

EUROPEAN AND EXTERNAL RELATIONS COMMITTEE

Tuesday 14 September 2004

Session 2

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CONTENTS

Tuesday 14 September 2004

	Col.
SCOTTISH EXECUTIVE PRIORITIES (DUTCH PRESIDENCY)	746
SCOTTISH EXECUTIVE EUROPEAN STRATEGY	746
REGIONS WITH LEGISLATIVE POWER (SCOTTISH PRESIDENCY)	767
CONVENER'S REPORT	779
PRE AND POST-COUNCIL SCRUTINY	791
SIFT	793

EUROPEAN AND EXTERNAL RELATIONS COMMITTEE 15th Meeting 2004, Session 2

CONVENER

*Richard Lochhead (North East Scotland) (SNP)

DEPUTY CONVENER

*Irene Oldfather (Cunninghame South) (Lab)

COMMITTEE MEMBERS

*Dennis Canavan (Falkirk West) (Ind)
Mrs Margaret Ewing (Moray) (SNP)
*Phil Gallie (South of Scotland) (Con)
*Mr John Home Robertson (East Lothian) (Lab)
*Gordon Jackson (Glasgow Govan) (Lab)
*Mr Alasdair Morrison (Western Isles) (Lab)
*Mr Keith Raffan (Mid Scotland and Fife) (LD)

COMMITTEE SUBSTITUTES

Ms Wendy Alexander (Paisley North) (Lab)
Murdo Fraser (Mid Scotland and Fife) (Con)
Nora Radcliffe (Gordon) (LD)
Nicola Sturgeon (Glasgow) (SNP)

*attended

THE FOLLOWING GAVE EVIDENCE:

Nikki Brown (Scottish Executive Finance and Central Services Department)
Mr Andy Kerr (Minister for Finance and Public Services)
Tim Simons (Scottish Executive Finance and Central Services Department)

CLERK TO THE COMMITTEE

Stephen Imrie

ASSISTANT CLERKS

Nick Hawthorne
David Simpson

LOCATION

Committee Room 2

Scottish Parliament
European and External Relations
Committee

Tuesday 14 September 2004

[THE CONVENER *opened the meeting at 14:03*]

The Convener (Richard Lochhead): Good afternoon. I warmly welcome committee members and everyone in the public gallery to this meeting of the European and External Relations Committee in this spectacular new Holyrood Parliament of ours. Indeed, this is our first meeting in one of the impressive and stunning new committee rooms, which I think that we will all agree are fascinating.

I open our 15th meeting in 2004 by saying that we have received apologies from Margaret Ewing who, as we all know, is recovering from illness. I have asked the clerks to send our best wishes to Margaret.

Members: Hear, hear.

The Convener: No substitute members are attending today's meeting.

Dennis Canavan (Falkirk West) (Ind): On a point of order, convener. I read in the newspaper that someone down in London has decided who the convener of our committee is to be. I wonder whether you can confirm that and tell us what is happening. Moreover, will this committee, like any parliamentary committee, have a democratic vote on who our convener should be?

The Convener: I am delighted to tell the member that, with our new democracy in Scotland, such decisions are taken by our whole Scottish Parliament and that the convener will be appointed by this committee in due course. That said, I am able to confirm that, due to events outwith this room, you might have a new convener in due course.

I clarify to committee members that the microphones are all automatic and that you do not have to press any buttons to be able to speak. You should simply indicate that you wish to speak as the meeting progresses.

Scottish Executive Priorities
(Dutch Presidency)

Scottish Executive European
Strategy

14:04

The Convener: I welcome to the meeting the Scottish Executive minister with responsibility for external relations, Andy Kerr, who is accompanied by Alastair Wilson and Tim Simons from the external relations division. Nikki Brown will also be along later to help the minister out.

We will take evidence from the minister on the first three items on our agenda. In the first item, he will outline his priorities for the Dutch presidency of the European Union and, in the second item, he will talk about the Scottish Executive's European strategy and activities to date. I understand that the minister will first give a five or 10-minute presentation on both issues. I hope that all members can see the screen; if they cannot do so, they should look at the paper copies of the slides. We will then have a separate question session for each item.

The Minister for Finance and Public Services (Mr Andy Kerr): First, let me associate myself with the convener's remarks about sending best wishes to Margaret Ewing and about this fantastic building. As this is your last meeting, convener, let me also acknowledge your elevation within your party. However, I probably draw the line at wishing you every success for the future because, after all, we are political opponents. I have enjoyed working with you on the committee and wish you all the best in your future role.

It is a pleasure to be back before the committee. Since our last meeting, significant things have happened, some of which we will cover today. As the convener pointed out, I plan to cover three main issues: ministerial priorities for the Dutch presidency; progress on the European strategy; and the Scottish presidency of the conference of regions with legislative power—or Regleg—which I know is of some interest to the committee. I will cover that issue in the second part of my presentation.

I understand that the Dutch ambassador will address the committee on the priorities of the Dutch presidency, but I want to provide a short overview of those priorities and what the Executive will be doing in that respect. Like the previous presidency, the Dutch presidency falls at a time of great change with the change of European Commission on 1 November; the newly elected

European Parliament; and enlargement, which we have discussed many times. As it will be the first presidency to oversee an enlarged EU of 25 member states, its main priority is to ensure that it makes a success of that new arrangement. After all, that is a major challenge.

The second priority for the presidency is to strengthen the European economy. I have already had dialogue with Phil Gallie and other members about the Lisbon strategy, the aim of which is to make the EU the world's most dynamic economy by 2010. The presidency is placing a lot of emphasis on that and is overseeing preparations for the mid-term evaluation of the strategy. Indeed, it has identified a number of better regulation issues as priorities, which is an approach that I support.

An increasingly important area of work is the freedom, security and justice agenda. The Dutch aim to agree the five-year justice and home affairs work programme and to make progress on the fight against international crime and terrorism. The fourth priority is the European Union's financial and budgetary structure, which is of great interest not only to me but to the whole Executive. The period covered by the budgetary framework draws to a close at the end of 2006. Although a decision on the future financial perspectives package will not be taken until 2005, the Dutch are clearly keen to set down guidelines and principles by the end of the year. As a result, there will be some very interesting areas for discussion.

As far as the Executive's priorities for the Dutch presidency are concerned, we have considered the programme and have identified five key issues of particular importance to Scotland and on which we will focus our efforts. Members will not be surprised to find out what those issues are. The first is the justice and home affairs policy. We continue to work closely with the Home Office and the Department for Constitutional Affairs to influence the Commission's JHA work programme and ensure that the principles of Scots criminal and civil law are compatible with JHA instruments.

