Aberdeen City Council that dates back to the 1990s. In recent years, the trust has struggled to maintain interest from its trustees and to raise the necessary finances to sustain the commissioning of high-quality work at Tyrebagger. There are therefore issues about investment in the forest, but I am glad to say that I will be able to meet Mr McDonald to discuss that further.

Claire Baker (Mid Scotland and Fife) (Lab): The minister and I were at the Confor conference last week, at which we heard about the challenges that the forestry sector faces. Is he confident of meeting the 2022 target for planting, and how does he respond to calls from the industry to consider extending it?

Paul Wheelhouse: We set up the woodland expansion advisory group to consider the feasibility of delivering the target, taking into account not only woodland planting but the impact on agricultural use. We have a route map of how we can do that while working with stakeholders to ensure that forestry investment takes place.

We have put in place total funding of £80 million for this year and next year to ensure that we achieve our targets. We know that at least 18,000 hectares are in the pipeline for planting over that two-year period. We are confident that we can achieve our aims in the short term, but we will clearly have to make spending decisions in future and reflect circumstances at the time to ensure that we keep the planting rates competitive and attract investment from the private sector and other partners. I will certainly keep Parliament informed of progress on that.

National Litter Strategy

6. Neil Bibby (West Scotland) (Lab): To ask the Scottish Government when it plans to launch its national litter strategy. (S4O-03301)

The Cabinet Secretary for Rural Affairs and the Environment (Richard Lochhead): I said at the turn of the year that my intention was to publish the strategy in the early summer. Therefore, I will publish it very shortly. The strategy will build on the high-profile action that we

have already taken, including increasing fixed penalties for litter and fly-tipping, and our recently passed regulations for a charge for single-use carrier bags. We have also provided £0.5 million over two years to Keep Scotland Beautiful's clean up Scotland initiative.

Neil Bibby: Given that the consultation ended last autumn, and that the minister gave a commitment in 2012 to have the national litter strategy fully implemented ahead of the Commonwealth games, why has it taken so long for the Government to launch its strategy?

Richard Lochhead: As I explained, we are sticking to the timetable for publishing the final strategy that we laid out back when the consultation closed. Of course, it is Scotland's first ever national litter strategy, so let us make every effort to get it right. I hope that the strategy will help to influence behaviour in Scotland. Ultimately, no matter what the Scottish Government puts in a strategy, keeping Scotland clean and tidy will depend on the co-operation of the people of Scotland.

Farm Tenants (Right to Buy)

7. Rob Gibson (Caithness, Sutherland and Ross) (SNP): To ask the Scottish Government how the agricultural holdings legislation review group can take account of the final report of the land reform review group, "The Land of Scotland and the Common Good", in addressing calls for the right to buy for 1991 farm tenants. (S4O-03302)

The Cabinet Secretary for Rural Affairs and the Environment (Richard Lochhead): As chair of the agricultural holdings legislation review group, I met with the other members of the group just last week to finalise the group's interim report, which will detail the group's extensive evidence gathering and engagement to date. It explains where we have identified issues that need to be resolved, and how we intend to develop potential solutions.

As part of that work, the agricultural holdings legislation review group of course notes the land reform review group's consideration of many of the issues surrounding agricultural tenancies and smallholdings, and its recommendations in the area. We will consider what the land reform review group has said, as well as our work, as we develop our recommendations, in due course, to support our vision of a vibrant tenanted sector in Scotland.

Rob Gibson: I want to press the minister a bit on that. Has the agricultural holdings legislation review group decided whether there is a need for tenant farmers to register an interest to buy their tenancies? If there is a pre-emptive right under the

Agricultural Holdings (Scotland) Act 2003, we can surely abolish the need to register, as it is an unwarranted exacerbation of tenant-landlord relations.

Richard Lochhead: Rob Gibson has made a good point. Of course, as I have just explained, the final decisions will not be taken until the second half of the year, after the agricultural holdings legislation review group's interim report has been published, when we will begin moving towards the final report on that issue and others.

As I said, the land reform review group's report, which was published a few days ago, recommends that the Scottish Government remove the requirement to register a right of pre-emption of secure 1991 act tenancies, as they are an unnecessary constraint, and that 1991 tenants "should have first option" on buying any part of the holding that the landlord decides to sell.

I pledge today that we will consider the issue, and take the group's recommendation into account.

Alex Fergusson (Galloway and West Dumfries) (Con): Does the cabinet secretary agree that the land reform review group has gone beyond its useful remit in making recommendations not only on agricultural holdings but on deer management and wild fisheries? The Scottish Government has established expert review groups to look into those subjects and to report back after hearing all the available evidence, which is something that the land reform review group has conspicuously failed to do.

Richard Lochhead: The land reform review group received a warm welcome throughout Scotland and from most of the parties in the chamber. The group's report is radical and comprehensive, and contains 63 recommendations and some fantastic commentary on the wider issues facing land reform in Scotland.

It is, of course, extremely difficult to divorce issues of land reform from the subject of agricultural tenancies. Although the expert group on agricultural tenancies should provide the expert advice on that matter, it is only right, and understandable, that the land reform review group also take into account wider agricultural issues and how they relate to land reform and land tenure in Scotland. There is no contradiction there; the group's contribution is perfectly right and understandable.

Fly-tipping

8. George Adam (Paisley) (SNP): To ask the Scottish Government what it is doing to tackle fly-tipping. (S4O-03303)

The Cabinet Secretary for Rural Affairs and the Environment (Richard Lochhead): Already this year we have quadrupled the fixed-penalty level for fly-tipping to £200, and we have taken powers in the Regulatory Reform (Scotland) Act 2014 to allow the Scottish Environment Protection Agency to impose penalties of up to £40,000.

As I stated in my response to Neil Bibby, the national litter strategy will be published shortly. The strategy will include action on fly-tipping and will build on our existing support, through zero waste Scotland, to clean up and prevent what is an unacceptable blight on our communities.

George Adam: There has been a recent spate of fly-tipping in many parts of my constituency, which might be down to the local authority having closed amenity sites. Will the cabinet secretary join me in calling on the current Renfrewshire Council administration to increase the numbers of warden patrols, which have been dramatically cut since the beginning of its term in office?

Richard Lochhead: I condemn any fly-tipping that is taking place in George Adam's constituency. Although I am not as familiar as he is with local circumstances regarding recent cuts in the warden service, I urge all local authorities, including Renfrewshire Council, to tackle fly-tipping and maintain a presence—through wardens if that is the chosen service locally—to deter people from committing such abhorrent acts in our local communities.

The people who engage in fly-tipping should be ashamed of themselves, but we are taking action against them and will ensure that that message is communicated to anyone in Scotland who is thinking of fly-tipping in Scotland's beautiful countryside or in our communities.

Food and Drink (Exports)

9. Gil Paterson (Clydebank and Milngavie) (SNP): To ask the Scottish Government what action it is taking to open up new export opportunities for food and drinks firms. (S4O-03304)

The Cabinet Secretary for Rural Affairs and the Environment (Richard Lochhead): I was delighted to launch Scotland's new food and drink export plan in March this year at Nairn's Oatcakes. The plan will focus on deploying a team of global experts across key export markets to open up new opportunities and to continue to drive international sales. The plan is a good example of collaboration between the industry and the Government. I am fully confident that it will reap huge rewards for Scotland in the coming years, and help the industry to meet its new ambitious export target of £7.1 billion by 2017.

Gil Paterson: This is a strange question from somebody who never drinks and never has, but I am a firm believer in the idea that a little of what you fancy does you good. A number of my constituents are employed in the whisky industry, in particular at the Auchentoshan distillery, so any increase in whisky exports is good news for Clydebank and Milngavie.

Can the cabinet secretary provide me with any projections that have been made for overseas whisky exports in the next five years—in particular, for the emerging high-priority markets of China and south-east Asia?

Richard Lochhead: Although we might not share the regularity with which we partake of a dram, Gil Paterson and I certainly share an interest in the Scotch whisky industry because we both have constituents who are employed in the sector. As many other members do, we take a close interest in its fortunes.

Although the Scottish Government does not hold the projections that Gil Paterson asks about, "The Scotch Whisky Industry Review" for 2013 reported that the estimated growth rate of whisky exports in the five years from 2012 to 2017 will be 3 per cent a year. It is worth saying to Parliament that the Scotch Whisky Association recently reported that it is aware of about 30 new distilleries being planned in Scotland. That represents phenomenal growth in that iconic sector. No doubt, it is a sign of confidence in the projections for increased exports. I understand that 40 bottles of whisky per second are exported from Scotland. That will continue for many years to come.

Justice and the Law Officers

Police Officers (Grampian)

1. Lewis Macdonald (North East Scotland) (Lab): To ask the Scottish Government how many police officers in Grampian have resigned since the creation of Police Scotland. (S4O-03306)

The Cabinet Secretary for Justice (Kenny MacAskill): The information requested is not held centrally. It is a matter for Police Scotland and the Scottish Police Authority. This Government is continuing to deliver on our commitment to have 1,000 additional officers in Scotland, with recorded crime at an almost 40-year low.

Lewis Macdonald: I am disappointed that the cabinet secretary cannot answer such a simple question, of which he has had several days' notice, giving him an opportunity to consult the chief constable, if he needed to do that.

Does the cabinet secretary recognise that the failure of either his Government or the chief

constable to publish a comparison of police officer numbers in Grampian for the periods before and after the creation of Police Scotland simply fuels the sense of crisis in policing in the north-east and increases concern about the loss of local knowledge?

Kenny MacAskill: I hardly think that the word “crisis” should be used to describe Police Scotland in the north-east.

As the member will be aware, and as the chief constable has made clear, Police Scotland has committed to publishing sub-national data quarterly. Taken together, the latest published figures for the Aberdeen city, Aberdeenshire and Moray divisions show that local resources increased by one, regional resources that are available to the area increased by 12 and national resources that are available to the area increased by five. I accept that that is a marginal increase, but it shows that the delivery of 1,000 additional officers nationally has been maintained, and that the figure is also relevant in the north-east.

The chief constable, the Scottish Police Authority and I are aware that there are challenges, due, in particular, to the buoyant economy in the north-east, which affects the police service as it affects other public services and some aspects of the private sector, given the house prices and the available jobs. However, it is clear that the police service is being maintained in the north-east. Indeed, I recently had the privilege of visiting Tulliallan police college, where new recruits, including many who were going to serve in the north-east, were passing out.

The Deputy Presiding Officer: Question 2, in the name of Chic Brodie, has not been lodged. An explanation has been provided.

Pre-Lisbon Criminal Law and Policing Measures (United Kingdom Block Opt-out)

3. Roderick Campbell (North East Fife) (SNP): To ask the Scottish Government what discussions it plans to hold with the United Kingdom Government about the United Kingdom’s block opt-out of pre-Lisbon criminal law and policing measures. (S4O-03308)

The Minister for Community Safety and Legal Affairs (Roseanna Cunningham): On 19 May, I spoke about the issue by telephone to the Home Office minister who is responsible for the matter, Karen Bradley MP.

As the member knows, we are not party to the negotiation process for the UK to opt back into the 35 measures that it has indicated that it wishes to opt back into, but I expressed the Scottish Government’s concern about UK ministers’ decision to opt out of those important justice and

police co-operation measures and about any potential delay in the process for opting back in.

My officials are available to update the Justice Committee if it would find that helpful.

Roderick Campbell: Obviously, as a member of the Justice Committee, I am concerned about the fact that, last month, Karen Bradley postponed a private meeting with the committee at extremely short notice.

I am grateful to the minister for her comments, but I ask for an assurance that she will continue to express concerns to the UK Government and Karen Bradley, particularly in relation to the European arrest warrant.

Roseanna Cunningham: As I indicated in my initial answer, I have already had a conversation with Karen Bradley. We continue to remind the UK Government that an operational gap between opting out of and back into the measures would have a direct impact on our criminal justice system.

My officials were most recently in touch with Home Office officials yesterday. They commented that negotiations were progressing well and that member states agree on the need to avoid an operational gap that could affect live judicial processes, such as those involving the European arrest warrant. We will continue to seek regular assurances from the UK Government until a seamless transition has been ensured.

The Deputy Presiding Officer: Question 4, in the name of Margaret McDougall, has not been lodged. A satisfactory explanation has been provided.

Air Weapons (Licensing)

5. Jackson Carlaw (West Scotland) (Con): To ask the Scottish Government whether it considers that the licensing of air weapons is a proportionate measure, given that offences involving such weapons have fallen by 75 per cent since 2006-07. (S4O-03310)

The Cabinet Secretary for Justice (Kenny MacAskill): Yes. Although gun crime is at a 32-year low and continues to fall, thanks to the hard work of our police and courts, there is no reason to be complacent. Air weapon offences are not falling as quickly as those involving more powerful types of firearm. There were 171 offences involving air weapons in 2012-13. That is almost half—47 per cent—of all firearms offences in that year, and the figure does not take into account the many incidents that go unreported.

Jackson Carlaw: I inform the cabinet secretary of a conversation that I have had with various constituents—admittedly, they are air rifle enthusiasts—who are concerned that an

unintended consequence of a licensing regime may be that some people apply for a full firearms licence as an alternative. The cabinet secretary may dismiss that concern; indeed, he may be right to do so. Nevertheless, can he confirm what assessment has been made of that possibility?

Kenny MacAskill: I am happy to engage with the member; indeed, we engage through regular meetings and discussions. The legislation has been formed not only in conjunction with the police but through discussions with the British Association for Shooting and Conservation and those who represent responsible gun clubs. If there are concerns, we are happy to engage. The last thing that we want is somebody to obtain such a certificate—in all likelihood at a higher cost than the one that is necessary. I am therefore happy to engage with the member if he so wishes.

On the licensing regime, I am also happy to engage so that we can ensure—through responsible gun clubs, through the BASC, which is rightly vociferous on the matter on behalf of its members, or, indeed, through direct communications between firearms officers and individuals—that individuals obtain the appropriate licence and that the regime balances the appropriate need for a certificate with the safety and security of our communities.

Chief Constable (Meetings)

6. Drew Smith (Glasgow) (Lab): To ask the Scottish Government when it last met the chief constable. (S4O-03311)

The Cabinet Secretary for Justice (Kenny MacAskill): I regularly meet the chief constable to discuss keeping people in Scotland safe. I last met him on 28 May at the public launch of the national “Code of Ethics for Policing in Scotland” at the Scottish Police College. I was delighted to support that important development, which ensures that Police Scotland’s values of integrity, fairness and respect are firmly placed at the heart of our nation’s policing.

Drew Smith: At the cabinet secretary’s next meeting with Sir Stephen House, will he undertake to convey the real concerns that have been expressed by members from across the Parliament about the routine arming of police officers who are on patrol? Will he accept that, regardless of how long that practice has been going on in different parts of the country, it must now be nationally reviewed?

Kenny MacAskill: Such aspects are for the Scottish Police Authority to review, and it may choose to do so. I repeat what has been said previously in the chamber: the regime that operates is the one that operated in Strathclyde, which Mr Smith represents, and in Tayside. It was

instigated in the Northern Constabulary area and has now gone national.

I believe that 98.6 per cent of officers in the Police Service of Scotland are not armed or authorised to be armed—1.4 or 1.6 per cent, or approximately 275 officers, are so authorised. Some of those officers are on leave and some have been abstracted. They operate on a significant shift system, so the number of routinely armed officers in Scotland is a fraction of that number.

However, we have to ensure that there is a balance. Given that there have been incidents in Scotland in which tragedies have occurred—there have also been incidents south of the border and in Norway—we conclude that we must have a limited number of officers who are ready, able and willing to secure our communities. We hope that such a need never arises but, if it does, the balance is reasonable and proportionate. However, I will pass the member’s views on to the Scottish Police Authority.

Margaret Mitchell (Central Scotland) (Con):

Does the cabinet secretary agree that school campus police have an important role to play in developing good relations with young people? Does he consider that police who retire early have a wealth of experience that could be used to good effect if they were encouraged to continue as school campus police? Will he confirm whether the numbers of school campus police have increased or declined since Police Scotland came into existence? Will he raise that issue with the chief constable when he next meets him?

The Deputy Presiding Officer: Four questions there, cabinet secretary.

Kenny MacAskill: I first put it on record that I welcome campus officers.

I do not have that precise information to hand but I will ensure that—probably through the police, because I do not know how the information is formally recorded—we get information out to Margaret Mitchell as best we can.

I certainly appreciate the value of campus officers. Ironically, I was at an event in my constituency with a charity, SkillForce, at which I spoke to the headteacher of a high school in Edinburgh who praised the campus officer, who I knew and who was going to be returning, in a voluntary capacity, to work with the school—Margaret Mitchell mentioned that. Obviously, there is a distinction between whatever voluntary role that individual may have and what might be offered.

I take two points from Margaret Mitchell’s questions. First, campus police do an outstanding job—I accept that. Secondly, there is work that

can and should be done, and such officers have valuable skills that we do not want to lose. However, I do not know whether the role is within the responsibility or aegis of Police Scotland. The headteacher of that high school in Edinburgh was delighted that that individual was returning to the school. It is food for thought for us as an Administration and for the Justice Committee. Doubtless, I will pass that on to the chief constable.

Neil Findlay (Lothian) (Lab): When the cabinet secretary last met the chief constable, did he discuss miscarriages of justice experienced by miners who were arrested during the 1984-85 strike? Will the cabinet secretary meet me and some of those who were convicted who, in their own words, believe that they were arrested on bogus, exaggerated or wholly false charges?

Kenny MacAskill: I did not discuss that precise matter, although I am aware of the issue, which the member is right to raise. We have legislation to deal with miscarriages of justice in Scotland through the Scottish Criminal Case Review Commission. Those who seek to overturn a conviction go through that route. It has always been accepted that policing north of the border is distinct from policing south of the border. The chief constable now serves north of the border, but he was probably serving as an officer south of the border at the time. Nonetheless, he recognises the difference in culture and practice.

Air Weapons (Proposed Legislation)

7. Bruce Crawford (Stirling) (SNP): To ask the Scottish Government how its legislation on air weapons will achieve a balance between protecting communities and allowing legitimate shooting in a safe environment. (S4O-03312)

The Cabinet Secretary for Justice (Kenny MacAskill): We do not believe that it is appropriate to have unlicensed guns in Scotland. Air weapons are potentially lethal. The regime that is set out in part 1 of the Air Weapons and Licensing (Scotland) Bill aims to introduce a familiar, practicable and affordable licensing system that will allow a reasonable and fit person to continue to shoot. Licences will not be provided to those who have no legitimate reason to have guns or who seek to misuse them.

Bruce Crawford: I have written to the cabinet secretary on behalf of constituents who are concerned about the proposed legislation. What is his response to claims that the Scottish Government has not listened to reasoned arguments against the proposals, that the proposals are an excessive, knee-jerk reaction, and that they will be costly to implement?

Kenny MacAskill: I will write to the member in due course. We have had significant discussions. There have been meetings involving all those with an interest, including gun clubs, those who represent the shooting and field sector, and the police. We have to get a reasonable, proportionate and balanced system.

Prior to the launch of the bill, I met the parents of young Andrew Morton. It would be fair to say that Andrew Morton and Sharon McMillan were very supportive of action being taken, because of the tragedy that befell their son and which could and should not happen to any other child.

We are also aware of the problems and tragedies that befall animals because of those who misuse weapons and, next week, I will visit the Scottish Society for the Prevention of Cruelty to Animals.

The consultation was not about the principle of introducing licensing for air weapons but about the practicalities. We believe that the case for licensing has been made. It was made with the tragedy of Andrew Morton, it has been made since and it will be repeated and directly recounted to me by the SSPCA. What we now have is detailed proposals and estimated costs and, as Jackson Carlaw proposed, we will work to ensure that those who have a legitimate reason to possess a firearm, whether it be for pest and vermin control, or whether they are a member of a responsible gun club, will be able to continue to do so.

Liam McArthur (Orkney Islands) (LD): I listened with interest to the cabinet secretary's responses to Jackson Carlaw and Bruce Crawford. He will be aware from our correspondence that there are concerns in my constituency that this is a response to a problem in urban areas that is having a disproportionate impact on rural areas. What assurances can the cabinet secretary give me and my constituents that the concerns of those who live in rural and island areas will be taken fully on board as the legislation progresses?

Kenny MacAskill: I can give the member the same assurances that I gave earlier. I will have meetings with those who represent gun owners and the British Association for Shooting and Conservation, and so on. I predict that the SSPCA will make it quite clear to me that this is not simply an urban issue and that it applies to areas throughout Scotland. Many in more rural areas clearly have greater need to have an air weapon because of their need for pest and vermin control and because they are farmers, and we will take that into account.

The tragedies that have befallen Scotland through the misuse of air weapons, whether they have happened to people or animals, are not

restricted to urban areas; they happen throughout Scotland.

Graeme Pearson (South Scotland) (Lab): The cabinet secretary knows that I support the bill's intentions. Nevertheless, reservations have been expressed about the ability of the authorities, particularly the police, to administer any new licensing arrangement, given the sheer volume of air weapons out there. Has the cabinet secretary costed the exercise, and is he confident that it can be supported?

Kenny MacAskill: We have costed it because that information required to go into the bill's financial memorandum. We are aware of the member's concerns, and it would be fair to say that we have met the chief constable and those who represent him at discussions with officials, and they are happy that the police can cope. That is why we are working with them to ensure that the timescale is appropriate and will allow them time to address matters.

Scottish Police Federation (Meetings)

8. James Dornan (Glasgow Cathcart) (SNP): To ask the Scottish Government when it last met representatives of the Scottish Police Federation and what was discussed. (S4O-03313)

The Cabinet Secretary for Justice (Kenny MacAskill): I meet representatives of the Scottish Police Federation regularly to discuss a range of policing issues of concern to federation members. Our next meeting will be on 25 June.

James Dornan: It is clear that the Scottish Government and the Scottish Police Federation have a close working relationship, which most importantly benefits the people of Scotland and has kept crime down to a 39-year low. Does the cabinet secretary therefore have any advice for his counterpart at Westminster, Theresa May, on how to properly engage in a useful and constructive relationship with her local police federation?

The Deputy Presiding Officer: Briefly, minister, and then we will get in another question.

Kenny MacAskill: I respect very much the work that police officers do and it is appropriate for me to engage and have a constructive working relationship with the Scottish Police Federation. It would be inappropriate for me to refer to Theresa May but, as I have already said to the general secretary of the Scottish Police Federation, we will not implement Winsor or May reforms in Scotland.

Employment Tribunals (Fees)

9. Joan McAlpine (South Scotland) (SNP): To ask the Scottish Government what its position is on the United Kingdom Government's decision to introduce fees for employment tribunals of £250 to

register a case and a further £950 before it gets to a hearing, and the particular effect that that will have on women in equal pay and sexual discrimination cases. (S4O-03314)

The Minister for Community Safety and Legal Affairs (Roseanna Cunningham): The Minister for Energy, Enterprise and Tourism wrote to Jo Swinson MP on 24 June 2013, before the introduction of the new legislation, making clear the Scottish Government's opposition to the new measures. That principled opposition will continue after a yes vote. I would be surprised if any future Scottish Government of any kind would think that such fees are at all appropriate.

Joan McAlpine: With regard to equal pay cases, does the minister share the widespread concern at the failure of North Lanarkshire Council to enter into talks on settling thousands of equal pay cases, despite admitting that mistakes were made?

Roseanna Cunningham: I need to be careful not to stray into colleagues' portfolio areas. I remind the member that councils are independent corporate bodies and decisions on equal pay and pay negotiations and legal costs are entirely matters for them.

Nevertheless, the Scottish Government is keen to see a resolution to all local authority equal pay claims, and will continue to encourage the Convention of Scottish Local Authorities and councils to resolve all such issues as quickly as possible. With the full powers of independence, we would have the power to enforce the provisions of the Equal Pay Act 1970. Of course, fees for raising an action in a tribunal will adversely impact on precisely the people who are so unfairly affected by the decision of North Lanarkshire Council.

Elaine Murray (Dumfriesshire) (Lab): The minister will remember that, at stage 2 of the Tribunals (Scotland) Bill, I lodged an amendment to try to prevent the charging of fees. In the event that employment tribunals are devolved to the Scottish Courts and Tribunals Service, which is what many of us want to happen, what mechanism does the minister propose to use to ensure that such fees cannot be charged?

Roseanna Cunningham: I remind Elaine Murray of my response at stage 2, which was that the decision-making process on the fees that might or might not be considered applicable are for the policy areas in which the tribunal is located. For example, the Lands Tribunal for Scotland has always had a fee structure, and Elaine Murray's proposal would have removed such structures from tribunals that have always had them.

We do not envisage this sort of thing happening in future, and I cannot comment on the decision-making process on the formation of the Lands

Tribunal's approach to fees. In any case, as far as we are concerned, that is a matter for the individual policy area within which any tribunal emanates.

Independent Scotland (European Union Membership)

The Deputy Presiding Officer (John Scott):

The next item of business is a European and External Relations Committee debate on its inquiry into the Scottish Government's proposals for an independent Scotland: membership of the European Union.

I call Christina McKelvie to open the debate on behalf of the committee. Ms McKelvie, you have 14 minutes.

14:41

Christina McKelvie (Hamilton, Larkhall and Stonehouse) (SNP): When last December the European and External Relations Committee started out on its inquiry into the Scottish Government's proposals for EU membership, I, like the rest of the committee, was very keen that we provide voters with a source of valuable information on the subject of EU membership itself. I recognised that some would be more persuaded by certain arguments than others, but my key objective was for the report to help voters understand more about the EU and what EU membership would mean for an independent Scotland. I did not expect the committee to agree on a number of the issues under consideration, but I hoped that a report would allow voters to find out more about EU membership and to make up their own minds.

All of the committee members have seen vast amounts of evidence and have listened to many excellent speakers, including academics, European Commission representatives, former senior civil servants and representatives of EU institutions across Europe. That evidence has been distilled into the committee's second report, which was published on 23 May and with which I am sure colleagues are very familiar.

The committee's inquiry lasted from last December until April and involved taking evidence from a wide range of experts on the EU, including former officials, academics and lawyers. We heard from those who supported the Scottish Government's proposals and those who did not, and we took evidence on a considerable range of issues related to the inquiry's three themes: an independent Scotland in the EU; the road to EU membership; and the impact of small states in the EU. Indeed, our approach was so comprehensive that—as I was very flattered to note—the House of Commons Scottish Affairs Committee, which sat for one day on this topic, drew significantly on our evidence for its own report on Scotland's membership of the EU.

As I think we have all learned over the past month, our membership of the EU is not by any measure a lightweight subject, and the historic challenges and accusations about too much bureaucracy, the waste of money, the ineffective policies and the overpaid civil servants continue to blight more intelligent debate on Europe. I thank all the witnesses who gave evidence to the committee, many of whom travelled from other EU member states to appear before us, and I also thank the organisations and individuals who made the great many written submissions that our inquiry received. They helped to ensure that the committee could draw on a rich seam of evidence. Finally, I thank the committee's adviser, Dr Daniel Kenealy, for his expert advice and briefings.

Finally, I thank our clerks Clare O'Neill and Jenny Goldsmith, who were ably led by Dr Katy Orr. They put an amazing amount of work into this inquiry, using up some of their weekends to do so, and organised everything that we needed to inform what is a very comprehensive report.

The debate is topical, as it is being held shortly after the European elections, which saw the election of a large number of Eurosceptic members of the European Parliament in a number of countries across Europe, most notably in the United Kingdom, France and Denmark, but also in Austria and the Netherlands. In light of the European Parliament election results, I turn to the first theme of the inquiry, which was one of the three key themes that the committee explored: the value of EU membership to Scotland.

The evidence that the committee heard overwhelmingly supported an independent Scotland being a member of the EU, regardless of the witnesses' views on independence. We had many witnesses from both sides of the argument, but they generally agreed that being in the EU is a good thing.

The reality is that the EU is the main destination for Scotland's international exports. In 2011, it accounted for around 46 per cent of Scotland's international exports, with an estimated value of around £11 billion. Those exports support a total of 110,000 full-time equivalent jobs. I draw members' attention to the importance of free movement and free trade, which helps to protect jobs in Scotland, and to the massive economic benefits that free trade in a market of more than 500 million people brings to us.

Many witnesses brought up all those topics, and many stressed the importance of EU membership in a very interconnected and globalised world. For example, Jim Currie, who is a former European Commission director general, stated:

"We live in a very interconnected world, in which one's interests, whether they relate to trade, environmental standards or anything else, really depend on being part of

something bigger, particularly if one is a small country on the edge of Europe."—[*Official Report, European and External Relations Committee*, 20 February 2014; c 1806-7.]

That is notwithstanding the fact that many small countries on the edge of Europe are independent.

Other witnesses stressed the value of the European single market, which provides for the free movement of goods, people, services and capital within the EU, and gives individuals the right to live, work, study or retire in another EU member state. The impact of the EU single market in Scotland can be seen in a number of areas. Some 160,000 EU citizens from other member states now live in Scotland. They have helped to reverse Scotland's population decline and make Scotland a more vibrant and multicultural society. Students from all over the EU are attracted to study in Scotland's 19 world-class universities.

For Scottish businesses, the EU represents the main destination for Scottish exports, which have an estimated value of £11 billion. As I said, they support 110,000 full-time equivalent jobs. Furthermore, Scotland benefits from the bilateral free trade agreements that the EU has negotiated with more than 50 partner countries all over the world. That is notwithstanding some of the challenges that have been raised with the transatlantic trade agreement, which we will perhaps consider at a later date.

We should not forget the EU's contributions through its social agenda. The principle of equal treatment guarantees EU citizens minimum standards in legislation in relation to employment, with parental leave and sustainable working hours underpinned by EU legislation. The more common term that is used is "the social chapter". There is also the commitment to non-discrimination, which is enshrined in article 19 of the Treaty on the Functioning of the European Union. That states that the EU will

"combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation."

As members know very well, all those issues are very close to my heart.

Finally, we should not forget the benefits that EU funding has brought to Scotland over the years. I am sure that everyone in the chamber is familiar with projects—whether they are employability, infrastructure or research projects—that have been funded by European moneys. In the previous funding period, between 2007 and 2013, Scotland received €4.5 billion in common agricultural policy funding and around €800 million in European structural funding.

During the inquiry, we were reminded of how the European Union has brought stability to Europe. As Professor Sir David Edward told the committee,

the European project was initially related to the prevention of European wars and bringing stability to the continent. Many witnesses raised the interesting proposition that, as individuals in the EU, we have rights conferred on us as EU citizens. That is a separate seam that should be investigated a bit further.

The committee sought to explore public attitudes to EU membership in Scotland with a view to establishing whether Scots support EU membership. I will draw on the 2013 Scottish social attitudes survey to consider that question. That survey asked respondents whether, in the event of independence, Scotland should be a member of the EU. Some 34 per cent said that Scotland should definitely be a member of the EU; 34 per cent said that it should probably be a member; 12 per cent suggested that it should probably not be a member; and only 12 per cent considered that it should definitely not be a member. That seems to provide clear evidence of support in Scotland for EU membership.

In considering the value of EU membership to Scotland, we did not neglect to take evidence on the alternatives. We heard very interesting evidence from officials from the European Free Trade Association on membership of the European economic area. We took most of that evidence by videoconference, but some of the officials came over to Scotland to give evidence.

It was great to explore what EFTA means, how we can understand it and how it works. In addition to the views of other witnesses, that evidence pointed to the lack of formal opportunities for Norway, Iceland and Liechtenstein to influence EU decision making, despite the fact that they need to implement large proportions of EU legislation to access the single market and contribute to the EU budget. Thus, being a member of EFTA and the European economic area does not represent a desirable alternative for an independent Scotland. I am sure that there are others who will disagree with that, but the weight of evidence suggests that that is not desirable.

The second theme that the committee considered as part of its inquiry was the road to EU membership—it was probably the hottest topic in the inquiry—and how Scotland would become a member state in its own right. This theme was the subject of the majority of evidence that was received and the one on which there were the most divergent views. As one of the witnesses joked, if you get four lawyers in a room you will get eight different opinions on what might happen.

Much of the discussion focused on whether article 48 or article 49 of the Treaty on European Union provided the legal basis for an independent Scotland's membership of the EU, but there was also a considerable amount of evidence that

suggested that the legal route would be tailored to the situation at hand. Many witnesses suggested that the UK and EU would find a way to sort any problems, as the EU is very pragmatic in that regard. For instance, Professor Laura Cram argued that

“the lawyers will come up with a compromise. We may have an article 49 process that, in practice, looks more like an article 48 process.”—[*Official Report, European and External Relations Committee*, 16 January 2014; c 1660.]

I suspect that the legal route for membership will be a key focus of the debate today, and I will leave other members to debate that. However, I think that it is important to be aware of the many examples of pragmatism in the history of the European Union. I draw members' attention to evidence that Mr Graham Avery gave in that regard to our committee and to the Royal Society of Edinburgh. An RSE report stated:

“Mr Avery called it ‘absurd and unlikely’ that an independent Scotland would have to go through the same EU accession process as a non-member state, and proposed to outline ‘a common sense approach’ to Scotland's accession to the EU.”

The third theme that the committee took evidence on as part of the inquiry was that of the role of small states in the European Union. We had an evidence session with members of—I might not get this pronunciation right—the Houses of the Oireachtas Joint Committee on European Union Affairs, who provided examples of the success that Ireland has had over the years in influencing EU policy making, particularly when it held the presidency of the European Council. I am sure that there are very few people across Europe who would not describe that presidency as very successful, because many issues that had taken a while to come to fruition were finally resolved.

We also heard of examples of the ways in which small member states have successfully focused their efforts in order to influence EU policy. We heard that small states work together to solve problems that individual states could not solve on their own. There is a lot of collaborative working among them, but each state maintains its independence and policy pragmatism. For example, we heard how Denmark had pursued the development of labour market policies and how Luxembourg's priorities were linked to the financial sector.

It was suggested that Scotland, as a member state, could contribute in the fields of research, agricultural policy and energy policy, particularly in relation to renewables, which held a lot of interest for the witnesses whom we had at committee. They were very keen to point out the clear benefits of renewables, the areas where Scotland is leading the way in them, and how we can continue to do that.

I hope that I have given members a taste of some of the evidence that emerged from the inquiry. I would strongly recommend the committee's report to anyone who is interested in learning more about an independent Scotland's membership of the EU. The report is comprehensive but very straightforward.

Again, I thank everyone who was involved in the report: committee colleagues, committee clerks, everyone who gave evidence and our adviser. I commend the report to members.

14:54

The Cabinet Secretary for Culture and External Affairs (Fiona Hyslop): Just a few weeks ago in this chamber, we debated "Scotland's Voice in the European Union" and recognised the importance of engaging the EU to preserve the achievements of the European project. We recognised not only that the EU has brought us peace and stability for more than 40 years, but that our social, economic and cultural landscape is all the richer for our being a part of it.

With that in mind, I thank the European and External Relations Committee for its efforts to streamline EU issues across the Parliament and to inform the public about European matters. A particularly important element of the work has been the committee's inquiry into Scotland in the EU, which has brought together a number of eminent EU experts to explore the proposals made in the Scottish Government's publications, "Scotland's Future" and "Scotland in the European Union". I commend the committee for ensuring that a diverse and balanced array of specialists from a variety of backgrounds was able to give views on the proposals, contributing to the very comprehensive, accessible and detailed report, which was published on 23 May.

A key message heard by the committee was that there is overwhelming support for an independent Scotland being a member of the EU and that our EU membership would be in the best interests of Scotland and other EU member states. Elaborating on the reasons for that, the committee's report cites, on pages 4 to 9, a number of benefits of our membership of the EU, such as access to a single market and bilateral free trade agreements, free movement rights, and access to structural and competitive funding.

I am encouraged that a number of the inquiry witnesses agreed that it would be "absurd" to say that the people of Scotland would stand to lose those benefits simply by virtue of exercising their democratic right to choose a new constitutional settlement. The Scottish situation is entirely different to a new state being formed by annexation, merger or the unilateral declaration of

independence. Our independence will come about as part of a consensual, democratic and participatory process. That will be entirely consistent with the Treaty on European Union, which states that the EU is founded on the values of freedom, democracy, the rule of law and respect for human rights.

As Sir David Edward highlighted in his written evidence to the committee, which is cited on page 29 of the report, the EU treaties

"create 'a new legal order'"

of international law. That differs from conventional international law in that the subjects are not only member states but citizens. Why, then, would anyone suggest that 5 million of them should be removed from the European Union for exercising their right to self-determination in a democratic process that exemplifies the EU's founding values?

Neil Findlay (Lothian) (Lab): What the cabinet secretary says is all very interesting, but it is only assertion. She is simply making an assertion just like anyone else might do when talking about what might happen. There is no certainty in this, is there?

Fiona Hyslop: I make two points in response to that. First, I have just reflected the evidence that was provided by a number of witnesses to the committee's inquiry. Secondly, if you really want to look at uncertainty, you should look together with your colleagues in better together, the Conservative Party, at how your support for the union will deliver an in/out referendum for the people of Scotland. Your togetherness will provide an exit door for the people of Scotland.

The Deputy Presiding Officer: I ask the cabinet secretary to speak through the chair, please.

Stewart Stevenson (Banffshire and Buchan Coast) (SNP): Will the member take an intervention?

Fiona Hyslop: A very brief one.