Fisheries policy continues to be an important priority for Scotland and we will work to ensure optimal and sustainable outcomes for Scottish fisheries in 2005 in the annual total allowable catch and quota negotiations.

Another big issue for us is European structural funds from 2006. The Commission published its proposals on the reform of structural funds on 14 July. The regulations are now being negotiated, and the Executive continues to work closely with the UK and other partners regarding the future of the funds.

On the follow-up to the intergovernmental conference, we will continue to work through

Regleg—which will be the subject of later discussion—the Committee of the Regions and the UK Government to influence developments positively, particularly regarding the introduction of something that is on both the Executive's agenda and the committee's agenda: direct pre-legislative consultation of regions with legislative powers.

Agricultural reform remains a central part of our work. We will continue to interact with the Commission to ensure that we are correctly interpreting and applying the details of the common agricultural policy reform package. We will also monitor progress on the review of the rural development regulation. In addition to those priorities, my ministerial colleagues have highlighted their own EU priorities. I understand that those were sent to you on 2 September.

I will now move on to the European strategy, which was presented recently—in fact, I see from my notes that it was presented on 24 February, although it feels as though it was more recent than that. I would like to give you a brief update on the progress that we have made on implementing the Executive's European strategy. There have been some notable achievements since that time, some of which I will highlight for the committee. Our key priority for our engagement with Europe is growing the Scottish economy, which is a top priority of the partnership agreement. I would argue that we have made considerable progress. For example, tourism from Europe has been increasing. VisitScotland is using thematic campaigns in markets with direct routes to Scotland. A particularly good example of that is the Rosyth to Zeebrugge ferry, which is bearing fruit; the number of overseas visitors to Scotland in the first six months of this year was up 12 per cent on the same period last year.

On fisheries policy, the Executive hosted several meetings in Brussels, involving member states interested in regional advisory councils. The Executive worked hard to ensure that the EU decision was steered through the council working groups. The decision came into force in July, following discussion by fisheries ministers at the May council meeting, which was attended by Ross Finnie. The North sea RAC is expected to be established first and the Executive continues to assist arrangements for the establishment of a secretariat in Scotland, with the first general meeting to be held in Edinburgh in November.

Thanks to the Executive's work with the UK Government, there are now specific references to the role of regions in the draft constitutional treaty, as agreed at the intergovernmental conference in June.

Levers form another critical part of our strategy for achieving our objectives. We have taken action in a number of areas. We have been working with

members of the European Parliament. The day after the results of the European Parliament elections were announced, the First Minister wrote to all seven of Scotland's newly elected MEPs, inviting them to a briefing with Scottish ministers on 24 June, which was very productive. To reinforce our links with the European Parliament, Patricia Ferguson attended a reception for all UK MEPs in London last week, which was hosted by Jack Straw. Still on the subject of working with the UK, there have been eight meetings of the joint ministerial committee on Europe since February, including one that, as we speak, Malcolm Chisholm is attending on behalf of the Executive. Since February, Scottish ministers have attended five Council of Ministers meetings as part of the UK delegation. The record of ministerial attendance at all councils is now published on the Scottish Executive website.

Closer to home, the Executive now has a database of all our EU obligations concerning devolved or partly devolved matters. We now monitor the transposition and implementation of all those obligations across the board. You will shortly receive a report on that. Together with key stakeholders, we are undertaking a review of the European members information liaison exchange network—the EMILE network—with the aim of improving attendance and making its meetings more relevant and useful. Officials have met John Edward, Liz Holt, and Stephen Imrie to take that forward. I expect that the first of the meetings in the new format will take place early next year.

I continue to chair the Scottish international forum, which brings together organisations that are involved in promoting Scotland overseas. The aim is to share plans for work overseas and to identify opportunities for joint initiatives.

In conclusion, I hope that the committee sees that in our activities we have done quite a lot already to implement our strategy, although I recognise that there is much more to do. I am happy to answer questions on those two aspects of my report to the committee.

14:15

The Convener: We can devote the next few minutes to questions on item 1 on the agenda, which is the minister's priorities for the Dutch presidency of the European Union.

Phil Gallie (South of Scotland) (Con): The Dutch presidency started in July, so we are now halfway through it. What progress has been made, as opposed to the aspirations that you have talked about today?

Mr Kerr: Setting out the mid-term analysis of the Lisbon agenda is an important aspect. Arguably, the Dutch are making the right noises on

governance, as well as on bringing Europe closer together in terms of people's perception and understanding of it. The Dutch presidency is doing useful work on rights and values, on informed citizens and on seeking to improve regulations—through the four-presidency initiative over two years.

The seminar that the Dutch presidency is holding on governance will be of use because that will flow through to the work programme for future presidencies. Work on issues such as impact assessment and simplification of legislation is in process. I find—I am sure that you do too—that we want to make things happen quickly, but these matters take time. Given the length of presidencies, there is a degree of commonality with the previous presidencies—in particular the Irish presidency—but nonetheless the aspirations are set, work is being done, conferences and meetings are being held and the right direction of travel is being taken.

Another issue is setting out the vision for how we better finance Europe and organise it financially, which is another big part of the Dutch presidency's work. The Dutch are laying a solid agenda. Work has been undertaken to analyse where we are now in respect of implementation. The mid-term review of the Lisbon strategy will be informative to us all and it will point out some weaknesses of implementation to date and indicate where attention needs to be focused. I do not think that they have their troubles to seek, as, in concert with those tasks, they are trying to organise a body that now has 25 members and deal with the constitutional matters that are going on in the background.

Phil Gallie: On the Lisbon agenda, Europe's economy is not performing. Are the Dutch doing anything that is liable to change the pretty gloomy current situation?

Mr Kerr: I am encouraged by their focus, supported by the Scottish Executive and the UK Government, on trying to step up activity on the labour market agenda, the internal market on services and capital, public finance and the budget of the organisation. I am particularly interested in the simplification of the legislative process and the impact assessment process, so that there is a proper impact assessment of the business effect of legislation that will come through and come out of Scotland. The other aspect being discussed that we are particularly keen on is having framework legislation at a European level but a bit more flexibility at a local level to take account of local circumstances.

I would argue, and will do so again when we discuss Regleg and other aspects of policy in Europe, that although the results may not be instantaneous, the direction of travel is right,

particularly on the agenda for how we get the biggest market in the world working better. The intent is there and the work that the presidency is doing will help to support that activity.

Phil Gallie: Is there a realisation that the economic targets that were set at Lisbon and the balancing social requirements operate in opposing directions?

Mr Kerr: I am not sure that there is such a realisation, because not everyone shares that view. It is arguable that the Dutch and others, like the Executive, recognise that the social agenda cannot exist without the business agenda. In other words, to produce the resources and to employ the people who will create the tax revenue to deliver public services, there is an absolute requirement to have a Europe that works well. I am quite happy that less priority is being placed on trans-European networks and large structural projects and that the organisational aspects of how we can run a better European economy are now being set out. As I said, I do not share that view that you put forward.

Mr Keith Raffan (Mid Scotland and Fife) (LD): I thank the minister for making the points that he did about EMILE. It is important that we try to schedule those meetings a year ahead. They have been chopped and changed too much in the past, which is the reason for the low attendance. I know that from experience, as I have put the date in my diary only to find that the meeting was changed. That is an important point.

I want to make a point about meetings or seminars. As usual, there will be several seminars during the presidency. The Executive's paper refers to the seminar on regulations and Margaret Curran's report says that she will try to attend the seminar on social Europe. Will there be ministerial representation from the Executive at the seminar on regulations and at the other seminars? I think that it is important that there is.

Mr Kerr: We seek to be represented as well as we can at all such events, but that is sometimes difficult to achieve. I make the straightforward point that ministers find it difficult to be away from this Parliament on Tuesdays, Wednesdays and Thursdays. If I may be so bold, I think that the lack of a pairing system in this Parliament limits our ability to do that. I would have great intentions to attend more European meetings so that I could influence for Scotland, but it is difficult for me to do that in the parliamentary climate in which we work. We tend to spend recess time trying to build those bridges and we try to attend meetings that are organised outwith parliamentary time, but a fact of life is that ministers find it difficult to be away from this place on Tuesdays, Wednesdays and Thursdays.

Mr Raffan: I hope that the Executive will persist, with the new leadership of the main Opposition party, in trying to get a pairing system. The lack of such a system detracts from our important work on Europe.

I welcome the minister's initiative to work closely with Scotland's MEPs. Will he elaborate on the "members' reports" that are mentioned in the Executive's written submission? Given the things that we are all trying to achieve, how will the Executive integrate the work of the MEPs, who have been left out on the periphery for far too long?

Mr Kerr: Members might think that I would say this anyway, but I am genuinely working hard to engage with the Scottish international forum, EMILE and the MEPs to ensure that the Scottish Government does its bit of the bargain by communicating directly with those people.

We wanted to ensure that, once the MEPs were elected, we addressed two big issues. Our first aim, which we more or less achieved, was to ensure that we had representation on all the important European committees. Secondly, we wanted to offer support to MEPs who chose to take up rapporteur roles within Europe. I am not sure whether officials can update the committee with information on what has happened as a result of that. It may be too early to give further details about those members' reports.

Tim Simons (Scottish Executive Finance and Central Services Department): I have a meeting with John Edward in 10 days' time to talk through exactly how that system will work. We have had favourable indications from the MEPs, who have been positive about working much more closely and about acquiring rapporteurships or shadow rapporteurships.

Mr Raffan: I understand that a number of MEPs—I know of at least one—have already been appointed rapporteurs.

On the European constitution that was adopted by the IGC, the Executive's paper states:

"The Executive is in close touch with the UK Government to ensure that Scottish issues are reflected in the drafting of the Bill."

Will the minister elaborate on how the Executive will ensure that Scottish issues are treated in the Westminster bill?

Mr Kerr: The issue comes back to areas such as justice and home affairs and fisheries and agriculture, which we have set as priorities in our European strategy. On those issues, our aim is not to lose any positions that have been won in Europe and continuously to remind and reassure the UK Government about our priorities and to make it understand them. That is done through a

variety of channels, such as through me or other ministers attending those meetings and through there being close contact between officials. We have an opportunity to comment pre-legislatively on what is happening at UK level to ensure that officials are aware of any implications for Scotland in any of the provisions that the Westminster Government is making.

Mr Raffan: The final thing that I want to ask you about, which has been a hobby horse of mine, is the N+2 rule, which I asked questions about in the chamber earlier in the year. We had information from the East of Scotland European Consortium that we were not meeting the deadline and therefore money would have to be remitted back to Brussels. You might recall answering a question from me on that, although perhaps it was not you. Are we meeting the deadlines, which are important?

Mr Kerr: As you know, the responsibility for that moved away from me, but I was familiar with it when it came under the finance remit. Steps have been taken, but I will need to come back to you with an absolutely up-to-date position. We put a number of comments into the system with the partnership bodies to ensure that if we were putting barriers in the way of meeting the deadlines, we would seek to remove them. I will come back to you once I am certain about where we are just now.

Mr Alasdair Morrison (Western Isles) (Lab): I want to touch on three points from pages 4 and 5 of the minister's submission. Before I do so I want to highlight something that Keith Raffan and the minister just touched on: the party pairing system, which is a feature of most mature democracies and legislatures. It is a matter of regret that in the past two years the Scottish National Party has failed to appreciate the importance of that. Again, that highlights the inherent hypocrisy of the party; it wants us to engage meaningfully in the important arena of Europe, but at the same time ministers are hamstrung by the lack of a pairing system. I hope, convener, that in your new role you will impress on the deputy leader in Scotland and your London-based leader the importance of introducing a pairing system, which I am sure would be welcomed by all parties.

The Convener: Stick to the agenda.

Mr Morrison: That is the agenda. It is important that our ministers are available for selection and able to play a meaningful part in decision making at a European level.

The first of the three points that I wanted to raise relates to paragraph 2 on page 4 of the briefing paper, which refers to working with the new European Parliament. Minister, will you expand on how work is being developed? You have obviously

had meetings with the First Minister, the Deputy Minister for Finance and Public Services and new MEPs.

The second point relates to page 5 of the paper, which refers to your brief, where you talk about the scenarios that the Dutch are developing for greater efficiency of policy development. The Commission is obviously striving to demonstrate where funds are being used efficiently. How are you working with the Dutch in that regard?

Thirdly, on page 5 you also refer to six member states including the UK. Does that include the Netherlands?

Mr Kerr: Yes, it includes the Netherlands.