Stewart Stevenson: The minister will be aware that the treaty that covers how the European Union operates makes reference in article 50 to when a state may apply to leave. That is the only provision on the matter. Under article 5(2), competences are given by the member states to the European Union and only those competences can operate. No competence appears to have been given to the European Union to allow it to expel citizens or territory. Is that the Government's understanding?

Fiona Hyslop: The member makes the point that there is no provision under EU law to allow citizens that are members of the EU to leave the

EU. Our proposals on the continuity of effect are common sense; indeed, they make sense from everyone's point of view.

The EERC's inquiry shows that it is not just supporters of independence who are questioning the arguments for how or whether it would be desirable, or even possible, for the Scottish people to be left in such a situation. The balance of the evidence that the committee heard—from Professor Laura Cram and Jim Currie, for example—showed acceptance that Scotland would of course continue its EU membership post-independence and highlighted how a pragmatic and commonsense solution could be found. Even David Martin, who is Labour's most senior MEP, Dr Ian Duncan, who was recently elected as a Conservative MEP for Scotland, and Sir Graham Watson, who was until the recent Liberal Democrat wipeout the president of the European Liberals, have recently acknowledged that an independent Scotland will be welcomed as an EU member.

It is noteworthy that not a single witness considered that Scotland being cast out of the EU would be a desirable outcome. A hiatus in our membership is described on page 3 of the report as an "absurd" situation that would abridge the rights of Scots and citizens of other member states.

With that in mind, it is clearly in everyone's interests for the Scottish Government's timetable for EU membership to be met. We are confident that our proposals to negotiate membership from within, under article 48 of the Treaty on European Union, represent the most pragmatic approach. I am pleased that Graham Avery, an honorary director general of the European Commission, recognised that the timeframe that we propose is realistic—that is mentioned on page 63 of the report. I recommend his recent European Policy Centre publication, which highlights that the EU will look at Scottish independence flexibly and pragmatically.

Willie Rennie (Mid Scotland and Fife) (LD): The cabinet secretary has not addressed the terms of membership for an independent Scotland joining the European Union. Will she address that point?

Fiona Hyslop: I am glad that the member recognises that continuity and membership within our timetable are the right way forward, which means that the only issue is the terms of the negotiation about membership and the budget. That is why continuity of effect will be satisfactory for the rest of the UK and other member states, given that the budget, which has been closely negotiated recently, will have been operating for a number of years. Continuity of effect is an important part of how we deliver membership to

best effect not just for Scotland but for other member states.

EERC members heard from their Irish colleagues, who provided examples of Ireland's negotiating successes in the budgetary talks that I just referred to and on the CAP. Members should remember that Scotland receives the lowest average payment per hectare from rural development funding. An independent Scotland would have benefited from the EU minimum rate of €196 per hectare, which would have meant an extra €1 billion of support over the convergence period.

Ireland also successfully enhanced its key priorities in what was, as Christina McKelvie said, an internationally acclaimed presidency of the Council. Ireland has dedicated significant time and resource to building relationships.

The nature of EU decision making means that all member states, regardless of size, form coalitions to achieve their objectives. The shift to a double-majority system for Council voting this year is highly significant and improves the position of smaller states. It means that the support of at least 55 per cent of member states and 65 per cent of the EU's population will be required for a qualified majority in the Council. The new voting procedures are more likely to protect and enhance the advantages that smaller states enjoy and the co-operation and alliances that they engender.

Smaller states can press their interest on every occasion. It is unacceptable that we cannot do so. With a direct voice we could address that, whereas we are currently forced to accept whatever deal the UK negotiates for us.

The case for Scotland's future being in Scotland's hands has never been clearer. The election results across the EU sent a clear message that citizens want a refocused, reformed and more accessible Europe, in which decision making is brought closer to the people and the local interests that the EU exists to serve. As is set out in "Scotland's Priorities for EU Reform", the Scottish Government has made a number of proposals on youth employment, a social dimension to economic reform—such as the living wage—and pursuing agendas on energy security, climate change and the low-carbon economy.

We as a Government can achieve much, but it is also important to bear in mind the role that the Parliament has to play in informing the electorate about the European Union. The committee has sourced, compiled and simplified a range of information against the backdrop of our constitutional journey. I look forward to the debate and urge the committee to continue to compile such balanced and informative information on EU matters.

The UK Independence Party's success in topping the poll south of the border in the recent European elections acts as a stark reminder of the threat that people in Scotland face from continued Westminster control. The Conservative Party's promise of an in/out referendum by 2017 reinforces that threat. The real risk to Scotland's membership of the EU comes from staying with the Westminster Government, which is careering towards the EU's exit door, drawn by a concerted right-wing dogma and drift and a political elite that is unable and unwilling to stand up to UKIP's pernicious policies and is instead being driven by them.

The people of Scotland are perfectly capable of thinking and acting for themselves and fighting for the interests of this country, as part of the international community, co-operating in a peaceful and productive manner. That is the vision of Scotland that we seek.

15:05

Alex Rowley (Cowdenbeath) (Lab): The committee's report tells us two things. First, it tells us about the workings of the committee that produced it. Secondly, and more important, it tells us about the Scottish Government's proposals for an independent Scotland's membership of the European Union.

I make clear that the committee was split between members who want an independent Scotland and members who think that Scotland's best interests will be served by remaining part of a strong United Kingdom, within Europe.

On an independent Scotland's position in the EU, the evidence is that nothing is certain. Most witnesses thought that article 49 remains the most likely route to EU membership and that negotiations would be tough. The Scottish Government's timescale for the negotiations remains highly optimistic, at best. It is clear that there would need to be amendments to all relevant treaties of the European Union, which would need to be unanimously agreed by all 28 member states.

What would be up for negotiation? The report highlighted important areas, such as the single currency opt-out. We might have to commit to joining the euro at our point of entry or later. Given that the Scottish Government is all over the place on the currency, and given that it would not be in an independent Scotland's best interests to keep the pound and have no say over interest rates, money supply, the banks, employment targets or crisis measures, perhaps the euro is the nationalists' plan B for a future currency.

On opt-outs on Schengen and justice and security measures, and on the rebate, which

would have major financial implications for the people of Scotland, there is a consensus that tough negotiations would be needed, although nationalist ministers still insist that there would be no compromise.

The view of nationalist ministers is not shared by the many experts who gave evidence to the committee, as the report shows. Aidan O'Neill QC told the committee:

"One cannot assume that an independent Scotland will inherit all the benefits of the negotiations that have previously been carried out on behalf of the UK as a whole."—[*Official Report, European and External Relations Committee*, 23 January 2014; c 1696.]

The director of the Surrey international law centre went further. He said:

"the fundamental flaw in ... the White Paper is that it fails to acknowledge that the EU membership of an independent Scotland would require the agreement of the EU institutions and Member States, which may well decide not to offer Scotland opt-outs comparable to those that the UK would continue to enjoy".

He went on to say that the nationalist Government's white paper

"does not provide a realistic assessment of a probable and foreseeable outcome of the accession negotiations."

I could quote many more experts in the field, all of whom said that negotiations with the EU would be tough. Are they all wrong? If our definition of "wrong" is "disagreeing with the wisdom of Mr Salmond and Ms Sturgeon", I suppose that they are wrong.

However, there is far too much at stake for all the questions and issues to be brushed aside by nationalists who are set on independence at any cost. We know that there would be major concerns about the pensions of thousands of Scots because of EU rules on cross-border pensions, but such important issues are just brushed aside.

Stewart Stevenson: Will the member give way?

Alex Rowley: I intend to make progress.

If someone does not agree with Mr Salmond's grand vision, they are wrong, whether they are an internationally recognised expert, the National Association of Pension Funds or the President of the European Commission.

Even with the amendments of the four nationalist members, which were, in my view, designed to shift the factual balance, the report sets out key evidence on the most important issues to face the Scottish people as we move forward to the referendum in September. To summarise the report, there is no clear route to Scotland's EU membership within the EU treaties. The overwhelming legal view is that the correct

process for an independent Scotland to follow would be article 49.

Stewart Stevenson: Will the member take an intervention?

Mike MacKenzie (Highlands and Islands) (SNP): Will the member take an intervention?

Alex Rowley: Yes.

Stewart Stevenson: Would the member—

Mike MacKenzie: Could the member—

The Deputy Presiding Officer (Elaine Smith): Could you both sit down a moment, please?

Mr Rowley, whose intervention are you accepting?

Alex Rowley: The gentleman.

The Deputy Presiding Officer: Mr Mike MacKenzie?

Alex Rowley *indicated agreement.*

Mike MacKenzie: Mr Rowley is obviously concerned about the possibility of coming out of Europe, but with the United Kingdom Independence Party winning the elections in the rest of the UK just last week, does he not think that there is a high chance that the rest of the UK will come out of Europe?

Alex Rowley: There is widespread consensus that it is in Scotland's interests—irrespective of whether it is part of the United Kingdom or whether the yes campaign is successful in September—to remain part of Europe. However, where that consensus breaks down, as the evidence given to the committee makes absolutely clear, is that doing so would not be straightforward if Scotland were independent, because there would be major negotiations and major risks to Scotland's future.

As the report makes clear, the overwhelming legal view is that the correct process for an independent Scotland to follow is that in article 49 and that, regardless of the route taken to EU membership, the agreement of all 28 member states would be required. That is important—we would need 28 countries to sign up to the agreement. The timescales set out by the SNP are unrealistic in relation to continuing the existing UK opt-outs and rebates. However, it is clear that the SNP simply dismisses opposing arguments and other points of view, rather than engaging on the issues.

It is unclear what would happen if the SNP does not get everything that it wishes for. Would our future in Europe be less secure under the nationalist Government's plans? Is it committed to giving the Scottish people an in/out referendum on EU membership if post-independence negotiations

do not go its way? This is a major issue as we move forward, and I welcome the committee's report, which gives a lot of information that people will be able to use.

15:12

Jamie McGrigor (Highlands and Islands) (Con): I welcome the debate, which comes after almost six months of evidence taking by the European and External Relations Committee. We heard from more than 30 witnesses, from academics to legal experts, UK and Scottish ministers, and representatives from other EU countries. We spent more than 16 hours formulating a report following the inquiry. However, although I believe that the inquiry was comprehensive, I am disappointed with the final report.

I have no hesitation in praising the clerks for their initial draft report. As a team, the clerks provided us with invaluable advice, put together a balanced platform of witnesses and reported in a balanced and fair manner. That is why I am disappointed that I have to start on a slightly sour note.

I believe that the first draft of the findings of the inquiry contained in the clerks' report was a true, balanced and fair record of the evidence that we received from the witnesses who contributed to the inquiry. Under the code of conduct for members, it would be remiss of me to go into detail as to what that first draft contained, particularly with regard to its final conclusions, but I do not believe the final published report to be an evenly balanced reflection of the evidence presented to us.

Members will note, on page 82 of the published report, that Alex Rowley argued

"that the Committee should agree the draft report without any proposed changes."

That was supported by me and Hanzala Malik. Further to that, on page 89 of the final version of the report, members will see that Hanzala Malik, supported by Alex Rowley and me, argued that the original draft of the report of 24 April should

"be included in an annexe as a minority view/statement"

to the report.

Both suggestions were voted down by the SNP members on the committee, thus suppressing views that had twice been expressed. The convener says that she wants evidence to be available to the public about Scotland's membership of the EU, so why suppress it? The week before our report was published, the Public Audit Committee allowed a minority report to be included as part of an annex to a report.

Clare Adamson (Central Scotland) (SNP): Will the member take an intervention?

Jamie McGrigor: I am sorry, but I want to make some progress.

The treatment that has been shown to Opposition members on the committee flies in the face of transparency, which is one of the founding principles of the Parliament, and I condemn it; it could lead people to the wrong conclusions on a vital issue.

I now want to concentrate on the more positive aspects of the inquiry, in which many of the witnesses demonstrated an independent mind in what they said. Perhaps we are in danger of repeating arguments on the subject that were aired in the chamber only six weeks ago, but I am more than happy to reinforce the crucial reasons why an independent Scotland would not have an automatic right to accede to membership of the EU.

Stewart Stevenson: Will the member take an intervention?

Jamie McGrigor: No, not at this point.

Many of us would have been unaware previously that the entry of an independent Scotland into the EU would be based on article 48 or article 49. We heard conflicting evidence from witnesses about which route an independent Scotland would need to take to accede to EU membership. For my part, I believe that the overwhelming arguments, as well as the legal framework for accession, lead us to the article 49 route. Article 49 explicitly states that any new state that applies for membership, such as Scotland, must follow the same process. In a nutshell, that means signing up to the euro and agreeing to the Schengen agreement, without even the proviso that we would be accepted. The 18-month timescale is unlikely to be met, given that it took Croatia almost a decade from applying to being admitted.

From the many experienced, influential and key experts who gave evidence to the committee, it is clear that an independent Scotland would not have an automatic right to be admitted to the EU.

Fiona Hyslop: Austria, Sweden, Finland and Norway concluded negotiations on entry to the EU in 13 months. That was in the European Commission report dated 26 April 1994. Bearing in mind that those countries conducted those negotiations from outside the EU and that Scotland will be conducting them from within the EU, and given that we already comply with the *acquis communautaire*, what is your problem with our trying to ensure that the timescale is common sense, practical and highly realistic, as your Government's legal adviser has said that it is?

The Deputy Presiding Officer: Through the chair, please, cabinet secretary.

Jamie McGrigor: It is not my problem, minister; it is the problem of the expert witnesses who gave evidence.

The Deputy Presiding Officer: Through the chair, please, Mr McGrigor.

Jamie McGrigor: I think of the contributions to our inquiry that were made by leading academics such as Kenneth Armstrong, professor of law at the University of Cambridge, who said that article 48—the so-called fast-track means by which an amendment to the treaties would be sufficient for membership and the route that is preferred by the Scottish Government—would be legally implausible and “incredibly politically risky.”

Professor Armstrong went on to say that article 48 is

“a way of renegotiating the treaties between existing member states and not ... with ... some other non-member state.”

I am also reminded that Patrick Layden QC said:

“If we decide seriously to leave the United Kingdom, one of the consequences that is reasonably clear and generally agreed is that Scotland will not be part of the European Union.”—[*Official Report, European and External Relations Committee*, 23 January 2014; c 1695 and 1692.]

We also need to consider what the President of the European Commission, José Manuel Barroso, said on Scotland becoming a member of the EU. He was supported in his view by his EU Council counterpart Herman Van Rompuy. Only earlier this year, Señor Barroso's deputy, Viviane Reding, wrote to the committee's convener, stating:

“When part of the territory of a Member State ceases to be part of that State, e.g. because that territory becomes an independent state, the treaties will no longer apply to that territory.”

Even before those recent comments were made, as far back as 2004 Señor Barroso's predecessor, Romano Prodi, was saying exactly the same thing. I repeat the question that I have asked on previous occasions: why does this Government easily dismiss the views of experts on the EU and respected EU officials?

The inquiry looked at three vital themes in relation to how an independent Scotland could have a position in the EU, as well as the Prime Minister's commitment to hold a referendum on the UK's membership of a reformed EU. I will deal with that last point first. The Scottish National Party continually perpetrates the myth that Scots have no desire to take part in a referendum on EU membership, despite the fact that, in February, an Ipsos MORI poll concluded that the people of Scotland were more interested in a referendum on Europe than they were in one on Scottish

independence. Figures show that 58 per cent of Scots want a referendum on membership of the EU, but only 31 per cent want independence. Indeed, of that 58 per cent who believe that such a referendum is necessary, a staggering 63 per cent are SNP supporters.

The Deputy Presiding Officer: You must conclude, please.

Jamie McGrigor: I sincerely hope, as a committed European, that we will vote in favour of a reformed EU. I also hope that the cabinet secretary will accept that putting EU membership to the people does not mean that, in her words,

“we are careering towards a potential exit.”—[*Official Report, European and External Relations Committee*, 3 April 2014; c 1966.]

The Deputy Presiding Officer: We move to the open debate. Speeches of six minutes, please. We have a little bit of time in hand for interventions at this stage.

15:20

Annabelle Ewing (Mid Scotland and Fife) (SNP): I am pleased to be called to speak in the debate. I welcome the report of the European and External Relations Committee, which I had the pleasure of being a member of in the earlier part of the parliamentary session.

In my view, the committee sets out very clearly in its report the issues under discussion and the views that were expressed by a number of key players. The report assiduously references the source documents by way of a plethora of footnotes, and, of course, the significant number of evidence sessions are noted in an annex to the report. I understand that the evidence sessions ran to some 16 hours, with some 30 witnesses being called to give evidence, so the report represents a substantial piece of work and I commend the committee members—and, of course, the clerks—for their hard work.

What can a reasonable person conclude from the report? What is clear to me is that following a yes vote, Scotland will indeed take its place at the top table in Brussels, where we will be able to speak with our own voice and ensure that our interests are represented—I contrast that with the rotten deals that successive Westminster Governments have secured for our country and our people. I simply refer to the example of the recent CAP renegotiations, in which the UK managed to negotiate us to the bottom of the funding table for pillar 1 and pillar 2.

Looking to the future, how will it come about that, following a yes vote, we will be at the top table? The committee report goes through the various stages. We will, as the cabinet secretary

said, negotiate our position from within the EU, and we will do so within the 18-month timeframe that is set out in the Scottish Government's white paper.

On the issue of the 18-month preparation period following a yes vote, leading to Scotland becoming an independent country on 24 March 2016, members should recall that it was the UK Government's own legal adviser, Professor James Crawford, who considered such a timescale to be realistic.

That view was echoed by another expert, Graham Avery, whom the no parties did not quote—I wonder why. Graham Avery is a senior member of St Antony's college, Oxford—

Lewis Macdonald (North East Scotland) (Lab): Will the member take an intervention?

Annabelle Ewing: I would like to make some progress, please.

Graham Avery is also an honorary director general of the European Commission, and he negotiated the UK's entry into what was then the European Economic Community and wrote the membership applications of some 14 other countries. He said:

“Although the target of 18 months would require intense activity, it is realistic.”

The next issue concerns the process by which such discussions would ensue. It is clear from the report that much attention has focused on an analysis of articles 48 and 49 of the Treaty on European Union. A reasonable person can conclude from the discussions that a strong case can indeed be made for the article 48 route that the Scottish Government proposes in the white paper. That reflects the reality of the *sui generis* situation that Scotland would be in following a yes vote, because Scotland would still be a part of a member state—the UK—for an 18-month period. Scotland would still be subject to the *acquis communautaire*, which has been the case for more than 40 years, and the citizens of Scotland would be deemed to have acquired rights under the EU treaties, as would citizens of other member states, as far as their dealings with Scotland are concerned.