I share the view that the convener expressed that the new MEPs are an underused resource and we want to correct that through encouraging early contact, understanding one another's systems and trying to ensure that we get team Scotland's influences correct. We will continue to work hard on that. We are trying to ensure that we have proper contact between MEPs' offices and Executive officials and we are also offering MEPs our support as and when they pick up issues that we might seek to pursue jointly. For example, the work that was done on the bathing waters directive by one of the MEPs was critical to Scotland.

It is about getting in there early, giving MEPs reassurance that we want to be of assistance, building up that bond, which we are trying to do, and offering practical support where we can. We can use them as our eyes and ears for matters in Europe to which we think we need to draw some force. There is a win-win situation for us all there. It is one of those things that one needs to work fairly hard at to make sure it works effectively but, nonetheless, I thought that the meeting that Tavish Scott, the First Minister and I had was a good start. Officials may want to add to that if there are any other developments at an official level that it would be of use for you to know of.

There is a big financial debate over the European Parliament's budget and the Dutch are trying to influence the debate on what the budget should be. To paraphrase the Dutch approach to this, it is about making the money work better rather than about the amount of money. You mentioned the fact that some Governments have concerns about the size of the budget. However, the Dutch are trying to make progress on the legislative burden that is placed on businesses and individuals in Europe and we support them in that. We should undertake much more strict impact assessment of where the legislation will take us to understand what effect the legislation will have. A focused effort is being made to reduce the legislative burden. All the aspects of the work of the Dutch to produce better regulations are very

useful as is the four-presidency initiative across the Irish, Dutch, Luxembourg and UK presidencies.

Those are the areas that I want to report to the committee. I do not know whether the officials have anything to add.

14:30

Dennis Canavan: My question relates to the point that was made by Keith Raffan. In your written brief you state:

“The Executive is in close touch with the UK Government to ensure that Scottish issues are reflected in the drafting of the Bill.”

That refers to the bill on amendment of the EU constitution. Can you clarify whether it is the UK Government's intention to have one bill to amend the 1972 act and another to provide for a referendum, or whether the same legislation will amend the 1972 act and make provision for a referendum?

Mr Kerr: There will be one piece of legislation that will include the referendum.

Dennis Canavan: Will the legislation make provision for identifying votes for and against the constitution in different parts of the United Kingdom, bearing in mind the precedent that was set at the time of the 1975 referendum?

Mr Kerr: I am advised that that is currently under consideration, but that there is no definitive answer yet.

Dennis Canavan: What is the Executive's view on that?

Mr Kerr: I imagine that we would want to see the Scottish result.

Dennis Canavan: Good. I urge you to do so.

The Convener: Have you sought any role for the Scottish Parliament in the ratification process for the constitution?

Mr Kerr: I am not sure formally where that discussion would be. Maybe Nikki Brown can help.

Nikki Brown (Scottish Executive Finance and Central Services Department): Ratification is formally for the UK Parliament. The Executive has not sought any role for the Scottish Parliament separately.

The Convener: Does the minister believe that ministers should consider that?

Mr Kerr: The issue came up in the earlier discussions that I had about this some time ago. I always look at such things fairly simply. I would not expect the UK Government to ratify anything of ours; therefore, I do not expect to ratify anything of the UK Government's. That is fairly

straightforward. I knew that discussions on the matter were continuing at official level, but those were about policy positions and where we are.

The Convener: Irene Oldfather wants to ask a question.

Irene Oldfather (Cunninghame South) (Lab): Thanks, convener. I thought that you had forgotten about me. I think that I was the second member to put my hand up. Never mind.

The Convener: You will have to blame the clerks for that.

Irene Oldfather: I thank the minister for his presentation. I have three points to raise with him about the priorities that he outlined. He mentioned fisheries and welcomed the setting up of the regional advisory councils. The committee would echo that—that was something that we called for when we reported on the common fisheries policy. Did I pick up the minister correctly? Is the first meeting to be held in November in Edinburgh? If that is the case, we should welcome that and congratulate the UK Government on negotiations to set that up.

Secondly, the minister said that the Executive is working closely with the UK and other partners on Scotland's role in the future of structural funds. He will be aware that the committee produced a report on the matter. What is the timescale for the UK discussions? With which other partners is the Scottish Executive discussing the matter?

Thirdly, on the IGC, there seems to be a six-week timetable for our input to the UK as part of the pre-legislative process in respect of the proposed European Commission legislation. That is a tight timetable. Do you agree that it is important to get involved in the process as far upstream as possible? You mentioned a new unit that will monitor the transposition and implementation of Community obligations across the board. Might that unit have a role to play in working with the Scottish Parliament, this committee and others to ensure that we are tapped in as far upstream as possible?

Mr Kerr: I will need to consider the final point about the work that is done through the office of the Minister for Parliamentary Business on the transposition and monitoring of obligations to ensure that we are doing what we need to do.

On Irene Oldfather's other point, the key is to ensure that we are notified as quickly as possible, which is the upstream engagement that she described. We are trying to ensure that we get information at official level when we require it so that we can influence matters. In other words, if we receive a letter that says, “By the way, the closing date is in a week's time,” we have a problem. We are working with colleagues at UK

level to ensure that early-warning systems are working and that people understand the relevance of issues to the Executive and Parliament. We need to continue to make that known. People who are more involved in European matters on a daily basis understand that, but in parts of Government—any Government, anywhere in the world—the system does not always deliver as it should. I have always wanted to ensure that we can influence the process as early as possible and I welcome the new system, which will add greatly to our chances of achieving that.

You asked when we can expect conclusions on structural funds; you will not be surprised to hear that we are at an early stage in a fairly long process. We continue to present our case and to influence the process through the analysis and work that we contribute in the Executive and at UK level. Those are major discussions and will continue to be so. Such negotiations on European matters are difficult and we will need to monitor the situation closely and effectively to ensure that no one is uncertain about our views on the way forward, and to ensure that if we take a stride forward we can maintain the new position. That applies to any European matter. The officials might want to add something to that.

Irene Oldfather: Will you confirm the point about the meeting on fisheries in Edinburgh?

Mr Kerr: Yes, the first meeting will be held in Edinburgh. We are pleased about that—the committee and the Executive have taken a great interest in the matter. We should take credit for, and publicise, the fact that one of the benefits of our work has been to bring that meeting to Edinburgh.

Irene Oldfather: There is an early warning on legislation and we might be unhappy about something getting into the system that we think might infringe subsidiarity. You explained that the Executive works with the UK Government, the Committee of the Regions and others to ensure that there will be an opportunity within the new IGC framework to flag up such matters and to ensure that regions' powers are protected. I realise that these are early days, but has thought been given to the mechanisms that might be put in place to ensure that that happens? How would we highlight our concerns about a potential infringement of subsidiarity? Would we do that via the UK Government, the European Commission or the Committee of the Regions? Have you had discussions on that matter?

Mr Kerr: The officials might correct me, but I believe that if a third of nation states in Europe have a problem and they flag it up, that will put the brakes on developing legislation. Therefore, it is through the nation state—the UK—that we would say that we believed that there was an

infringement. If we felt that the matter was important, we would make representations to the UK Government and then the matter would be passed on to Europe. If we gathered support for our position from a third of nations, we could bring a halt to the development of the legislation, directive or whatever.

The Convener: I clarify that that measure is for national Parliaments as opposed to Governments.

Mr Kerr: Indeed.

Irene Oldfather: Does the minister therefore see a working relationship with the database on EU obligations that will be set up? That is a positive development. When this committee was first set up, we all tried to scrutinise the Executive and to examine whether directives had been transposed properly. It seemed to take ages to get information back and it was a cumbersome process. There are some positive developments on which we could build to ensure that we get early warning of when things are going wrong so that we can pick them up much more quickly and highlight that through the appropriate channels.

Mr Kerr: I will be looking for a similar, if not the same, system. I want to have a closer look at the situation because one database is for agreed matters that we are monitoring then transposing and the other is for potential matters. I will come back to the committee when I have thought that through. It might also be that a similar database is being developed somewhere in the UK Government, which we could piggyback on. I have no idea, but I am happy to endorse the principle that Irene Oldfather presented—that there should be some form of monitoring system. If we adopt that, I will report back to the committee on how that will best be achieved and how the committee can fit into that process.

Mr John Home Robertson (East Lothian) (Lab): I will follow up on Irene Oldfather's point about the establishment—at last—of a North sea regional advisory council on fisheries. That is a tremendous achievement for the Executive and the Parliament. We have been battling for it for a long time. I think I picked up from the minister's comments that it will be the first such regional fisheries management body for the waters around Europe. Did he say that the secretariat would be based here in Edinburgh?

Mr Kerr: The first meeting will be held in Edinburgh and the secretariat will be in Scotland. I will leave it at that because we are still working on those matters.

Mr Home Robertson: Fair enough. The development is very important; members of all parties have been pushing for it for years. It is a remarkable achievement, given the centralisation that tends to happen in the European Union.

My second point is also about fisheries. The minister referred to the annual circus at which TACs and quotas for fisheries are set. I had brief experience of the pre-Christmas shoot-out that happens every year when short-term political decisions tend to be made about what should be long-term scientific objectives for conservation of fish stocks. Are we making any headway towards a better longer-term management structure for decision making about fisheries? The regional advisory council will help with that and should have some input into the matter. However, there is a structural problem.

Mr Kerr: The council will assist greatly. Some of the other work that we are doing on powers of emergency conservation for nation states, relative stability and so on will help. I would prefer that you raised that matter with Ross Finnie because he is so much closer to those matters than I am in terms of that annual shoot-out, jamboree or whatever you call it. He is probably in a better position to report on that.

RACs allow a bit more sense into the system and also—with regard to the council that will be set up in Scotland—make it work better. However, I defer to Ross Finnie on the substantial part of the question.

We are making progress: it feels like progress and it looks like progress. What we have achieved to date is substantial, although there is more work to be done.

The Convener: I pick up on John Home Robertson's point. The submission from Ross Finnie, which is among the papers that you have given to the committee, suggests that decisions on fisheries will be delayed because there is an enlarged EU. The situation in December is difficult in any case, but the minister is suggesting that it will be even more difficult because of the need for translation among the 25 members of the council of ministers. It would be helpful for us to know the Executive's endgame for fisheries management because your other document states that the regional advisory councils are seen as a step towards effective management. It would be good to know how you define effective management. I have time to take only one more question.

14:45

Mr Raffan: As you know minister, I always try to be fair and I do not expect you to answer my questions today, so perhaps you could take them back to the relevant ministers. There are two questions for the Minister for Education and Young People about the European dimension for education and the education funding programmes—the simplifying and merging of the existing Comenius, Leonardo, Erasmus and

Grundtvig schemes—and the implications for language teaching and particularly the European white paper on youth. We want to encourage exchange between our young people and those from other European countries. The second point is about the Copenhagen and Bologna process to do with vocational education and uniform educational qualifications. I would like to be kept posted on that.

There are also two questions for the Minister for Health and Community Care. The first is about the working time directive, which has already had serious implications for the NHS. The recent SIMAP and Jaeger judgments are alluded to in the minister's report, but their impact is not; we need more information on that. The final issue is the sharing of best practice, to which the Minister for Health and Community Care alludes, but he does not mention the public health crisis with hepatitis C, the rate of which runs in Scotland at two or three times the rate in England and Wales. It is also quite prevalent in many of the countries that have just come into the EU from eastern Europe. We should consider a joint approach; hepatitis C is prevalent among intravenous drug users so we could learn from those new countries and they might be able to learn from us.

Mr Kerr: Those are detailed questions and I am happy to come back to the member on them. Should I reply through you, convener?

The Convener: Yes, thank you.

We move on to the next set of questions about the Executive's European strategy.

Phil Gallie: Irene Oldfather referred to the majority report on structural funding that the committee prepared. On the Executive's stand, comment is made on structural funding in its strategy. Is the minister prepared to ignore this committee's majority report—a step I would applaud—and support the national Government's limit on EU gross national income contributions for European structural funds at 1 per cent?

Mr Kerr: We have supported the 1 per cent figure rather than the 1.4 per cent figure—if I remember the figures correctly. That is very serious money. The Dutch are asking whether we are using that money in the best way we can. Is it being used wisely and is it getting the value that we expect? We have supported that position and will continue to do so.

Phil Gallie: I welcome that statement.

I have another point about the constitution, which must form a major part of the Executive's thinking and strategy as we look to the future. In an earlier paper, you referred to the fact that 75 per cent of what we do in the Scottish Parliament is, in effect, controlled by Europe and European

policy. What would that percentage be for the Scottish Parliament when or if we signed up to the constitution?