Scotland's unique position has been reflected in the comments cited in the report from one of the recognised architects of the EU as we know it today: the former European Court of Justice judge, Sir David Edward, who said:

“In my view, all the discussion about the rights of states entirely ignores the fact that people here and people who are dealing with us have what are called acquired rights. My view is that the institutions of the EU and the member states, including the United Kingdom, have an obligation, if there is a vote for independence, to ensure that those acquired rights are not abridged or terminated. That

imposes an obligation to negotiate before there is any question of separation—before we get to the stage at which there is a new state.”—[*Official Report, European and External Relations Committee*, 23 January 2014; c 1689.]

That is an authoritative statement from one of the key authoritative figures in the EU legal world, as anybody who knows anything about the EU would accept. Again, that person has not been quoted by any speaker from the no parties—I wonder why.

The case for using article 48 as the mechanism has also been supported by Graham Avery, as paragraph 134 of the committee’s report points out. An argument against formal recourse to article 49 can be found in the comments of Professor Stephen Tierney, who, as paragraph 116 points out, said:

“The lengthy and involved process associated with Article 49 might well be considered unsuitable for Scotland’s accession since Scotland is already part of a member state, meets the Copenhagen criteria and is fully compliant with the *acquis communautaire*.”

It is clear from the report that the discussion on the appropriate mechanism must be seen in the context of the EU’s *modus operandi*, which, as the committee convener rightly said, is that of pragmatism above all else. It can be seen from Professor Michael Keating’s comments, which are referred to in paragraph 62, that the overarching pragmatic approach of the EU to dealing with issues is recognised.

Perhaps the final question that should be asked is whether it is in the EU’s political interests to keep Scotland. The answer to that is clear, for the EU is an expansionist organisation that is based on the rule of law. It respects fundamental human rights, including, therefore, the right of a people to exercise self-determination. Scotland has 60 per cent of EU oil reserves, 25 per cent of EU offshore renewable energy reserves, hugely rich fishing resources and top universities and centres of excellence for research. The only threat to Scotland being part of the EU comes from the Westminster in/out referendum that is coming. The only way to ensure that we are not dragged out of the EU and taken away from the internal market of 500 million people is to vote yes on 18 September this year.

15:26

Lewis Macdonald (North East Scotland) (Lab): This is one committee inquiry that is more useful for the evidence that was given to it than for the conclusions that were drawn by its SNP majority. As with most aspects of the referendum, there are few uncontested facts. Just as the process of secession from the United Kingdom raises a series of questions that cannot be answered with certainty unless or until it happens,

so the process of separate accession to the European Union does exactly the same.

The committee’s report acknowledges that our current access to the benefits of EU membership is the result of the decision that we took collectively as the United Kingdom to join the European Community some 40 years ago. The terms and conditions that currently apply are those that have been negotiated over time by successive UK Governments. An in/out referendum on Scotland’s membership of the UK therefore poses a direct and immediate risk to our continued membership of the EU, because our inclusion in the EU is a function of the treaty undertakings of the UK.

As Jamie McGrigor reminded us, the European institutions advise that

“when a part of the territory of a Member State ceases to be part of that state ... the treaties will no longer apply to that territory.”

It is true that the witnesses took different views on that proposition, but nothing in the report justifies simply disregarding that very clear advice, as the cabinet secretary is clearly keen to do.

It took ministers many months to admit it, but nobody now seriously disputes that Scotland would have to negotiate the terms of membership if it was to join as a separate sovereign state by whatever route. At this juncture, we cannot tell what those terms would be, and we have already heard about some of the uncertainties on issues such as membership of the euro, the Schengen agreement and the loss of access to the UK’s rebate.

If it is true that the process of joining the EU is essentially political, any obligation can be waived if the political will is there on the part of every member state to allow a new member to join with a different set of obligations.

The Minister for External Affairs and International Development (Humza Yousaf): The member’s colleague David Martin MEP has said that the European Union

“are not going to force us to join Schengen. They’re not going to force us to join the euro.”

Why was his colleague wrong?

Lewis Macdonald: Did I say that my colleague was wrong? Of course I did not. If Humza Yousaf had listened to me, he would have heard me clearly say that all those things can be negotiated as part of a political process, but it is a process in which every concession on the one hand will require a concession on the other hand in order to reach agreement.

Each and every member state would have to sign up to all the proposed terms of membership,

so the question has to be who would persuade them to do that. At present, the Scottish Government proposes that an independent Scotland's membership of the EU should be negotiated on its behalf by the UK Government, even while negotiation over the division of assets and liabilities between Scotland and the rest of the UK was still going on. The UK, however, would be one of the 28 member states that would need to agree to the accession of a new member state.

Fiona Hyslop: Does Lewis Macdonald recall David Cameron's STV interview, in which he said that he would "absolutely" support Scotland's membership of the EU?

Lewis Macdonald: Any trade unionist, lawyer or business leader will tell Fiona Hyslop that you cannot negotiate simultaneously on the same set of issues with two separate parties, and at the same time represent the interests of one of those parties in negotiation with the other. You simply cannot do that.

Both parties to any negotiation will have demands to pursue and concessions that they are willing to make in order to reach a deal. The outcome of any negotiation is therefore a matter of judgment on both sides about what to accept and where to draw a red line. Nicola Sturgeon has already said that her party would regard an opt-out from the single European currency as a red line, which of course means that concessions would have to be made elsewhere in order to obtain agreement. [*Interruption.*] Perhaps some members think that negotiation is always a one-way street. I—and others, I am sure—can tell them that that is not the case.

The task of balancing and making those judgments could only be for Scottish ministers following Scottish independence; it could not be delegated to ministers of another sovereign member state. UK ministers could not simply follow a negotiating line that was laid down for them by the Scottish Government, because the primary responsibility of any UK Government would be to represent the national interests of the UK as it understood them, and not the interests of any other country, no matter how much it wished to support that country's best interests.

As a supporter of the continuing union with our neighbours, I believe that the interests of Scotland and the rest of the UK are very closely aligned, but those who favour a yes vote do not—and cannot—believe that. Nobody would vote to leave the UK unless they believed that our interests and those of our neighbours were somehow incompatible. A Scotland that had voted to leave the UK would also have voted for competition with the continuing UK, and there would be a whole range of new conflicts of interest that do not currently exist.

The proposition that the UK Government could represent Scotland in negotiating accession to the EU and, at the same time, represent the interests of the UK in dealing with the accession of a potential competitor country simply does not stand up. Only a Scottish Government—presumably—could negotiate Scotland's accession to the EU, and it could do so only once a settlement had been reached on the division of assets and liabilities with the continuing UK and the two states had gone their separate ways. That is why the plan that Scotland would join the EU on the same day as it left the UK simply could not happen. The point when negotiation over the UK was completed would decide when the negotiation on the terms for Scotland joining the EU could start.

That question is not answered in the committee's report, and perhaps it could not be. It is instead for ministers to acknowledge that they cannot negotiate UK secession and EU accession at the same time, and they should set out a realistic timetable for both so that voters can make an informed choice in September.

15:33

Willie Coffey (Kilmarnock and Irvine Valley) (SNP): Scotland will become the 29th member state of the European Union on independence day, 24 March 2016, following a yes vote in September this year.

It is in the best interests of Scotland, the UK and the EU for Scotland and our citizens to remain as members during the process of negotiation leading to independence and accession of a new member state. Nobody—not one single witness—offered the view during the committee's lengthy inquiry that it would be in anyone's interests for Scotland to exit the EU and apply to get back in at a later date. Witnesses gave differing opinions about the process, the mechanisms, the timetable and many of the issues that would need to be resolved, but no one claimed that there was any benefit for anyone in pursuing a process that would exclude Scotland for any period of time.

If the EU is about anything, it is about enlargement, and it is good at finding ways to accommodate situations for which there is no precedent. In 1990, East Germany, which was a communist state that did not comply with any of the requirements for membership of the EU, joined almost overnight after it was reunified with West Germany. No treaties were amended and no formal talks were held to consider that.

The claim by some that Scotland, which has been part of a member state for 40 years and is fully compliant with the EU's *acquis communautaire*, would somehow be ejected from membership after a yes vote, is surely ridiculous. It

is ridiculous for a number of reasons, not least the chaos that it would create for the member states, for business and, most importantly, for EU citizens in Scotland and throughout the union. It is ridiculous because it is not in the interests of the UK or the EU to exclude Scotland, which has 60 per cent of the EU's oil reserves, a quarter of Europe's offshore wind and tidal energy and significant slices of the European fishing stocks. It is also ridiculous because there is no legal basis to exclude Scotland or our 5 million citizens after a yes vote.

Lewis Macdonald: Does the member accept that the EU is a treaty-based association of member states and that citizens who choose to leave a member state by implication leave that association, until such time as an alternative arrangement can be negotiated?

Willie Coffey: I absolutely do not accept that. If Mr Macdonald had been part of the committee's deliberations, he would have heard contrary views to that.

Graham Avery, an honorary director general of the European Commission, who had a considerable role in the membership applications of 14 countries, stated:

"it is manifestly in the interests of the rest of the United Kingdom for Scotland to be a member of the EU on the first day of independence."—[*Official Report, European and External Relations Committee*, 30 January 2014; c 1736.]

There was some discussion in the committee about the 18-month timescale after a yes vote. Graeme Avery said that, although there would need to be some intense activity, it is a reasonable timescale. He reminded us that Scotland is not starting from scratch and cannot be compared to new candidate countries with no compliance with any of the EU's laws. He said that

"There should be no need ... to re-negotiate Scotland's application of European policies in fields such as environment; transport, agriculture, etc"

and that it would suffice to transpose, *mutatis mutandis*—that means, "change only what needs to be changed"—the situation that already exists for Scotland within the UK. The then Irish Minister for European Affairs, Fine Gael's Lucinda Creighton TD, also commented on the timescale. She said:

"The EU would adopt a simplified procedure for the negotiations, not the traditional procedure followed for the accession of non-member countries".

The 18-month timescale argument is even backed up by the UK Government's legal adviser, Professor James Crawford, who said, on radio, that the 18-month timescale is realistic.

A portion of the committee's debate centred on articles 48 and 49 of the Treaty on European Union. Despite several attempts to ask some

eminent witnesses, including the Secretary of State for Scotland, to point to the article in the treaties that will cause Scotland to be excluded, and which would, therefore, lead us towards the article 49 route, no one was able to do so. At no time did I or my SNP colleagues on the committee seek to play off article 48 against article 49. Instead, we asked our fellow committee members to recognise that article 48 offers a suitable legal route for Scotland to pursue, and we heard from Sir David Edward, Graham Avery, Professor Stephen Tierney and others that it does just that.

I will conclude my brief speech by recalling the Croatian ambassador's comments to the committee last year. He said:

"Croatia is an old nation and a young state."—[*Official Report, European and External Relations Committee*, 31 October 2013; c 1451.]

He compared the re-emergence of Croatia in 1990 as an independent country to the position that teenagers are in. He said that teenagers are sensitive, that they cannot be told what to do, that they want to make their own mistakes, that they must be smart enough not to repeat others' mistakes, and that they must have the liberty to do things that they decide are important to them.

Scotland, too, is an ancient nation, and we are among friends who share with us a long history and common purpose. In many ways, we are a lynchpin for Europe, with our wealth of resources and the ingenuity of our people. Our friends in Europe are waiting with open arms to welcome us, and I am certain that we will embrace that welcome and get on with the job of doing what we do best—representing Scotland and being an engaged and committed contributor to European progress.

The Deputy Presiding Officer: I remind members that, if they decide to take interventions, I can reimburse the time.

15:39

Willie Rennie (Mid Scotland and Fife) (LD):

This is another one of those odd debates that we are having in the run-up to September, in which we argue about how we can maintain the benefits of the United Kingdom. We have had debates about how to keep the UK pound, how to keep the UK's single energy market, how to share UK research council funding, how to retain the UK's single economic market and how to keep the UK's regulatory regime, and many other similar debates. Now we are having a debate about how to keep the UK's preferential terms of membership of the European Union. It is a strange campaign, in which the nationalists spend most of their time arguing to keep the things that their plans for independence will break. However, we need to

remember that in September there is only one option on the ballot paper that guarantees the outcome that both sides of the debate say that they want, which is to keep the preferential terms of membership of the EU.

Let us look at the preferential terms of membership of the EU that the UK has negotiated: a rebate that is worth €354 million to Scotland in 2012; no requirement to join the euro; Spanish fishing boats excluded from the North Sea; no VAT on children's clothes, food, books and newspapers; a common travel area across the UK and Ireland rather than the Schengen treaty; and €220 million more in structural funds for Scotland over the next period.

Maureen Watt (Aberdeen South and North Kincardine) (SNP) *rose*—

Willie Rennie: We know that those are positive benefits, because the nationalists argue that they will stay. However, the cabinet secretary did not mention a single one of them in her speech. She seems to be blind to the fact that those are the exact issues that are under threat from her plans for independence.

The Scottish National Party also argues, with a degree of confidence, that the UK benefits will remain even if we decide to separate from the UK. The SNP has its favourite experts and quotes them repeatedly. However, it has to admit that there are many more others—in fact, there are others in this report—with even greater weight, who disagree strongly.

Annabelle Ewing: Will the member give way?

Willie Rennie: Not just now.

We heard from Aidan O'Neill, whose comment has already been quoted, that

“one cannot assume that an independent Scotland will inherit all the benefits”.—[*Official Report, European and External Relations Committee*, 23 January 2014; c 1696.]

Dr Sarvarian said:

“Member states ... may well decide not to offer Scotland opt-outs comparable to those that the UK would continue to enjoy”.

We heard Jim Currie say:

“I think that there will be tough negotiations”.—[*Official Report, European and External Relations Committee*, 20 February; c 1811.]

The Flemish nationalist MEP Mark Demesmaeker, part of the European Free Alliance—the group to which the SNP is affiliated in the European Parliament—said that membership negotiations will be more difficult if Scotland insists on EU opt-outs. Add to that list Barroso; the Spanish premier, Rajoy; the former prime minister of Belgium, Jean-Luc Dehaene; Herman Van Rompuy; and the Latvian, Czech and Danish foreign ministers.

Many people disagree with the experts that the SNP quote. I admit that there are people who argue for the SNP's case, but the SNP also has to admit that there are people who disagree.

Fiona Hyslop: Does the member not realise that a lot of these issues could be resolved if the UK would take its case to the European Commission? The Commission has said that it would provide legal advice only to a member state. Does he acknowledge that recent information requests of both the Council and the Commission have revealed that there is no legal advice that informs any opinion or comment by either President Barroso or Herman Van Rompuy?

Willie Rennie: I think that the minister is rather confused. I remember the Edinburgh agreement, when it was specifically said that there would be no pre-negotiation. The SNP Government was not in favour of pre-negotiation for a state that does not exist. It is impossible to have negotiations for a country that has not decided to go independent in the first place.

I have listed many people who disagree with the experts that the SNP uses. The list shows that, when the nationalists imply that there is certainty, the reality is that there is none. If there is any certainty in the debate, it is that Scotland will not enjoy the beneficial terms of EU membership that the UK has negotiated.

We turn to the next tactic that the nationalists deploy. When the facts do not back up the argument, they call for a commonsense approach to be deployed. I am all for common sense, which is underrated in politics. I have never argued that Scotland would be denied membership of the EU. My issue has always been that the terms for membership of the European Union would be poorer because membership would not be automatic, and the SNP Government admits that as well.

We know that the UK is viewed as a slightly semi-detached member that enjoys certain freedoms within the EU. It is tolerated because the UK is one of the biggest nations in the EU and it carries a lot of economic and political weight in Europe and across the globe. The EU puts up with it, because of those differences, but it does not want to encourage it, yet nationalists naively assume that an independent Scotland will be able to dictate terms of membership to the 28 members of the EU. How is it common sense that every member of the EU will bow down and agree to those terms?

Annabelle Ewing: Will the member take an intervention?

Willie Rennie: Not now. I am about to conclude.

It makes little sense deliberately to break a relationship with the rest of the UK that guarantees membership benefits that the SNP openly admits are benefits. It is illogical. It lacks common sense to break that relationship. It is a relationship that should be maintained and I think that people in this country who are deciding in September will agree with me.

15:46

Maureen Watt (Aberdeen South and North Kincardine) (SNP): I am pleased to participate in the debate and congratulate the European and External Relations Committee on undertaking its inquiry and producing a balanced report that reflects the many views of influential witnesses from a wide variety of backgrounds. Scotland's relationship with the EU post a yes vote has become one of the major debating points in the referendum campaign and it is a valuable reference point to have a document that details the thoughts of a variety of witnesses.

I wish to highlight the industries in Aberdeen and the wider north-east that make a huge contribution to the economy, how those industries are currently influenced by the EU, and the way in which the scaremongering of the better together parties—that, after a yes vote, Scotland will immediately be out of the EU and will have to renegotiate from outside—defies all logic and common sense. Several witnesses made that point in their evidence to the inquiry.

Willie Rennie: Will the member give way?

Maureen Watt: You did not give way to me.

The Deputy Presiding Officer: I ask all members to speak through the chair, please.

Maureen Watt: Scotland's food and drink and its energy resources are very important to the EU and their interests have not been well served by having to be represented through successive Westminster Governments. Since the beginning of talks relating to Britain's entry to the common market, as it was then, fishing has been regarded as an expendable resource—a bargaining chip to be given up in preference for something more important to the rest of the UK. That is why many fishermen and those in the processing industry have had an antipathy to the EU since the beginning, despite much of their catch being exported to EU countries.

It is logical that a Scottish Government minister, speaking in Brussels on behalf of the Scottish fleet and recognising the importance of the industry, will stand up for that industry more than a Westminster minister who has little knowledge about or concern for the Scottish fishing industry. We have seen evidence of that. Westminster would rather send a

minister from another Whitehall department to speak on fisheries than let Richard Lochhead take a lead in the discussions. So much for mutual respect.

Similarly, as Annabelle Ewing mentioned, we have seen a Westminster minister, in the shape of Owen Paterson, come back from Brussels with the worst deal for Scottish farmers of all farmers in Europe and then add insult to injury by not distributing to Scottish farmers the moneys due to them. The argument that Scotland could not and would not stick out for a better deal for our farmers and fishermen at the EU top table flies in the face of all reason.

Lewis Macdonald: Does the member agree with Bertie Armstrong of the Scottish Fishermen's Federation, who said that the downside of that argument is that a Scottish Government would have much less clout in negotiating on behalf of Scottish fishermen than the UK Government currently has?

Maureen Watt: We know perfectly well that Mr Armstrong is on a sticky wicket because he is not maintaining the impartiality that an employee of the Scottish Fishermen's Federation should have. That was very clear on Friday last week.

Members: Oh!

The Deputy Presiding Officer: Order.

Maureen Watt: This is not just about selling those commodities into the EU; it is about the contribution that EU workers make in working in those industries. I do not know the exact figure, but hundreds of men and women from eastern European countries such as Poland, Latvia, Lithuania and elsewhere make a huge contribution to fish processing, meat processing and food production in my constituency, in the rest of the north-east and in the rest of Scotland. That is not to mention the seasonal workers who come to harvest the wonderful berries and vegetables that are now coming into season in the fields of the Mearns and Angus. Ask the farmers of those products what is more of a threat to their future livelihoods: UKIP and a Westminster Government taking us out of Europe, or an independent Scotland playing its part as a full member of the EU?

Are the Opposition parties seriously suggesting that if the people of Scotland exercise their democratic right to vote for an independent Scotland, at midnight on 18 September, and after 40 years of membership, Scotland will not be a member state? Has the Westminster Government advised member states to expect and prepare for an immediate influx of returnees from Scotland, or advised Spain that it should warn its fishermen that, as of midnight on referendum day, their boats must be out of Scottish waters? Have people from

Scotland who are living in other EU states been told that they will have to come home? Have travellers been told that their health insurance will not be covered by their E111 cards?

Scotland is a wealthy country with an abundance of natural resources, a country that is already in the EU and a country that will be welcome to stay in the EU. Willie Rennie forgets to mention that all the opt-outs that we have had are renegotiable. All negotiations and opt-outs are up for renegotiation in 2020. The Opposition does this country down at every turn. Common sense and pragmatism will prevail on all sides. Fortunately, the Scottish public are seeing through the bluff and bluster, and the polls are narrowing as we approach a day when Scotland can hold its head high as an independent country at the top table in Europe. I commend the committee's report.

The Deputy Presiding Officer: I remind all members to address their remarks through the chair. It often helps to keep debates respectful.

15:52

Neil Findlay (Lothian) (Lab): I want to see countries across Europe and the world co-operating and developing relationships in the interests of working people. I want to see a social Europe where we create jobs, raise living standards and live in peace with our neighbours.

There is little doubt that Scotland has in many ways gained from being a member of the EU. The regeneration of the coalfield communities in my area is an excellent example of that. However, the EU is an institution that is in desperate need of economic, social and political reform. Last month's European elections showed that, across Europe, people have had enough of austerity imposed by the troika of the International Monetary Fund, the World Bank and the European Central Bank. They have had enough of the lack of democracy, in which decisions are made that impact on people's lives while they have little say over who is making them or why they are being made, and they have had enough of the neoliberal economic agenda that works in the interests of corporations and financial institutions and against the interests of working people.

The recent European elections have brought parties of the far right and left into the European Parliament. Neo-Nazis have been elected in Germany, Greece and Hungary, and members of the far right have been elected in the Netherlands, Denmark, Austria, Italy and France. The European political elites must take notice of those concerns not by appeasing the dark forces of the right, but by addressing the concerns of people from across Europe. The alternative is too awful to contemplate.

It is against such a political background that an independent Scotland would be negotiating EU membership—and negotiation there would have to be. Regardless of the route of those negotiations, it is clear that all existing EU states would have to agree to Scotland joining. I have heard the First Minister and the Deputy First Minister say, "Why, of course they would want us to join. Why wouldn't they? We have so much to offer." That might be true, but I can give several reasons why those states might object to our membership in itself, or to the terms of membership.

There are separatist movements in Austria, Belgium, Italy and Spain and indeed in many more nations across the continent, all of which are seeking to break away from their current member state, and agreeing to Scotland's membership of the EU could lead to an intensification of separatist sentiment across Europe and give the green light to further break-up of those European states.

Fiona Hyslop: Is the member able to cite any country that has said that it would veto Scotland's membership of the EU?

Moreover, I agree with the member on the need for a social Europe, but does he want David Cameron to argue on behalf of the Scottish people for the social reforms that we need in Europe or would he prefer a Government of any colour from Scotland to do that instead?

Neil Findlay: I would certainly prefer a Labour minister to negotiate in Europe. I certainly would not like the cabinet secretary to do so; I would not let her negotiate the price of a bag of potatoes at my local market.

Alex Johnstone (North East Scotland) (Con): Does the member agree that one of the great weaknesses of the Scottish National Party's position on Europe is that there is no precedent for what it wants to achieve and that the reason why each and every one of the countries that the member has mentioned will be offended by the proposal and worry about the process is that Scotland's position might set such a precedent?

The Deputy Presiding Officer: Mr Findlay, you will be reimbursed for the interventions that you have taken.

Neil Findlay: It goes against every bone in my body, but I agree with the member.

Agreeing to Scotland's membership of the EU might give the green light to further break-up of other European states. Against that background, do we expect those countries to do as required and vote unanimously for Scotland to join the EU? I think not. Does the Government support independence for South Tyrol, Carinthia, Wallonia, Flanders, Veneto, Brittany, Corsica or any of the other regions that have separatist movements? Is

that what it wants? Does it want Europe to be broken up into smaller and smaller states? I am happy to give way to the minister if she wants to tell us that she does. Is that in our interest?

Annabelle Ewing: As I alluded to in my speech, there is something called the fundamental right of a people to self-determination. Does the member recognise that fundamental right?

Neil Findlay: All I asked was whether that is what the Government wants. Does it want smaller and smaller states? If the answer is yes, it should tell us so. *[Interruption.]*

The Deputy Presiding Officer: Order.

Neil Findlay: Is that in our interests, the interests of the countries in question or the wider interests of Europe? Are we to believe that Scotland would keep all the opt-outs, be able to reject everything that it does not like and keep its share of the UK rebate? That position is likely to be better than that which was negotiated by many of the countries that are expected to vote us in. As far as negotiation is concerned, I suggest that the minister phones up one of our trade unions and enlists herself on a negotiating course. I can give her the number if she wants. If that is her approach, she really will need that help.

Recently, I spoke to a group of Swedish Social Democrats—*[Interruption.]*

The Deputy Presiding Officer: Order, please.

Neil Findlay: They could not believe that the Scottish Government thought that it could join the EU and yet remain outside the euro. Those are the rules of the game; that is the same euro that the First Minister was committed to joining only a few years ago but binned in favour of a currency that he said was dropping like a stone and was like a millstone round our necks.

Finally, I understand that the cabinet secretary has received new legal advice on EU membership. Who can forget the fiasco of the last lot of legal advice that the Government had and the fact that in the depths of a recession it spent tens of thousands of pounds of taxpayers' money on preventing its release? In fact, I have that very advice with me—on this blank sheet of paper. It has all the credibility of a losing bookie's line. Let us hope that the legal advice that the cabinet secretary has just received actually exists and that she will share it with us at some point in the near future.

15:59

Roderick Campbell (North East Fife) (SNP): I welcome the opportunity to speak in this important debate as a member of the European and External Relations Committee, and I pay tribute to the

clerks in particular for the considerable amount of work and effort that has gone into the report.

As the convener indicated, there were three themes to our inquiry. On the first, it is right to say that the evidence that we received was supportive of Scotland's membership of the EU. Although we considered possible Scottish membership of the European economic area or EFTA, the disadvantages of such a move—for example, the requirement to accept a body of law without having any political say, not to mention the requirement to make a financial contribution to the EU without representation—were apparent.

Scotland's attitude to Europe was felt to be less Eurosceptic. I do not think that that position has changed with last week's election. In that context, although much is made of the UK Independence Party's poor performance in London, I believe that it got 16.7 per cent of the vote there, which is more than twice as much as it polled in Scotland's capital city of Edinburgh.

The main division of opinion that the committee heard concerned Scotland's route to membership of the EU, which was theme 2. The points that I would emphasise from the great article 48 versus article 49 debate are that the treaties are silent on Scotland's precise position—that is not disputed—and that the scenario predicated on a yes vote in September has not been put to the European Commission. If the UK Government really wanted greater clarity, it could put that request to the Commission.

Moreover, even supporters of article 49, such as Professor Kenneth Armstrong, who is professor of European law at the University of Cambridge, agreed that negotiations could commence immediately after a yes vote. The idea that nothing will happen for 18 months after a yes vote is simply not tenable. Doing nothing simply risks blowing a hole in the single market, which is in no one's interests. The idea that Scotland would somehow find itself in March 2016 in the position of having 5 million-plus EU citizens without rights because of their residence seems unrealistic. That includes 160,000 citizens of the EU at the present time, of course. One matter that came across loud and clear was that EU citizens have rights over and beyond the rights of citizens of individual member states, and seeking to deprive those citizens of rights might inevitably lead to legal proceedings in the European Court of Justice.

What was absolutely fundamental about Sir David Edward's evidence is that the EU treaties create a new legal order of international law that differs from conventional international law. The cabinet secretary has already referred to that. We set that out on page 29 of our report. It was not incorporated in the committee's initial draft report. I am still waiting for any coherent explanation from

Opposition members as to why they sought to prevent that from being incorporated in our final report. It is not about SNP bias; it is about having proper regard to the evidence of perhaps the most distinguished practitioner on these matters that we have in Scotland. The European commissioner Viviane Reding described him as one of the great architects of Europe.

On Schengen and the common travel area, we heard no evidence to suggest that any member state would oppose Scotland's membership of the common travel area. The comments that we have heard in the press about border controls being necessary if Scotland were to be so bold as to have an immigration policy that was different from that of the rest of the UK have come from people such as the Home Secretary, Theresa May. I do not believe that those matters cannot be negotiated. I noticed that Alistair Carmichael studiously avoided banging that drum in his appearance before the committee.

Let us remember that Scotland is not seeking to reopen the EU budget for the next financial period and that, like the rest of the UK, it will, of course, be a net contributor.

I accept, of course, that some witnesses found the 18-month timetable that the Scottish Government has put forward to be unrealistic. It is certainly tight, but I believe that it is doable. Instead of talking about queues for membership, it would be much more positive if David Cameron and others, having indicated that they will support Scotland's membership—we are grateful for that—outlined what they will do to facilitate that membership in the event of a yes vote.

Theme 3 of the committee's report deals with the role of small states in the European Union. "Small" simply means having fewer than the average number of votes in the European Council. On that basis, Scotland would be one of 21 small states out of 29 states in the EU, as the European Movement in Scotland pointed out in written evidence. So far, there is nothing unusual about Scotland; it is just one of many small states.

On the role of small states generally, it is worth remembering that, without Scotland, the rest of the UK would still qualify as a large state, while Scotland would be a small state. The European Council's weighting for qualified majority voting determines that large states have 27 to 29 votes and small states have three to four votes. Therefore, when there is a common interest, the combined votes of Scotland and the UK could be marginally greater. The same general principle could apply to the European Parliament, in which Scotland has only six MEPs, whereas Ireland currently has 12, for example, although I accept, of course, that there is a current limit on the number of MEPs.

In addition to co-operating when there are shared interests, the whole point of having more direct Scottish representation in the EU institutions is that we can pursue policies that are right for Scotland when we do not share Westminster's priorities. As Professor Michael Keating said, Scotland may wish to take a different path from the UK on agriculture, as Ireland generally does. However, we heard evidence from Dara Murphy, who is a member of the Irish Parliament. He said:

"It is fair to say that our best relationship in the EU is with the UK. There are many reasons for that. We share so many objectives and targets with the UK, and on most issues Ireland and the UK share a common position ... We all know the history, but now when we go into Europe, we go in as equal partners and member states."—[*Official Report, European and External Relations Committee, 27 February 2014; c 1860.*]

That is the way that I perceive Scotland proceeding.

The committee also heard evidence from Jim Currie, whose general view is that small nations in the European Union are at their most effective when they choose their targets carefully. Small nations need to prioritise and network, something that I have no doubt Scotland is well equipped to do.

I would have preferred the committee's comprehensive report to have had no conclusion in order to leave readers to reach their own conclusions on it. However, given that it has a conclusion, I think that it needed to reflect all the themes in the report.

16:05

Clare Adamson (Central Scotland) (SNP): The convener of the European and External Relations Committee talked about the valuable contribution of the report in informing the public about the debate on an independent Scotland's membership of the European Union, which was the aim of the committee's deliberations. I thank the many organisations across Scotland that are conducting similar exercises. In particular, I thank the Royal Society of Edinburgh for providing a briefing for today's debate, which is based on the RSE's series of public discussion events called "Enlightening the Constitutional Debate". I associate myself with the convener's thanks to committee adviser Dan Kenealy, to the people who appeared as witnesses in the committee inquiry, to those who provided written evidence to the committee and to the clerking team for its excellent work.

Before I turn to the report, I will address contributions to this afternoon's debate from some members. Mr Rennie intervened on the cabinet secretary, wanting to know what the terms of an independent Scotland's relationship with the EU

would be. Perhaps he can enlighten us on the terms of the renegotiated relationship with the EU that his coalition leader Mr Cameron is undertaking at the moment, because the truth is that there will be no status quo in the event of a no vote. The choice is between an independent Scotland in Europe or a renegotiated relationship, on which there is no certainty and no detail and which would be followed by a referendum whose result—given UKIP's success in last week's European elections in England—would see Scotland being ripped away from Europe against our will.

I will also comment on Mr McGrigor's speech. I was very disappointed by it, because I do not share his recollection of the committee's conduct. As an experienced member of the committee, I am concerned that he said that there is a lack of transparency. Mr McGrigor knows that all the amendments to the report that were voted on appear in the appendix, so everyone can see what changes were made during the committee's deliberations—it is extremely transparent to people.

However, I was most surprised that the key evidence that Mr McGrigor picked up on was the paragraph that referred to Mr Barroso's comments. I remind Mr McGrigor that paragraph 96 on page 27 of the report, which refers to Mr Barroso's comments from "The Andrew Marr Show", has a footnote that shows that Mr McGrigor did not want that paragraph to be included in the final report. Members will understand that I raise that matter purely in the interests of transparency.

I found it somewhat bizarre that at the end of his speech Mr Rowley welcomed the report, despite the fact that he had dissented from it. In his speech, Mr Findlay painted a picture of a very suspicious European Union that would view Scotland somewhat unfavourably. I referred earlier to the series of discussion events under the title "Enlightening the Constitutional Debate" that the RSE is holding. During one discussion, Professor Neil Walker of the University of Edinburgh was asked about how an independent Scotland might be viewed, as a separatist nation, by EU member states. The RSE report of the discussion states:

"In response, Professor Walker raised two points. The first was that these states must be required to act in the context of public reason ... they must give a good public reason against Scotland's accession to the EU, which makes sense as part of the history of the European Union. He felt that these states would struggle to make this case. The second point was that ... if Scotland did secede from the UK, it would not be contra the constitutional process. Rather, it would be consensual. As distinct from other national minorities seeking independence, Scottish independence, should it be realised, would have constitutional legitimacy."

That is not assertion. Those are not the words of an SNP minister; they are words of Professor Neil Walker, the regius professor of public law and the law of nature and nations at the University of Edinburgh.

Neil Findlay: Is Clare Adamson aware of the comments that were made today by the Swedish foreign minister? He has expressed his concern about the "Balkanisation" of Britain. Those are his words, not mine.

Clare Adamson: Those comments were very unwise—to describe the Scottish situation as "Balkanisation" is simply illegitimate. It is very unfortunate that Neil Findlay seems to think that that is an appropriate comparison to make.

The committee's report was produced under three themes. Theme 1 was an independent Scotland in the European Union, theme 2 was the road to that membership, and theme 3 was about small states in the European Union. We have not had the time to cover all of the themes, but the Edinburgh agreement is absolutely key to what will happen in the future. The agreement has been key to the legitimisation of the process and it stands us in good stead because it will give us, as Professor Neil Walker said, "constitutional legitimacy".

Members of the Opposition forget that the European Union is about expansion and inclusion; it is about building relationships and not about putting up barriers to Scotland's membership following independence.

16:11

Michael McMahon (Uddingston and Bellshill) (Lab): Since studying sociology at university, I have been fascinated by how groups in society behave in certain circumstances. Recently, I was reading about the work of Ron Kramer, a sociologist at Western Michigan University who has been studying how sociological factors are preventing Americans from acting on climate change. He drew on the research of Stanley Cohen, who was professor emeritus of sociology at the London School of Economics, who cites three categories of denial. First is "literal denial", which is

"the assertion that something did not happen or is not true."

Secondly, he explains "interpretive denial" in which the basic facts are not denied but

"are given a different meaning from what seems apparent to others."

Thirdly, he outlines "implicatory denial", which covers how

"knowledge itself is not an issue ...the challenge is doing the 'right' thing with this knowledge."

A short time after reading about that thesis on climate change denial, I came to read the European and External Relations Committee Report that we are debating this afternoon. I could not help but apply the sociological theories of Kramer to the work of the SNP committee members, because their work had all the traits of denialism as identified by Professor Cohen. To the lexicon of climate change denial and evolution denial, the SNP now appear to have added EU realpolitik denial.

I accept fully that in any political debate we politicians will draw on the support of academics and experts whose comments suit our purposes. That is the stuff of politics. However, it is simply not acceptable for any party group in Parliament to use its majority to skew a report so far away from a balanced consensus in the way that has clearly been done with this report. Of course there were witnesses who gave evidence that was more advantageous to one side or the other, but the balance between competing perspectives was fairly struck in the original draft. *[Interruption.]* The draft is there—I am talking about the additions that were made to the draft.

Clare Adamson: The changes are in the report's annex for all to see. There is no lack of transparency about the legitimate process that was followed by the committee in developing its report.

Michael McMahon: I make it absolutely clear that I am not saying that the process was not transparent. What the SNP has done with the evidence is absolutely transparent; it is see-through.

So much for how the evidence was treated. What about the evidence itself? How Scotland would join the EU was a significant part of the committee's deliberations. I believe that the arguments of Professor Kenneth Armstrong and Jean-Claude Piris outweighed those of Graham Avery. They all provided weighty evidence, but one side outweighed the other. I am left in no doubt from reading the report that the direction from the European Court of Justice points to article 49 as being the appropriate legal route to membership, rather than article 48.

Article 48 deals with treaty revisions between member states, but Scotland is not a member state. It is important that opening up the Treaty on European Union could result in other revisions being proposed by other member states, which could delay the process of accession very considerably. Article 48 does not deal with the accession process and was not written in a way that would cover it. That is what article 49 is for; article 49 covers the process of accession to the EU. It declares that any "European State" can apply to be a member of the EU, but Scotland

would not become a state until independence in March 2016—it would not become a state on 19 September 2014. It could apply for membership only when it became an independent state.

The committee took a lot of evidence, but I will draw on evidence that I have found from other sources. I am a bit puzzled about why the committee did not hear from the recognised expert Professor Matt Qvortrup, as even the Finance Committee sought his views when the SNP suggested him as a suitable witness on post-referendum scenarios.

I found Professor Qvortrup's paper to the Finance Committee compelling—not because he said what I would like to hear, but precisely because he did not do that. His evidence presented an overview of the legal issues that pertain to the possible secession of Scotland from the United Kingdom. He suggested that

"international law and existing norms are few and far between",

but that on many issues, such as membership of international organisations, they

"are relatively well established."