Mr Kerr: It would probably be the same, but I look to my officials. I do not know whether anyone has done any analysis, but my gut reaction is that the percentage would be the same. You used the word “controlled”, but we have moved into a new Europe where nation states have much more control over the agenda, so we are not being controlled by Europe. We are part of Europe and we are in the driving seat. I do not think that that sort of emotive language helps people to understand the relationship that we now have with Europe.

Phil Gallie: But we—

Mr Morrison: Convener, if I can help—

The Convener: I cannot have both of you speaking at once. Phil, would you like to finish your point?

Phil Gallie: On European control or otherwise, Irene Oldfather reiterated the point that the timescale for consultation between the European Commission, the UK Government and the Scottish Parliament is totally unrealistic, yet one of the major planks of the Executive’s strategy for accepting the constitution is that it will give this Parliament a greater say in legislation in Europe. Given the difficulty that Irene Oldfather highlighted, do you feel that it will be of benefit to us?

Mr Kerr: I do, because it is a substantial step forward, but it is also our job to make it work. We can set deadlines at any point on the time horizon and they can be extended or even shortened, but there is a deadline and we need to work within it. We are trying to ensure that the whole legislative process in EU governance becomes much more manageable and much more influenced by the Scottish Executive and other regions with legislative powers. I think that it is a step forward.

I found it interesting to note which country was top for implementing EU regulations. It is not Belgium or the UK, but Norway, which is not a member of the EU but which nonetheless seeks to trade with the EU. The Norwegians have the best track record on implementation, but I have to say that the democratic deficit there is enormous, because they are implementing EU legislation over which they have no influence. I thought that that was quite interesting and it conveys the point that I am trying to make. We are part of the process and we need to make it work for Scotland and for the UK, instead of being outside the process, as other nations are, with no influence.

Mr Raffan: I will not go on to the regions with legislative power, because I know that we are coming to that later, but I would like to ask two

things about the strategy. The first concerns the UK presidency in the second half of next year, from July to December. What role do you envisage the Scottish Executive, and even the Scottish Parliament, playing in that? My second point, which I have touched on before, concerns co-operation agreements. We have covered the issue and I do not want to go into it at length, but we have now got the network of regional parliamentary European committees—NORPEC—set up. There is to be a conference later this year and new members are being invited to that in addition to our committee and the equivalent committee from Catalonia. Are you thinking of those co-operation agreements mirroring the building up of NORPEC?

Mr Kerr: I shall ask my officials to respond in detail to that latter question—I am not sure that I can respond to it adequately. On the first question on the UK presidency, our objective at the moment is to start influencing the priorities for the presidency. We are doing that through discussions at ministerial level and official level. We are looking at justice, security, sustainability, global stability and making the enlarged union work, which will be a constant theme for the next period.

Were you talking about our links policy with regard to the partnerships that we are working with?

Mr Raffan: We shall, obviously, with enlargement have a presidency much less frequently, so I hope that there will be a prominent Scottish role. I am talking about the co-operation agreements, which we have touched on before. Wales does things differently. It is one of the motor regions, along with four or five others, whereas we tend to do bilaterals. Are you taking note of what we are doing with NORPEC and might the Executive mirror the relationships that we are building up with European committees in other regional Parliaments in Europe?

Mr Kerr: To close down a point on the UK presidency, we are obviously keen to ensure that Scotland plays a significant role during the presidency. With events such as the G8 summit coming to Scotland, I expect that we shall also see some significant European events coming here. Nineteen presidency events are scheduled to take place, 12 of which are definite and seven of which are provisional. We want to bring as many of them as we can to Scotland, but there are pressures from all over the UK for that to happen.

Mr Raffan: Please keep us posted on that.

Mr Kerr: Indeed. In terms of links policy, we have already developed four co-operation agreements. We are working on those and we continue to ensure that they are meaningful and that they deliver on our strategy. We are engaging

with European partners to further develop that policy. We have had people in all the new EU accession states. We are having meaningful discussions on developing our co-operation and links strategy. As ministers, we have to reach conclusions on that soon, but we have received a number of requests from countries that want to be more involved with us. Likewise, we have our target nations. The work continues, and fairly soon I hope to report to the committee on the stage at which it is.

The questions are always these: what is our strategy? What key values underpin it? How will it deliver for Scotland? What is in it for us and the new partner? Officials and I are working on those testing criteria. What are the criteria for a links strategy? What policy do we need to secure? That may sound simple, but when we lay out that strategy and what we want to achieve from links, then consider where we want to be and who wants to be with us, we find that it is difficult because there are demands that we cannot meet because we must not spread ourselves too thin. If such things are going to work, they must go deep.

Mr Raffan: Do you think you are spread too thin?

Mr Kerr: I do not think that we are spread too thin at the moment—

Mr Raffan: We do not have a minister for Europe to mirror this committee. Gordon Jackson and Robin Cook have advocated that we should have a minister with exclusive responsibility for Europe and external relations. You have got so much to cover that you are spreading yourself too thin, are you not?

Mr Kerr: No—that is wrong. I do not agree with that analysis. My job is to ensure that every minister in the Scottish Executive knows what our strategy is and their role in it. My job is to sit at the centre and deliver the strategy, which I can do through every minister, including the First Minister and Deputy First Minister.

I noticed some nonsense in the media at the start of the silly season when one week we were being criticised for junketing abroad and the next I was being criticised for not junketing abroad enough.

My job is to secure the strategy and to make every minister know their role within it, so that when a minister goes to another nation he or she does not go to do what they want to do, but to develop the European strategy, as well as other bilateral agreements. That is the role; that is why we have a European strategy, why we are developing our international strategy and why we are focusing on the issues.

Since first I sat in the chamber in 1999, people have lobbied ministers for many different things. I

think that we have got it right. My role is a co-ordinating role, a driving role and a central role, but everybody and every minister has a role to play in promoting Scotland, in influencing legislation in favour of Scotland, and in ensuring that we do the best that we can at European level. That is one strategy. Another equally legitimate strategy is to argue for a separate minister. At the moment I do not share that view, because we are achieving our aims with the route that we have chosen.

The Convener: Would you see it as being your responsibility to go to Brussels, for instance, and to speak to other member states about increasing the power of the Scottish Parliament to influence EU legislation? Do you agree that it is unusual, and perhaps unacceptable, that a Parliament that has primary legislative powers does not have a direct mechanism within the EU to influence legislation that it is asked directly to implement?

Mr Kerr: No. I argue that COR and Regleg fulfil that role. I do not want to move into that area, because we will discuss it in a minute, but that has arguably been the *raison d'être* of Regleg since it was formed. I do not think that there is a deficit or a gap. I do not agree with that analysis.