Willie Coffey: The gentleman whom the member quotes was invited to appear before the European and External Relations Committee.

Michael McMahon: I did not say that Professor Qvortrup was not invited; I said that there was no evidence from him to the committee. The evidence that I am drawing from—*[Interruption.]* I said—*[Interruption.]*

The Deputy Presiding Officer (John Scott): One at a time.

Michael McMahon: I said that there was no evidence in the committee's report—

Drew Smith (Glasgow) (Lab): It was not a criticism.

Michael McMahon: I was not making a criticism. *[Interruption.]*

The Deputy Presiding Officer: Mr McMahon has the floor. Can he be allowed to hold it, please?

Michael McMahon: I am drawing on the evidence that Professor Qvortrup provided to the Finance Committee. That is the only point that I am making.

Professor Qvortrup provided a balanced view on the arguments for and against each side of the debate, but he concluded that it was

"likely ... that Scotland would have to apply for membership of international organisations"

such as the EU. In his view, whether Scotland would be admitted is open to question, but I

disagree with him on that, as I find it inconceivable that we would not be admitted.

However, the SNP cannot deny the realpolitik of the EU, in which existing states will have the final say on Scotland's route into the EU. No matter what the SNP would like to think, some countries have already made clear their position. For example, writing on behalf of the Croatian Prime Minister Zoran Milanović, Tomislav Saucha, chief of staff, has said that

"There can be no short cuts"

and that,

"As a matter of policy, Croatia strictly adheres to the position that all prospective EU members have to undergo a thorough, strict and fair negotiating process, fully adapting to the body of legislation, the rules and procedures of the EU."

That is the realpolitik of the EU, but the manner in which the majority group on the European and External Relations Committee has refused to accept that reality has—regrettably—led to the production of a report that is so contorted and manipulated that it does a disservice not only to the Parliament but to the people of Scotland, who should have been informed by it in order to assist them in coming to a judgment on our country's potential secession from Britain.

16:18

Stewart Stevenson (Banffshire and Buchan Coast) (SNP): Presiding Officer, forgive me if I get a bit technical. I think that I am the only member who has in front of them the 328 pages of the European Union treaties, so I might quote them relatively liberally.

I will deal with one or two things that have arisen in the debate, and particularly with Alex Rowley's comments on pensions. Three times I asked him to take an intervention and three times he had the opportunity to have greater clarity than he could provide. I say to him that, as a matter of verifiable fact, more than 1 million people who live outside the United Kingdom receive the UK state pension. About 600,000 of them live in Spain and the rest are spread around the world. That is not new, by the way: 30 years ago, for a predecessor to the Department for Work and Pensions in Newcastle I did some work on a computer system that delivered payments to those people.

On private pensions—the other kind of pension—Standard Life has been operating and paying pensions in China for more than 30 years and in Canada for 50 years. Pensions are an international industry. Indeed, Edinburgh used to be the place where more than 50 per cent of United States mutual funds were valued. Finance is international, Scotland is involved in pensions and pensions are paid transnationally. If Mr

Rowley had accepted an intervention from me, we could have shot his point out of the water early.

Jamie McGrigor said that evidence has been omitted—I wrote that down, because that is what he said. He, too, would not take an intervention from me. I am glad that other members made it clear that the evidence is all in front of us. What certainly changed, after debate in the committee, were the conclusions that were reached from the evidence, but I have seen or heard nothing to suggest that any evidence was omitted.

Lewis Macdonald said that we can negotiate only bilaterally. That is interesting, because I myself have taken part in negotiations—curiously enough, in the boardroom of the Bank of England—at which 12 people were competing round the table and negotiating from entirely different viewpoints. The training in negotiation that I had from Scotwork, which is an excellent Glasgow firm, meant that I could negotiate, as could others who had similar training.

Lewis Macdonald: My point was not that there is a difficulty with negotiating only bilaterally but that we cannot negotiate with another party while at the same time representing that party in negotiations with someone else. That is simply not possible, although we understand that it is the Scottish Government's proposition.

Stewart Stevenson: I realise that Mr Macdonald has limited business experience. I can assure him that in the business world what he has just described is done. For reasons of business confidentiality, I cannot say more on the record, but I would be happy to meet him and anyone else after the debate and give them chapter and verse on a private basis. [*Interruption.*]

The Deputy Presiding Officer: Order.

Stewart Stevenson: Let us talk a little about other things.

Neil Findlay: Will the member take an intervention?

Stewart Stevenson: No, I will not. Not from that source.

Article 16 of the "Vienna Convention on Succession of States in respect of Treaties" makes it clear that only newly independent post-colonial states can receive a clean slate in relation to treaties. Article 34.1 of the convention makes it clear that states that come from an existing state inherit, without option, all the treaty obligations of the predecessor state.

I absolutely accept that the legal position can be argued about and that there is a lot of opportunity for lawyers to have fun here.

Roderick Campbell: Will Stewart Stevenson give way?

Stewart Stevenson: Oh! A QC. Okay.

Roderick Campbell: On a small point of detail, we took evidence from Patrick Layden QC, who had very much formed that view in relation to successor states. He slightly changed his opinion when he gave evidence to us, but he says that the position is still tenable.

Stewart Stevenson: I am obliged to Roderick Campbell, who I think is the only member of the Parliament who is a QC, given that Gordon Jackson has left us—

Roderick Campbell: For the record, I am not a QC.

Stewart Stevenson: Willie Rennie talked about the difficulties in our keeping the pound. In fact, the opposite is the case. The question is whether we will allow people south of the border to keep the pound, because the pound sterling is, of course, based on the silver from Stirling. In July last year, the Bank of England allowed Danske Bank to start issuing sterling notes. If Danske Bank can issue sterling notes, I rather suspect that other people—perhaps even Scotland—might be able to do so, too.

Incidentally, the Bank of England notes do not say that they are sterling. Only the Scottish notes, the Northern Irish notes, the Manx notes, the Gibraltar notes, the Falklands notes, the Jersey notes, the Guernsey notes—aren't there a lot of them?—say that they are sterling. Curiously enough, the Bank of England notes do not do so. Is that not interesting?

Michael McMahon mentioned climate change in relation to the United States. This week, Obama has laid legislation to tackle the coal industry for environmental, health and economic reasons, so I think that we can be quite clear that the United States will look at the evidence.

I try to read as many things as I can, and this morning I was reading *Politiken*, the Danish political journal, which was talking about this subject. It is quite clear that the Danes—as I know from the meetings that I have had with Danish ministers over the years—will be perfectly happy to sit with us in an independent Europe.

The reality is that it is probably the rest of the UK that has the problem, because protocol 3 requires that a country must be a democracy in order to be a member of the EU. The UK is not a democracy, because we cannot dismiss the majority of our legislators at an election. Scotland will be welcomed. The problem is elsewhere.

The Deputy Presiding Officer: We move to closing speeches. I call Alex Johnstone.

16:24

Alex Johnstone (North East Scotland) (Con): I begin by confessing to the chamber that I lack the breadth of experience that Stewart Stevenson has, but nevertheless I have opinions and members are about to hear them.

At the opening of the debate, we heard first from Christina McKelvie and then from Fiona Hyslop—25 minutes of SNP propaganda. Having sat through that amazing marathon, it was to my further amazement that, when Alex Rowley began to speak, he was inundated by attempts to intervene and attack what he had to say. We have to defend the right to speak in this chamber and to have differing opinions. During the course of the debate, we witnessed a unique situation in which I and Neil Findlay agreed about something. If we can do that, we can work our way through the argument.

The nature of the committee's report has been called into question by a number of speakers. *[Interruption.]*

Stewart Stevenson: Will the member take an intervention?

The Deputy Presiding Officer: Can we have a bit of calm, please? Calm down.

Alex Johnstone: We have a report that reflects the opinion of the SNP. In spite of the fact that it has objected repeatedly to the comments that have been made, speakers from other parties have objected to the fact that their opinion was not expressed in the conclusions of the report in the way that they would have wished.

The report is about Europe and Scotland's prospects of becoming involved in Europe, but the SNP seeks at every opportunity to ensure that the waters are as muddy as possible, and it is my intention to un muddy the waters. Fiona Hyslop referred at the start of her contribution to the EU project, and I want to talk about the EU project. There are those, outside the United Kingdom and in central Europe, who have been committed for generations to bringing Europe together on a political convergence path. In recent years, we have seen monetary and currency union achieved in parts of Europe. The result, unfortunately, has been that the direction of the European Union has not been conducive to Britain's best interests.

We have seen a number of things happen recently. Let us look first at the European election that took place only two weeks ago. The outcome of that election is that instability has been fomented in many European countries. We have seen extreme parties elected in a number of European countries and, if we look at key election results such as those in the United Kingdom and in France, we see parties of the extreme right—

anti-Europe parties—coming to the fore. I suggest that that is evidence, if it were needed, that the European project is coming off the rails.

At this moment, here in Scotland, the Scottish National Party is demanding—no, absolutely asserting—that an independent Scotland could, would and should be part of the European Union, yet at the same time it expresses no view on the direction that that European Union should take. In other parts of the United Kingdom and other parts of Europe, people are beginning to wake up to the fact that the direction of Europe needs to change.

David Cameron, who—the last time I checked—was the Prime Minister of this country, has declared that it is his absolute intention to have a referendum on the UK's continued membership of the EU in 2017 if he is re-elected, but only after he has renegotiated the nature of the EU. David Cameron is determined to make that change. He stated that before the European Parliament elections took place, but at those elections it was demonstrated that the appetite that he expressed exists right across Europe. That is why it is unacceptable that the SNP's position would deny the people of Scotland the opportunity to participate in that process of renegotiation, which would be followed by a referendum.

The assertion was made—assertions are often made in debates on Europe—that people in Scotland do not hold the opinion that David Cameron holds but, as Jamie McGrigor said earlier, there is polling evidence to the contrary. In February this year, an Ipsos MORI poll concluded that the people of Scotland were far more interested in a referendum on Europe than they were in supporting Scottish independence. According to that poll, 58 per cent of Scots want a referendum on membership of the EU, whereas only 31 per cent of the people who were interviewed in the poll wanted Scottish independence. Unsurprisingly enough, 65 per cent of those who claimed that they would vote Conservative wanted a referendum on membership of the EU, but 63 per cent—only 2 per cent fewer—of those who claimed that they would vote SNP also wanted such a referendum. The poll also found that only 61 per cent of SNP voters wanted independence. The evidence is there that Scotland wants to participate in the process that David Cameron has committed to.

I believe in our continued membership of the EU, but not the EU that we have today. We must renegotiate our position and, once we have done so, we must commit ourselves to continued membership.

Willie Coffey: On a point of order, could Mr Johnstone refer to the report at some stage during his speech?

The Deputy Presiding Officer: That is not a point of order. Please continue, Mr Johnstone.

Alex Johnstone: The nature of the committee's report was questioned at the outset of the debate. Its nature reflects the opinion of the SNP. Unlike the members of the SNP, I believe that I live in a democracy in which I am allowed to determine how I debate the issue without the approval of the SNP. *[Interruption.]*

The Deputy Presiding Officer: Order.

Alex Johnstone: A number of concerns have been raised during the debate. I will now express mine. My first concern is about the SNP's pick-and-mix approach, which involves it simply choosing the particular academics or evidence givers who agree with it and asserting that they are the only people with a logical or a rational opinion. That is not the case and we must defend against that mistake.

Secondly, we have heard the political balance of others being questioned in a quite outrageous way.

The Deputy Presiding Officer: You must draw to a close, please.

Alex Johnstone: The accusation that was made about Bertie Armstrong of the Scottish Fishermen's Federation warrants an apology. In addition, members have been continually harassed for holding an opinion that is different from that of the SNP.

The Deputy Presiding Officer: Mr Johnstone, you are harassing me now. Will you draw to a close, please?

Alex Johnstone: The committee's report is an important contribution to the debate. There is much more to learn from it than what appears in the conclusions, and I believe that we must progress—

The Deputy Presiding Officer: Excellent. Thanks very much. I am stopping you there.

I call Alex Rowley.

16:33

Alex Rowley: I will begin by picking up on Stewart Stevenson's point about pensions. I bow to his expertise on the subject, but the fact is that the European Commission confirmed—on 26 March, I think—that cross-border private pension schemes would continue to be affected by the relevant regulations. That caused Joanne Segars, who is chief executive of the National Association of Pension Funds, to say:

"Today's announcement of a new EU pension directive has major implications for pension schemes as part of the debate on independence for Scotland."

That is not to say that we will not try to find solutions but the fact is that for many Scots that is a serious issue—this hits on the wider point that I am trying to make—because it is estimated that pension funds in the UK would have a deficit of about £250 billion. That applies to people who are employed in a lot of large organisations—for example, to the pension funds of the Royal Bank of Scotland, Royal Mail, HSBC, BT and BP and the universities pension scheme. For a lot of Scots, right now, it is a serious issue.

The main point that I have tried to get across is that it is not acceptable simply to dismiss arguments, dismiss issues, or, indeed, dismiss people if we do not accept their views or if they do not accept the view that is presented by the nationalists.

Mike MacKenzie: Does the member agree with me that the issue of fully funded pensions, irrespective of independence, is indeed an issue that we will all have to deal with and that there is perhaps some merit in the EU's approach to the issue?

Alex Rowley: I do not want to get bogged down in a discussion on pensions. I simply make the point, in response to the point made by Mr Stevenson, that we cannot simply dismiss people's legitimate concerns about legitimate issues. However, that seems to be the approach of the nationalist Government: "If you don't agree with us, you're wrong and we're right." That is the point that needs to be picked up.

As we move forward, we need to be able to have an honest debate on the key issues that are impacting on the people of Scotland so that people have all the facts in front of them and are able to make a decision that is based on those facts. It will then be for us as parliamentarians to accept that decision, but people cannot continue to dismiss every argument just because they do not agree with it.

Clare Adamson said that she was surprised that I could welcome the report. I do welcome the report: as Christina McKelvie said, the clerks and committee advisers did a really good job of pulling together all the evidence that was given, which was why I and two of my colleagues on the committee supported the draft report, which was neutral and presented the different opinions. Sadly, the nationalist committee members tried to skew the report with the amendments that were put forward.

Today we have heard umpteen times about Graham Avery and the evidence that he gave. I accept that Graham Avery has a specific opinion, but he was really the only person to argue that the 18-month timescale that the nationalist Government set out to gain EU membership was

achievable. All the other evidence said that that timescale was not realistic.

Humza Yousaf: The UK Government's legal adviser, Professor James Crawford, said that the timescale was "realistic". Does Alex Rowley disagree with the UK Government's legal adviser on this matter?

Alex Rowley: I am saying that, apart from Graham Avery's evidence, the evidence that the committee took was overwhelmingly that the timescale set by the Scottish Government would be very difficult to achieve.

That was the point about the report. The nationalist members of the committee wanted to pick and choose the quotations that best suited their argument and bring them forward into the debate.

Maureen Watt: Will the member give way?

Clare Adamson: Will the member give way?

Alex Rowley: I am sorry; I have to make progress.

Willie Rennie made the key argument when he talked about certainty and uncertainty.

We could argue about whether the route into Europe would be article 48 or article 49, even though the overwhelming legal view is that article 49 is the correct way—that is set out clearly in the report, for anyone who reads it. However, the key issue is whether we would be able to negotiate a position with the 28 countries in Europe when our negotiating starting point is that we are going to win every argument. When training as a trade unionist and shop steward from 17 years old, I was certainly never taught that the starting point in negotiations should be that you are basically going to win every argument.

Yes, it is a myth to suggest that we would not be in Europe, but the important question that needs to be flagged up for the people of Scotland is: on what terms would we be in Europe? Would it be the same terms and conditions that successive UK Governments have negotiated over many years? If not, what would be the implications of that?

The Deputy Presiding Officer: You should draw to a close, please.

Alex Rowley: In speaking to the cabinet secretary previously about Schengen, I am on record as making the point that it would be difficult to break down barriers with the rest of Europe and put them up with the rest of the UK.

The Deputy Presiding Officer: You will have to close, Mr Rowley, please.

Alex Rowley: However, what is at risk is the rebate of £350 million a year for Scotland.

The Deputy Presiding Officer: Mr Rowley, you will have to close, please.

Alex Rowley: We need to be honest with the people of Scotland in this debate.

16:41

Fiona Hyslop: I welcome the wide range of comments in this debate on the committee's report. The debate has shown a strength of commitment to Scotland's role in Europe. I have enjoyed the debate, even if I have not agreed with all the points that have been made. Once again, I commend the committee for ensuring that a balanced number of specialists from a variety of backgrounds were able to give their views on the proposals. I note that Alex Rowley acknowledged and quoted from the range of views and that he welcomed the report.

The Parliament has demonstrated a positive and ambitious perspective on the role that Scotland can play in the EU. The Scottish Government is of the view that, to truly fulfil our potential as a nation, we need the full powers of independence. I am pleased that a consensus has emerged that an independent Scotland will be a full member of the European Union. Willie Rennie said that he has never denied that we would be a member, and his focus was on terms. Alex Rowley has just reiterated that point. Overall, I am pleased that the focus has moved on to the capabilities of an independent Scotland in the EU.

I agree with Alex Rowley's points about Schengen—it would be practical and part of the common sense that has been spoken about for us to share a system that included the Republic of Ireland. I agree with David Martin that the EU would not be able to force us to join the euro. On the rebate, I point out that the budget negotiations have already established the budget proposals for 2014 to 2020. We are putting forward the argument of no detriment to any other country and continuity of effect. One of the reasons for that is that, obviously, if we open up the rebate, we would open up a range of other things from which Scotland might be a beneficiary and which would not necessarily be in other countries' interests. That is why it is in other countries' interests to have continuity of effect and no detriment.

Willie Rennie: Will the cabinet secretary give way?

Fiona Hyslop: I want to move on and make progress.

There is a widening and growing consensus that the situation in Scotland is unprecedented, that there is self-interest for other states in the renegotiation of continuing membership from within the EU and that the provision exists in the

Treaty on European Union to deliver that. There is also weighty support for the use of article 48, which is the Scottish Government's position, but even those who advocate the use of article 49 see the need for continuity as paramount and accept that some form of amended treaty solution can and will be found to deliver that.

Willie Rennie talked about common sense and Annabelle Ewing talked about pragmatism. In oral evidence to the committee, Michael Keating said:

"The European Council ... the Council of Ministers and the European Commission would not go to the law books to see what they should do; they would decide what they wanted to do politically and then find a legal way of doing it".—[*Official Report, European and External Relations Committee*, 5 December 2013; c 1555.]

One point that was laboured at length by the Labour Party was that all members would have to agree to the process. We set that out in the white paper and in "Scotland in the European Union".

Willie Rennie: Will the cabinet secretary give way on that point?

Fiona Hyslop: I want to make some progress on responding to the points that were made in the debate.

Alex Johnstone made an important point that, again, everyone can agree on: there is no precedent. However, having no precedent does not mean to say that what we want to do is impossible, and that is the nub of the argument.

For Neil Findlay—

Drew Smith: Will the cabinet secretary give way?

Fiona Hyslop: Oh, there he goes—it is Neil Findlay. [*Interruption.*] Oh no, it is not—it is the other one, who is like Neil Findlay. [*Laughter.*]

Drew Smith: The cabinet secretary has to give way now.

Fiona Hyslop: I apologise to Drew Smith—I must give way on that point.

Drew Smith: I thank the cabinet secretary for the back-handed compliment. Given that the situation is unprecedented and political, does she regret the statement that we originally heard from the Deputy First Minister that Scotland's membership of the EU would be automatic? Will she express any regret about the Scottish Government's actions in trying to prosecute its case for EU membership?

Fiona Hyslop: We have made clear in the white paper and in "Scotland in the European Union" that there is a process, and we have set out what we think is the best way to approach that. We acknowledge that we will have to have discussions with the member states in particular, and we have

set out how that can be done and what the timeframe will be.

I apologise again for misidentifying Drew Smith—I heard a sound from Neil Findlay's direction. I cannot understand why Neil Findlay would prefer that David Cameron, rather than the Government of an independent Scotland, represents Scottish working people in pursuing membership of a social Europe. That is the bit that I think the people of Scotland cannot understand.

Roderick Campbell made an excellent contribution as usual, based on his legal experience. An important part of the committee's report, and of the evidence sessions, is the distinction between international law and the acquired rights of citizens through EU treaties. It is worth reflecting on the considered evidence that was presented in that regard.

I will move on to a part of the committee's report that has not been given as much of an airing as it should have had, on the theme of small states. Now that we have a consensus that Scotland would continue its EU membership, we can move on to considering the role of Scotland in the EU.

The committee report speaks positively of an independent Scotland's prospects in the EU, and concluded on page 74 that

"Small states ... have a role to play in the EU."

It also noted that the idea that large member states dominate the EU is a common misconception, and that the evidence demonstrates that smaller member states can have an effective voice too.

Page 68 of the report quotes Dr Paolo Dardanelli's assertion that

"small countries punch above their weight"

in pursuing their interest across the EU's institutions. It is true that smaller member states have different strategies at their disposal as they work to frame the debate. Regardless of population size, a member state can provide leadership in a specific EU policy area by using its domestic expertise. Maureen Watt and other members identified some areas in which Scotland can make its expertise available to the European Commission.

The Scottish Government has supported successive EU presidencies in areas of expertise such as energy and fisheries. Ireland led the way to major agreements during its presidency, thereby fulfilling many of its top priorities. Its achievements included getting agreement on the €960 billion multiannual financial framework, which covers Europe's budget for 2014 to 2020 and is its biggest single tool for investment in jobs and growth.

Denmark has played a leading role in helping to shape the EU's fisheries policies. It was pivotal in developing policy on discard-free fisheries, using its established profile on the subject matter and its presidency to achieve its policy objectives. There are 12 member states that are the same size as, or smaller than, Scotland that have enjoyed the benefits of the EU for many years.

In any discussion of an independent Scotland's voice in the EU negotiations, it is worth remembering that the alternative will continue to be a UK Government that is increasingly marginalised in key EU negotiations, and which has shown itself to be unwilling and unable to represent Scotland's interests properly.

Lewis Macdonald: Do the comments from Dara Murphy TD, the vice-chair of the Houses of the Oireachtas Joint Committee on European Union Affairs, give the cabinet secretary any pause for thought? He said that the nature of alliances among small countries in Europe puts Ireland at a disadvantage because it is not in the Benelux, Scandinavian or eastern groups, and that, as a consequence, the only way for it to make progress is through an agreement with the UK.

Fiona Hyslop: We should consider the opportunities for a bloc in which the interests of Ireland, the rest of the UK and an independent Scotland would align, as we would actually have more votes and greater co-operation in that respect.

The Deputy Presiding Officer: The member must draw to a close, please.

Fiona Hyslop: My worry is that staying in the union means being stuck in the right-wing groove and slipping ever further towards isolationism. The Scottish Government has long recognised that we need reform of the EU's economic and social policies, and we want to contribute to that process. Sustainable growth must be a focus for the EU, and we need appropriate policies to ensure that everyone benefits from it. We need to consider youth employment across the EU and build an EU that regains the trust of its citizenship.

We also want to consider the issue of governance. We need to improve subsidiarity and proportionality. We need to ensure that some of the reform agenda and the regulatory fitness and performance programme refit agenda is taken forward in a way that helps to reduce burdens on businesses, in order to create jobs and nurture growth.

We also need to ensure that the policies benefit the citizens. On the issues of climate change, tackling social inequalities and ensuring that we have jobs for young people, we need to connect people together. We need to address that.

The Deputy Presiding Officer: You must bring your remarks to a close.

Fiona Hyslop: Although members might have differing views on independence, I welcome the agreement on the positive role that Scotland wants to play. Choosing independence means Scotland joining the world, speaking and acting for ourselves and making a positive contribution to the world and Europe, as a good global and European citizen.

16:50

Hanzala Malik (Glasgow) (Lab): I thank everyone who took part in the committee's deliberations: the committee members, the clerks, the experts who spoke to us, the members of the public who joined us and everyone who made an effort to make our report a success.

The inquiry, in considering an independent Scotland's membership of the European Union, addressed an important and complex issue. The inquiry was valuable, in that we heard the views of many expert witnesses on what EU membership would mean for an independent Scotland. It certainly succeeded in taking the discussions and the debate to another level. I suspect that we will see many of the issues that were discussed coming to the fore in public debate, whatever the result of the referendum, as the UK's membership of the EU, and the terms of that membership, come under increasing scrutiny.

In drawing the debate to a close, I would like to address some of the points that have been made this afternoon.

The report is a presentation of substantial amounts of evidence that were gathered during the inquiry. I note with sadness that several sections of the report are disputed. The report clearly states that the pro-union members of the committee wished to keep the original draft of the report and felt that SNP amendments compromised the report's impartial tone.

On the issue of there being no clear answers, as no section of a member state of the EU has become an independent state before, there is no legal precedent, and evidence that was given to the inquiry states that there is no treaty that gives us a clear way forward. The report gives us a summary of the informed opinion of a wide range of experts.

On the issue of the Edinburgh agreement, the agreement is mainly about the terms of the referendum on Scotland's future and nothing else. The UK is not planning to do anything other than support that process.

There is no clarity on the amount of time that will be taken.

On the route to EU membership, the white paper stated that article 48 of the Treaty on European Union would be used instead of article 49, with a more simplified process of ordinary treaty amendment to achieve Scottish membership. In response to that, I quote Professor Michael Keating. Responding to my question on whether there was any guarantee that article 48 would be used, he said:

"There is no legal guarantee."

He went on to say:

"All of that is in flux and all that we can do is make a reasonable judgment on the balance of interests and how the legal questions can be dealt with. We cannot give guarantees."—[*Official Report, European and External Relations Committee*, 5 December 2013; c 1563, 1565.]

In other words, he clearly said that there is no guarantee.

One of the areas covered by the inquiry that I considered to be important was what would happen if there was any gap in Scotland's membership of the European Union. It was clear from the evidence that that would have widespread implications for European Union citizens and businesses. The 160,000 nationals of other EU member states who live in Scotland would no longer be living within the EU, and those with Scottish citizenship living elsewhere in the EU would lose their rights as EU citizens. It was clear from the evidence that, if Scotland was no longer part of the single market, with Scottish businesses unable to trade freely with EU states and businesses in other EU member states unable to trade freely with Scotland, the gap would damage Scotland's interests.

The Minister for Learning, Science and Scotland's Languages (Dr Alasdair Allan): The member paints a picture of European citizens no longer being European citizens within Europe, with other European member states presumably being disadvantaged thereby. Does what he says not convince him of the unlikelihood of that scenario? Member states have no interest in creating such a situation.

Hanzala Malik: It is nice of the member to join us. That is the best that I can say.

In their speeches, members have demonstrated what an important issue European Union membership is for Scotland. Whatever our differences in our views on how Scotland might become a member state in its own right in the event of independence, I think that we are all united on one thing: Scotland should be a member of the European Union and should benefit as much as possible from that membership.

The recent European Parliament elections showed that there is a high degree of

dissatisfaction with the European Union in its current form. The European Parliament will have its highest number of Eurosceptic members ever. The European Union is now reflecting on how it can change after those elections. The evidence heard by us as part of our inquiry suggests that the people of Scotland look more favourably on EU membership than people in other parts of the UK do.

The importance of Scotland engaging with the European Union emerged strongly from the inquiry. Scotland has a lot to contribute to, and gain from, the EU. We need to maximise the opportunities that European membership provides us with, whether those are funding opportunities, opportunities to engage in European policy making and projects or opportunities to participate in European networks.

One of the key themes of the committee's inquiry was how small states can engage with the European Union. Much of what we learned about the way that small states can influence is relevant to Scotland, either currently or as an independent country. The importance of focusing on areas where we can contribute the most was stressed to develop our future prospects.

Those issues are crucial to Scotland, whether it remains part of the UK or becomes independent.

Business Motion

The Presiding Officer (Tricia Marwick): The next item of business is consideration of a business motion.

16:59

The Minister for Parliamentary Business (Joe FitzPatrick): Following discussions with business managers, I seek your agreement, Presiding Officer, to move a motion without notice that, under rule 8.1.2, the Parliament consider a new business motion setting out the programme for business for the next two weeks.

The original business motion proposed that a debate on the appointment of the fiscal commission take place on Tuesday 10 June. However, as the Finance Committee has not completed its deliberations, business managers have agreed that we should postpone that debate and replace it with a ministerial statement on the publication of the 2012 greenhouse gas inventory, which will be published next Tuesday.

The Presiding Officer: I am minded to accept the motion without notice.

Motion moved,

That, under Rule 8.1.2 of Standing Orders, motion S4M-10199 be replaced with motion S4M-10228.—[Joe Fitzpatrick.]

Motion agreed to.

The Presiding Officer: Therefore, the next item of business is consideration of business motion S4M-10228.

Motion moved,

That the Parliament agrees the following programme of business—

Tuesday 10 June 2014

2.00 pm Time for Reflection

followed by Parliamentary Bureau Motion

followed by Topical Questions (if selected)

followed by Ministerial Statement: Publication of 2012 Greenhouse Gas Inventory

followed by Scottish Government Debate: Contribution of Older People to Society

followed by Business Motions

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Wednesday 11 June 2014

2.00 pm Parliamentary Bureau Motions

2.00 pm Portfolio Questions
Health and Wellbeing

<i>followed by</i>	Ministerial Statement: The New Common Agricultural Policy	12.00 pm	First Minister's Questions
<i>followed by</i>	Scottish Government Debate: Local Government Elections, Delivering Improvements in Participation and Administration	12.30 pm	Members' Business
<i>followed by</i>	Business Motions	2.15 pm	Parliamentary Bureau Motions
<i>followed by</i>	Parliamentary Bureau Motions	<i>followed by</i>	Scottish Parliamentary Corporate Body Question Time
5.00 pm	Decision Time	<i>followed by</i>	Stage 3 Proceedings: Defective and Dangerous Buildings (Recovery of Expenses) (Scotland) Bill
<i>followed by</i>	Members' Business	<i>followed by</i>	Scottish Government Business
Thursday 12 June 2014		<i>followed by</i>	Business Motions
11.40 am	Parliamentary Bureau Motions	<i>followed by</i>	Parliamentary Bureau Motions
11.40 am	General Questions	5.00 pm	Decision Time—[Joe FitzPatrick.]
12.00 pm	First Minister's Questions	<i>Motion agreed to.</i>	
12.30 pm	Members' Business		
2.30 pm	Parliamentary Bureau Motions		
<i>followed by</i>	Scottish Government Debate: CashBack for Communities		
<i>followed by</i>	Public Body Consent Motion: Public Bodies (Abolition of Food from Britain) Order 2014 – UK Legislation		
<i>followed by</i>	Standards Procedures and Public Appointments Committee Debate: Standing Order Changes		
<i>followed by</i>	Business Motions		
<i>followed by</i>	Parliamentary Bureau Motions		
5.00 pm	Decision Time		
Tuesday 17 June 2014			
2.00 pm	Time for Reflection		
<i>followed by</i>	Parliamentary Bureau Motions		
<i>followed by</i>	Topical Questions (if selected)		
<i>followed by</i>	Scottish Government Business		
<i>followed by</i>	Business Motions		
<i>followed by</i>	Parliamentary Bureau Motions		
5.00 pm	Decision Time		
<i>followed by</i>	Members' Business		
Wednesday 18 June 2014			
2.00 pm	Parliamentary Bureau Motions		
2.00 pm	Portfolio Questions Culture and External Affairs; Infrastructure, Investment and Cities		
<i>followed by</i>	Scottish Government Business		
<i>followed by</i>	Business Motions		
<i>followed by</i>	Parliamentary Bureau Motions		
5.00 pm	Decision Time		
<i>followed by</i>	Members' Business		
Thursday 19 June 2014			
11.40 am	Parliamentary Bureau Motions		
11.40 am	General Questions		

Decision Time

17:01

The Presiding Officer (Tricia Marwick): There are no questions to be put as a result of today's business.

Potatoes

The Deputy Presiding Officer (Elaine Smith):

The final item of business is a members' business debate on motion S4M-10025, in the name of Claire Baker, celebrating the Scottish spud. The debate will be concluded without any question being put.

Motion debated,

That the Parliament acknowledges the success of Scottish potatoes at home and abroad, recognising what it understands is their sector value of around £100 million; believes that around 80% of British seed potatoes are grown in Scotland, including in Mid Scotland and Fife, and welcomes that Scotland is classified as a high grade region for seed potato production and that only pre-basic or basic potatoes can be marketed and planted in Scotland; understands that 30% of seed potatoes grown in Scotland are exported to EU and non-EU countries, resulting in Scotland being Europe's second biggest seed exporter; further understands, however, that the consumption of fresh potatoes in Scotland has declined by 13% since February 2012 compared to a 9% and 10% fall in England and Wales; believes that the work undertaken by organisations such as the Potato Council to develop and promote the potato industry is vital for the sector in Scotland; celebrates the Grow Your Own Potatoes project, which is in its 10th year, noting that nearly 800 schools across Scotland are getting ready to harvest their latest crops; highlights what it sees as the important research being conducted by the council, which currently involves around 30 projects, and considers that potatoes are a sustainable, affordable and healthy product that are part of a balanced diet.

17:02

Claire Baker (Mid Scotland and Fife) (Lab): I am delighted to be holding this debate and I thank members for supporting my motion.

Last September, I was asked to host a British Potato Council round-table event. I will be honest. There were other events on in the Parliament that night and I thought, "I've got to go and talk about potatoes all night." However, it was genuinely one of the most interesting meetings that I have ever been to in the Parliament and I left it a complete convert to the value of Scottish produce and the importance of potatoes, which we hardly ever talk about in the Parliament or, I would argue, do enough to promote.

Potatoes are affordable, environmentally friendly, a staple of a healthy diet, nutritious, and a leading Scottish product. I will admit to being teased about holding a potato debate this evening, but we need only look at Scottish potato exports. In the Parliament, we frequently talk about whisky and salmon as leading Scottish exports, which have targets to increase their global reach, and yet Scotland is the second biggest producer of seed potatoes in Europe. Almost 30 per cent of seed potatoes grown in Scotland are exported to EU and non-EU countries. We export to more than 40

countries, including Egypt and Morocco. That is quite impressive, but we do not talk about our exports or our global importance in that area.

We are not always grateful for Scotland's weather but we have a great combination of soil and weather for producing a world-leading product—a product that many other countries rely on. At a time when we talk a lot about food security, potatoes are an important cornerstone of Scottish produce. We should be looking at ways to support and grow the sector. Like all areas of farming, there are yearly challenges and fluctuations in price and productivity, but in 2012 the estimated value of potatoes was £160 million. Eighty per cent of all British seed potatoes are grown in Scotland, with a sector value of around £100 million. It is a significant sector and a Scottish success story that we should celebrate.

I mentioned food security, but we could look at other global challenges, such as sustainability and addressing climate change. Food chains and production have a significant role to play in addressing those challenges.

Potatoes that are grown in Britain use just 29 per cent of the average amount of water consumed by the crop across the rest of the globe. The journey from field to plate is much shorter than it is for other comparable produce. If we think about the water, energy and air miles that are used to produce rice and pasta, we can see that potatoes compare very favourably. Work is, however, being done for the future. The James Hutton Institute is investing in research for the sector and developing varieties that require less fertiliser and water input, and so can be grown with a smaller environmental footprint. Potatoes that can withstand environmental pressures are good for the export market but they are also good for futureproofing our own produce against the impact of climate change at home.

However, the potato sector is facing significant challenges. Consumption has fallen across the United Kingdom, but more significantly within Scotland. Since February 2012, consumption of fresh potatoes in Scotland has fallen by 13 per cent compared to 9 per cent in England and 10 per cent in Wales.

We can suggest several reasons for that. Our eating habits have changed. We have seen an increase in the use of pasta, rice and noodles; we have many more options than we did generations ago, when meat and potatoes were the staples. Lifestyles have also changed: we lead busy lives combined with less meal preparation. When someone gets home from work, potatoes might not seem like the obvious thing to cook, if they plan to cook at all. The impression is that they take a while to prepare, but supermarkets and producers are trying to respond to that with more

convenient but fresh produce options. Product development is trying to address the issues of consumption.

We have also seen a shift in the type of potatoes that we buy. We are in new potato season, and I hope that members will come along to the Potato Council event at lunch time tomorrow and try some new season potatoes. They will be most welcome. The consumer is increasingly buying smaller potatoes and smaller bags. Although that might help with consumption figures, it leaves the Scottish potato market vulnerable and too seasonally focused.

Research also has a significant role to play. We all like good-looking fruit and veg these days. Although there is a job to do with the consumer accepting produce that looks like it has actually been grown in a field, there are also advantages to improving the appearance and nutritional profile, reducing greening and sprouting, and developing better flavour. All those issues can contribute to how we increase consumption.

Of course, there is always the perception that potatoes make us fat. That is probably one of the most difficult myths to address and reverse. Starchy foods are our main source of carbohydrate and are important in a healthy diet, but the idea that potatoes are heavy in calories persists. When I spoke to people about the debate, I was surprised by how many people still have that impression. It is often not the potato, but the butter, the oil, or the salt that we add that is the problem. Potatoes with skins on are a great source of energy, fibre, B vitamins and potassium, as well as vitamin C. The UK Department of Health has recently changed its dietary advice to include potatoes with skins, along with wholegrains, as a source of fibre.