The Convener: The previous First Minister argued that Scotland should have direct access to the European Court of Justice in order to enforce subsidiarity. Why did the current Executive change that policy? You do not support that any longer.

Mr Kerr: We felt that such a challenge would be available to us through the UK Government as appropriate, which will deliver for us if required.

The Convener: The previous First Minister did not think that that was satisfactory.

Mr Kerr: Well, he is the previous First Minister.

The Convener: In terms of prosecuting Scotland's case, since you have taken office Scotland has not led any meetings of the Council of Ministers, whereas previously it led three. What criteria do you use to decide when you should request to lead the Council of Ministers?

15:00

Mr Kerr: I think that people get lost in arguing on the head of a pin about that issue. I have spoken to ministers and have been part of delegations and I believe that we are getting our views across and influencing what is being said at the top table, which is the situation in which we want to be. The argument over who leads what is largely irrelevant as long as Scotland's policy objective is being pursued by whoever is leading the UK delegation.

As I said, I do not go to Europe with other ministers—some of the officials at this table might

have done so—but I know that we get across our views about our policy objectives and that those views are translated into action at the top table. That is what we want to achieve. If and when we can lead a council of ministers, we will do so. However, as I have said before, what is important is what is said and what is delivered, not the route that is taken.

Irene Oldfather: I have to say that I think that my colleagues on the Committee of the Regions would be horrified to hear the convener's remarks about nobody representing regions within Europe.

Earlier, the minister spoke about more framework legislation, which, I am sure, will be welcomed. I am confounded by why Phil Gallie seems to think that more framework legislation and an earlier input into the system mean that there will be an increase in bureaucracy and a decrease in democracy. I do not understand the logic of his position.

Does the minister have any concerns about resources in that regard? If more framework legislation is coming out of the European Commission, we will have to do more work in Scotland and the UK to put flesh on the bones. Will there be enough resources to allow us to do that? My question relates to the points that Keith Raffan made earlier.

Mr Kerr: It is difficult to answer that question specifically because we need to work the system. I am convinced that, if we get Scotland plc working as effectively as it should, by using all of the resources that we have at the UK, MEP, Executive and Scottish Parliament levels, and if we work towards our objectives with organisations that are able to work in partnership with us, we will have a critical mass that will be successful.

I want to see what happens. My perception is that we will be able to handle the work. If that proves not to be the case, we will have an issue to address within the Executive and I am certain that we would do so.

The Convener: In paragraph 10(e) of your paper on the European strategy, you state:

"We will seek to prepare those CoR Opinions that help us to secure our EU policy objectives, and use our membership of CPMR to promote our interests."

How many Committee of the Regions opinions has Scotland authored either since 1999 or since you took office?

Mr Kerr: In terms of influence and participation, the First Minister's role in the Bundesrat seminar helped to shape the approach of the Committee of the Regions to the implementation of the subsidiarity mechanism, which helped to ensure that the approach suited our objectives. We also contributed to the drafting of the opinion by Dr

Schausberger and Lord Tope on the constitutional treaty. Further, gaining contacts with the new member states through the Committee of the Regions is important for delivering the agenda that we pursue through Regleg, the Committee of the Regions, the Congress of Local and Regional Authorities of Europe and other organisations.

The key issue for me, in the meetings that I have with people who come to Scotland or whom I go to see, is to continue to set the tone of the debate around subsidiarity and the influence of regions with legislative power. That is the same for every minister in the Executive and we seek to do our best in that regard. Arguably, the success of our strategy is shown by the conclusions of the intergovernmental conference on the proposed treaty, in which subsidiarity and the role of Parliaments with legislative powers such as ours are significantly included in various sections. We have contributed to opinions, but we are also working to ensure that that agenda moves on.

Irene Oldfather: As an alternate member of the Committee of the Regions, I know that the UK delegation to the committee has been criticised for having too many opinions. The UK delegation works together and there is certainly a strong Scottish input at UK delegation meetings.

The Convener: That was a good advert. Thank you, Irene.

Mr Raffan: The minister's statement on the Dutch presidency mentions the Executive's international strategy, which, I presume, will dovetail into the European strategy. The statement says that the strategy will be published "shortly". What does that mean?

Mr Kerr: I am keen to publish it very shortly.

Mr Raffan: Will you come back to discuss the strategy with the committee, given that it will have some relevance to our current inquiry?

Mr Kerr: Yes. I hope that the strategy will be published before the recess.

Mr Raffan: Do you mean the October recess?

Mr Kerr: Absolutely.

The Convener: A few months ago, you told the committee that the concordats between the Scottish Government and the UK Government were under consideration. How is that review going?

Mr Kerr: I will need to come back to the committee to give an accurate update on where we are with that review.

The Convener: It would be helpful if you wrote to the committee on that.

Mr Kerr: Sure—sorry about that.

Regions with Legislative Power (Scottish Presidency)

15:06

The Convener: The third agenda item, and the minister's final contribution to the meeting, concerns the Scottish Executive's presidency of the group of regions with legislative power, which is known as Regleg, and related activities to date. As the minister will know, the committee originally invited the First Minister to appear before us to hear from the horse's mouth the achievements to date, but we are delighted to have the minister with responsibility for external relations with us and we thank him for his recent response, which members will no doubt want to refer to. I understand that the minister wants to make a quick presentation.

Mr Kerr: I will do so very briefly, just to give some shape to the discussion. The committee has it from the horse's mouth because I am responsible for the Executive's external relations strategy, including the work that the First Minister does in his role in Regleg. I want to be absolutely clear about who should be coming to the committee. I am sure that the decision is correct because I handle the external relations portfolio on behalf of the Executive.

I will give a brief outline of what the key objectives were when the First Minister assumed the chair last November. I will then highlight the main achievements in the past nine months—in which the committee has a clear interest—before I describe the next steps, up to the fifth annual conference of minister-presidents, which is to be held in Edinburgh on 29 and 30 November, as I am sure members are aware.

I begin with the overarching aims of the Scottish presidency. First, the aim was to ensure that the European convention proposals on subsidiarity and the role of the regions were secured in the new EU constitutional treaty. That meant ensuring that there was no retrenchment and that gains were protected. Some nations wanted to remove the gains, but we ensured that that did not happen. We worked hard to prevent any shifts of competencies or procedures that might be harmful to Regleg or Scottish interests. That key objective was achieved. As we discussed earlier, the treaty contains important references to the role of the regions and to subsidiarity. It also contains proposals that reflect and support the enhanced role of the regions with legislative powers in Europe. The treaty also reinforces the importance of the principle of subsidiarity in European decision making. A crucial strand of Regleg's future work will be to continue to prepare and press hard for the effective implementation of the new provisions.