There is, however, no defined portion size for potato in the UK, unlike the 80g that is recommended for fruit and vegetables. It would be good to have clarity on that because it would help with the promotion of healthy eating guidance to consumers. If it was true that potatoes caused weight gain, we would not necessarily see falling consumption alongside increasing obesity figures.

Last year, I asked the Minister for Public Health about the goal of increasing potato consumption by 25 per cent, a target that was in the preventing overweight and obesity in Scotland route map, and then removed on the basis of advice from the Food Standards Agency. I understand the reasons for changing the advice, but it creates a confusing message for the consumer. I accept that part of that is the difficulty caused by the lack of an evidence base about health benefits, but that needs to be resolved and a clear message given about the nutritious value of potatoes and the role that they play in a healthy diet. While no one

denies their value, potatoes miss out on positive promotion as they are not part of the five-a-day message, and they miss out on positive promotion as a starchy carbohydrate because they are not a wholegrain, which tend to be the focus in that category.

Potatoes are affordable. We have seen an increase in cost in recent years, but we have seen an increase in food prices across the shopping basket. Food prices are predicted to rise faster than incomes every year until 2018. There is significant pressure on global food prices and feeding a family gets more difficult. Potatoes remain an affordable product and one that people can grow themselves. I know that the Potato Council, as well as representing the sector, has been doing a lot of work with schools and has been supporting them through the grow your own potatoes project.

This year marks the 70th anniversary of the D-day landings and the British Nutrition Foundation is using that opportunity to highlight the potato with what it describes as new nutritional insights into an old wartime food hero. Potatoes can seem old-fashioned and the consumption figures that I mentioned are even starker when we see that consumption is falling much faster among under-40s.

Bearing in mind the global food challenges that we face, and issues such as affordability, nutrition, sustainability and the environment, I believe that we have a Scottish product that we should celebrate and be proud of.

17:10

Angus MacDonald (Falkirk East) (SNP): I am certainly pleased to contribute to this debate, and I thank Claire Baker for bringing it to the chamber and allowing us to highlight the great Scottish spud's many benefits to our health and the economy.

I have a long association with the great Scottish spud. I grew Kerr's Pinks on the family farms up in Stornoway for the Outer Hebridean market, where their floury dry texture goes so well with local delicacies such as salt herring and guga. Guga, of course, is salt baby gannet, and it is something for which, half a century on from being born on the Isle of Lewis, I have still not managed to acquire a taste. I can say that without worrying about damaging the guga industry, as demand greatly exceeds supply.

My association with the humble spud continued when I trained as a livestock auctioneer with United Auctions in Stirling, where we would regularly hold seed potato sales and where I learned about hundreds of varieties that I had never heard of before. As a trainee auctioneer, I

would, after the sale, have to phone in the sale report to *The Herald*, *The Scotsman*, *The Press and Journal* and *The Courier*. As that was in the days before e-mail and fax, I had to spell out each of the varieties to the copy girls, and I now have varieties such as Desiree, Pentland Javelin, Osprey and Russet Burbank etched on my mind. I am also sure that there are many retired copy girls out there who are extremely relieved at no longer having to type endless lists of potato varieties for hours on end.

Potatoes with colourful names such as Pimpernel, Galactica, Fontane, Asterix and Sylvana are just a few of the 700 varieties held by the Scottish Government in its national potato collection.

Claire Baker: Does the member agree that although we know about the different varieties there should be more variety in our supermarkets and that part of the way to address the problem of consumption is to give the consumer much greater choice in the potatoes that they consume?

Angus MacDonald: Absolutely. The Scottish Government's tonnage figures show that only a handful of varieties are used, and there are many other brilliant varieties out there that people are not but should be made aware of.

Scotland produces 600,000 tonnes of potatoes each year. That tonnage is valued at around £180 million, and around half of it is made up of our world-class seed potatoes, which are clearly the foundation of our potato industry. Scottish seed potatoes are exported to more than 50 countries outside the EU and generate £35 million for the economy; Egypt is the largest seed export destination, with demand up 20 per cent on previous years, and Scotland has now overtaken the Netherlands as the largest seed supplier to that country.

There is lots of good news out there about Scottish potatoes—and, indeed, there is even more. A recent study published in the British Nutrition Foundation's *Nutrition Bulletin* on the nutritional values of potatoes and potato products in the UK diet revealed that choosing to consume potatoes in place of more energy-dense foods could have a significant impact on reducing calorie consumption and improve nutrient density, potentially contributing to the avoidance of obesity. I am certainly taking note of that. In addition, potatoes as a white vegetable play an important role in enriching the diet by providing important micronutrients as well as dietary fibre and unsaturated fatty acids. Potato consumption is declining slightly, but it would seem that it should be encouraged, particularly given that, according to the study, potatoes provide on average more fibre, more potassium, more vitamin C, more folate and more magnesium compared with their energy

contribution. In other words, potatoes increase the diet's nutrient density and play an important role in improving our diet. They are not only a source of dietary fibre; they provide the micronutrients that I mentioned earlier. In short, provided that care is taken over the amount of added fat and salt, the consumption of potatoes, as white vegetables, should be encouraged alongside the consumption of coloured vegetables as part of a healthy, balanced diet.

My time is limited, but I will squeeze in a bit of praise for the Scottish Rural University College and the work that it continues to do on blight-resistant varieties. Late blight costs Scottish farmers around £500 per hectare, or up to half of all production costs. The SRUC believes that using newer blight-resistant varieties could help to control blight in a more cost-effective way.

It is clear that a lot of work is going on at all stages in the potato industry, from research to growing to marketing. Let us do all that we can to ensure that the humble Scottish spud continues to make a significant contribution to our diet and our economy.

17:15

Dr Richard Simpson (Mid Scotland and Fife) (Lab): I, too, thank Claire Baker for securing this members' business debate, which is on an important topic that is relevant to Scotland and Scottish exports. I want to confine my remarks to three issues: the health value of potatoes, the health and safety of managing chips, and the future of seed potatoes. The seed potato industry is important.

We have already heard that the Potato Council has demonstrated the significant health benefits of potatoes. I think that the evidence base is now quite strong. I will not repeat all the elements that other members have talked about, but potassium is an important factor, as are the energy and fibre of potatoes and the vitamins that other members have mentioned. For example, vitamin B6 has many important functions, including contributing to normal red blood cell formation, the normal functioning of the nervous system, reduction of tiredness and fatigue, and regulation of hormonal activity.

The Potato Council has produced a number of "healthy eating" recipes that feature potatoes and all of which have fewer than 400 calories per portion. Potatoes are a much undervalued and underappreciated product.

I want to look at chips, because they are one of the favourite potato products. They have had quite a bad press in many ways, of course. We need much firmer standards in chip production. That is

necessary for our health and a healthier population.

New Zealand has developed a set of industry standards for potato chips that are based on the best scientific evidence. Its Chip Group, which works to improve the nutritional status of deep-fried chips that are sold in New Zealand, found that chips that are not cooked to the industry standards have up to 20 per cent fat in them. Operators that adhere to the standards produce deep-fried chips with between 7 and 9 per cent fat. To illustrate that, one of its programmes is called "town makeovers". People go to local chip producers and instruct them on the standards. After one of those programmes in Matamata in Waikato, the annual consumption of fat was reduced by 1,711kg, which is the equivalent of three trailer-loads full of fat. Chips are very popular, so that can have a major effect.

I would like the fish and chips organisation in Scotland to ensure in its programme that no fish and chip shop is given an award unless it complies with the standard that reduces the chips' fat content to less than 9 per cent.

Good technique has other important results. It reduces the levels of acrylamide and furan, both of which are carcinogens. They will be in high prevalence if frying standards are not followed. What will the Government do to ensure that high standards are encouraged?

Finally, I want to deal with seed potatoes, which are an important crop, as has already been said. I will not go into the figures, but as Angus MacDonald mentioned, one of the big problems is potato blight. It causes real problems. I will go into an area that is slightly difficult for us. The current mechanism is the use of Mendelian cross-breeding in order to improve blight resistance. A lot of work is going on at the James Hutton Institute and elsewhere on that, and significant work is also going on in Holland to produce blight-resistant varieties. However, America is going to follow the genetic modification route. Here, existing potatoes from South America and old forms of potato that are almost completely blight resistant are being used, and that will shortcut the approach quite significantly.

Blight has a massive effect on the potato crop across the world. The production of seed potatoes is important to Scotland, so if we are going to survive as a seed potato producing nation, we need to consider a risk assessment of not adopting GM potatoes in order that we can protect our industry's competitiveness. I am not advocating GM, and the industry itself talks about all the public protections that need to be put in place. Nevertheless, we should be very careful that we do not lose out in this area to the

Americans, because it is an area of great importance to us.

17:20

Mary Scanlon (Highlands and Islands) (Con):

I, too, thank Claire Baker for securing the debate. This debate exemplifies what members' debates should be about. I thank her very much for bringing the issue to Parliament.

Growing up in Angus, we never spoke about "potatoes"—that was for the toffs—but about "tatties". They were part of our annual calendar of events. From when I was eight years old, I would be sowing tatties in the spring, then we had the three-week tattie holiday in October. Between those times, we were out picking daffodils at Dykelands and picking strawberries and raspberries at Charleton, near Montrose, in the summer holidays. It probably sounds like child slave labour these days, but it was just a normal part of our lives.

Growing up in Montrose, I was aware of the excellent disease-free seed potatoes that are grown in Scotland and exported to many countries, so it is no surprise to hear that overseas demand for seed potatoes has risen by 30 per cent in the past 10 years. However, I have to say that, probably like many people—I make no apology for it—I was not fully aware of the nutritional benefits of potatoes. I was probably not very aware at all of that until I started researching for this debate. It is perhaps lack of knowledge about those benefits that has been responsible for some of the decline of 500,000 tonnes in the potato crop between 2011 and 2013. To me, that seems to be a huge amount.

I also have to confess that the year of the potato 2008 passed me by, so I cannot say that I learned much about the potato that year. However, the briefing from the Potato Council states that in 2008 the Scottish Government published a target, which Claire Baker mentioned, of increasing potato consumption by 25 per cent, which was in "Healthy Eating, Active Living: An action plan to improve diet, increase physical activity and tackle obesity (2008-2011)". The action plan was set to run for three years. Unfortunately, the Potato Council's briefing states:

"Subsequent policy documents have been inconsistent in referencing this target."

I hope that the debate goes some way to addressing that. However, with reference to the goal of increasing potato consumption by 25 per cent, Michael Matheson stated that

"there is no evidence base regarding the health benefits of consuming potatoes specifically".—[*Official Report, Written Answers*, 27 November 2013; S4W-18389.]

Well, I have to say that I found plenty such evidence. We have heard plenty of it in the debate and there are plenty more sources.

As Claire Baker said, Scotland is the right place for growing potatoes because the amount of water that is used for the process here is just 29 per cent of the global average for the process. It uses 133 times less water than rice growing and it results in 42 per cent less greenhouse gas emissions than producing pasta does. On the health and nutrition front, a medium potato provides 45 per cent of the daily required amount of vitamin C—I certainly did not know that—more potassium than bananas, spinach or broccoli and 10 per cent of the daily required amount of vitamin B6. All of that is done for 110 calories with no fat, sodium or cholesterol. If I did not know that, how many other people out there do not know it?

Potatoes are fat free and are lower in calories than white rice and pasta; they have almost half the calories of the same amount of white rice and significantly fewer calories than boiled white pasta. In terms of fibre, the potato yields double the amount of fibre that is in pasta and more than 20 times that which is found in boiled white rice. The potato is a superfood, by any other name.

Claire Baker referred to rising food prices, and price is a factor with potatoes, given that products such as pasta and rice can act as very acceptable substitutes for potatoes. I find it worrying that ware potatoes have increased in price from £100 per tonne in 2011 to £270 per tonne in 2012. I hope that that price increase will encourage farmers and other growers to allocate more land to the production of potatoes, given the financial incentive to do so.

I have found the factual information surrounding the debate very interesting. I will be sure to include tatties in my weekly shop from now on. I hope that the debate has raised awareness about the nutritional and health benefits of the potato.

17:25

The Minister for Environment and Climate Change (Paul Wheelhouse):

I congratulate Claire Baker on securing the debate, which has been fascinating, with interesting and well put together speeches from colleagues across the chamber. The details on nutrition, in particular, were fascinating.

Can any of us imagine haggis and neeps without the mashed tatties, Sunday lunch or dinner without the crisp roasties, or battered fish without the chips—irrespective of the requirements and standards that Dr Simpson highlighted? My personal favourite is the baked potato—can any of us imagine life without those? I could go on with a long list of the many dishes that can be

accompanied by what some might call the humble spud, but which, as we have gathered today, can be recategorised as the glorious, versatile potato. Whether fresh or processed, boiled, mashed, baked, fried or crisped, most of us love them in at least one form or another.

Angus MacDonald is a particular expert on potato varieties. I will ensure that the Cabinet Secretary for Rural Affairs and the Environment is made aware of that for future reference.

I thank Claire Baker for raising a debate on one of Scotland's most important crops. As she said, in September 2013 she hosted a round-table event at the Scottish Parliament on tackling tattie targets, which covered many of the issues raised in the motion.

We have a long history of quality food production, particularly of potatoes. The value of the Scottish seed crop alone is approaching, as members have said, £100 million. With more than 11,000 hectares grown in 2013, potatoes from Scotland represent 75 per cent of total UK production. I think that I heard someone mention a figure of 80 per cent, but I hope that we are in agreement that, whatever the figure, it is a very significant share of UK production. We also grow between 16,000 and 18,000 hectares of ware—or eating—potatoes a year.

The total output value of Scottish ware potatoes has doubled from £92 million in 2009 to £188 million in 2013, largely due to a strong increase in price, to which members have referred. Collectively, the value of the Scottish potato sector is £287 million. That represents 9 per cent of Scotland's total agricultural output, so it is a very significant crop for our agricultural sector. If we add to that the fact that Scottish seed potatoes underpin potato production right across these islands, which is worth an estimated £4 billion a year, that confirms the importance of the Scottish potato and why it should be celebrated and valued.

Scotland has many natural advantages for potato production, including the Scottish climate. Our cool summers can be a distinct advantage in limiting virus pressure on Scottish potato crops. That is allied to Scotland's freedom from serious potato quarantine pests like brown rot and ring rot. I am aware that the James Hutton Institute is looking at the impact of climate change on potato production and I look forward to its research.

The freedom from those pests does not happen by chance: it is the result of strong collaboration among growers, the Potato Council and the Scottish Government to ensure that a range of voluntary and statutory measures are in place to maintain and build on our world-wide high-health reputation. That includes the Scottish Government

undertaking soil, tuber and water surveillance to monitor for quarantine pests and diseases. We are—rightly—proud of our high-health status, but we cannot rest on our laurels.

Plant health is the root of Scotland's thriving rural economy, which is why, on 18 March, I announced the development of a new Scottish plant health strategy at a workshop with stakeholders. The strategy will be hugely beneficial in helping us tackle the increasing challenges of new pests and diseases that may affect production.

Strong collaboration with all interested parties is vital in protecting our plant health. The Scottish Government works in partnership with the potato industry and the Potato Council to ensure that we have robust measures in place to build on our advantages. We fund potato-related research in Scotland to the value of around £4 million a year and we liaise closely with the Potato Council on that to complement its input and efforts.

Scottish potatoes are consistently successful in the European and international markets. Angus MacDonald and other members mentioned the Egypt market; I think that 49 per cent of our total exports outside the EU go there. Over the current export season, Scottish exporters sent 77,000 tonnes to more than 20 different countries outside the European Union. It has been another very good year for our exporters. Again, that is the result of strong collaboration between our exporters, the Potato Council and the Scottish Government working in tandem to nurture existing markets and to develop new ones.

The Scottish spud plays a vital role in the success story that is Scotland's food and drink industry. Since 2008, our food and drink sector has experienced the strongest growth in turnover—it stands at 14 per cent—of all growth sectors in Scotland.

As Claire Baker noted in her motion, the consumption of fresh potatoes has been in decline and dropped by about 25 per cent over the past decade. Consumption of processed potatoes also declined over the same period, by about 13 per cent. As members said, the reason for the decline is unclear, but the decrease appears to be greater in more affluent societal groups, which suggests some form of cultural shift.

Potato prices might also be a factor. As a number of members said, they rose by almost 30 per cent between 2007 and 2012. That increase is close to the average rise in food prices, but it is higher than the price increases for fruit and vegetables in the same period. Research shows that consumer reaction in the UK to price increases has been to buy fewer and cheaper potatoes rather than pay more.

The long-term decline in consumption is a concern and I commend the Potato Council, which has a key role in promoting the sector, and members for raising that issue. The Government consistently recommends and promotes potatoes as an excellent source of starchy carbohydrates. For example, we do that through advice to retailers on product placement through the healthy living programme; the Food Standards Agency Scotland's eat well plate; and the supporting healthy choices guidance, which is due to be published at the end of June.

If a key message has come out of the debate from all members, whom I commend for the detail in which they have described it, it is about nutrition. We have the problem that potatoes are not perceived to be as nutritious as we know that they are. Claire Baker, Mary Scanlon, Richard Simpson and Angus MacDonald all talked about the qualities of potatoes and I will not repeat those points. Most people are not eating enough such food, so increasing our consumption of potatoes is an ideal way of achieving our health targets.

To reflect what Angus MacDonald said, it is important that Scotland's population are in a position to make informed decisions on what they eat. The variety of potatoes that he described was a surprise to me; I had not appreciated that breadth.

The Scottish Government published revised dietary targets in May 2013, following a review by the Food Standards Agency Scotland. Those targets concern the population-wide shift that is required to improve Scotland's dietary health, which includes the intake of starchy foods.

Richard Simpson made a fair point about the way in which potatoes are cooked as chips. I was not aware of the diverse techniques for cooking chips and the effect on the fat content. I will raise that point with my colleagues and see whether we can do anything on it.

Food education is high on the Government's agenda. For example, we have invested £3 million over 2010 to 2015 in teaching our young people about the journey from farm to fork. Initiatives such as the Potato Council's grow your own potatoes programme for primary school children are invaluable in teaching our future generations of consumers about where potatoes come from and how they can be used in diets at home. Perhaps more messaging about the nutritional value of potatoes and guidance on how to cook them could be built into that, to maximise the health benefits.

I am delighted that the grow your own potatoes programme is celebrating its 10th year. Many schools across Scotland grow their own potatoes, which teaches pupils about the role that potatoes can play in a healthy, balanced diet. That fantastic

project complements other food education initiatives that the Scottish Government funds, and I hope that it will continue to engage with young people across the country for years to come.

I commend Claire Baker for her motion and I commend all members for their speeches, which were constructive and positive about the industry. I am pleased to have had the opportunity to celebrate the success of our Scottish spuds past, present and future with everyone who is here.

Meeting closed at 17:33.

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