Secondly, Regleg has successfully represented the interests of the regions with legislative powers more generally, principally by arguing strongly for the full involvement of regions with legislative powers in the EU governance agenda, which we also discussed earlier. In particular, we seek effective dialogue with, and direct pre-legislative consultation by, the European Commission.

Finally, we are building on the effective work that Regleg has carried out on constitutional issues by developing its role further. We are keen to establish Regleg as a network for strategic co-ordination and a forum for the exchange of best practice. The co-ordination committee meets regularly with a remit set annually by the conference of minister-presidents and has been particularly effective in that regard. The annual conference of minister-presidents helps to strengthen Regleg as a network and a forum.

On milestones, we lobbied the European Commission for a consultation on governance issues. We have organised a number of Regleg events this year to raise the profile of legislative regions and to promote their interests. The First Minister gave a speech in Strasbourg in March to the Congress of Local and Regional Authorities of Europe—CLRAE—on the priorities of the Scottish presidency of Regleg. In April, we held a very successful sub rosa—or Chatham House rules—seminar in Brussels on subsidiarity and the draft EU constitutional treaty. The event brought together senior officials and academics from Scotland and around Europe. Ideas from the seminar have been presented in a number of forums in Brussels.

In May, the First Minister gave a well-received speech to the European policy centre in Brussels, when he emphasised key messages about the need to involve the regions. The audience was drawn from across the EU's institutions. On the same visit, the First Minister represented Regleg in Brussels at the inaugural meeting of the systematic dialogue between the European Commission and associations of regional and local authorities. He welcomed the Commission's initiative in establishing the dialogue, and he emphasised that it was important that future meetings between commissioners and regional and local authorities should be a genuine two-way exchange of views. He repeated Regleg's calls for the Commission to consult the legislative regions directly at the pre-legislative stage.

Also in May, the First Minister represented Regleg at a conference in Berlin on subsidiarity, which was organised jointly by the Committee of the Regions' commission for constitutional affairs and European governance—COR-CONST—and the Bundesrat. He used his speech to emphasise the importance of putting in place arrangements

for the new subsidiarity mechanisms that meet the needs of the legislative regions and allow the Committee of the Regions to respond quickly to new legislative proposals from the Commission. The Scottish Executive has lobbied the European Commission in other ways; for example, by writing to Mr Barroso to congratulate him on his confirmation as the new President of the European Commission. The First Minister used the opportunity to emphasise key Regleg messages and policy requirements.

The Executive's EU office will organise a further sub rosa seminar on 22 October, which will cover better regulation issues and will complement April's subsidiarity seminar. It will examine the use of the Commission's new consultation arrangements and how to ensure that the impact assessments on new legislative proposals are as useful as possible.

On next steps, my letter to the committee of 20 August outlined Regleg events proposed over the remainder of Scotland's presidency. The First Minister and I see our main priorities for the last three months of Scotland's presidency as follows: first, to raise awareness of Regleg and issues affecting the legislative regions among new members of the European Commission and the European Parliament; secondly, to plan for the implementation of the new constitutional treaty and, in particular, to ensure that we secure the right subsidiarity early-warning mechanism for the regions with legislative powers and take full advantage of the new provisions on consultation; thirdly, to work with the Committee of the Regions to ensure that any arrangements for handling subsidiarity that the Committee of the Regions puts in place meet the needs of the legislative regions—the subsidiarity early-warning mechanism is an important part of that work; and last, to continue to press for direct pre-legislative consultation for the legislative regions as a matter of course.

The First Minister will give a keynote political speech in Brussels on 9 November. His speech will publicise the main outcomes and messages from the discussion on EU governance that the Executive's Brussels office is organising on 22 October. He will use that speech to deliver key Regleg messages in the run-up to the Edinburgh conference. The First Minister will use his time in Brussels to engage with new MEPs and commissioners.

The fifth annual conference of minister-presidents, to be held in Edinburgh on 29 and 30 November, is a unique opportunity for Scotland to raise its profile further in an important European constitutional debate. The proceedings will focus on the EU constitutional treaty, subsidiarity and governance, and working with other organisations,

notably the Committee of the Regions. We expect representatives from the European Commission, the European Parliament and the UK Government, and many others, to attend, as well as minister-presidents from legislative regions throughout Europe. I hope that members of this committee will be able to attend. The annual conference sees the formal handover of presidencies. I am pleased to inform the committee that Bavaria has been nominated for the next Regleg presidency. The Executive is delighted to support that nomination.

That is a quick run round where we have been and where we are going. I hope that it has been useful to the committee. I am happy to take questions.

15:15

Dennis Canavan: The aims that you outline seem to be mainly constitutional matters rather than policy objectives. Similarly, the milestones do not seem to have any coherent policy objectives. You talked about the First Minister giving a speech and about a sub rosa conference or seminar, another speech, a dialogue, another conference, and then another sub rosa event. Those things do not seem to be directly concerned with delivering improvements for the people of Scotland or, indeed, the people of other regions who are represented on Regleg. Can you name some policy objectives in health, education, the environment, transport or any other devolved area and say, "This is what we are aiming to do in Regleg to improve things for the people of Scotland and other regions in Europe"?

Mr Kerr: With due respect, the member fundamentally misunderstands the role of Regleg, which is about the constitutional arrangements to involve nations with legislative powers. The work that we do, and the work that we seek to do, is about the process of constitutional arrangements in Europe, which, I argue, deliver on the particular issues that you raise, such as health and education. Regleg is about how we as a nation with our own legislature make Europe work better for us. That is the purpose and the drive of Regleg. Other forums deal with particular policy lines for the Executive. We try to achieve results by making Europe—the governance arrangements and the constitutional set-up—work better for us. I differ with you on the purpose of the organisation; its purpose is to do not what you mentioned, but what it is doing—securing the role of Regleg members at the heart of decision making, power and influence in Europe.

Dennis Canavan: In your letter to the convener, you state that Regleg does not

"represent to the Commission the views of members on specific sectoral dossiers."

You say:

“Other organisations, such as the Committee of the Regions, exist for that purpose.”

Surely the reason for setting up Regleg was the recognition that not all members of the Committee of the Regions are the same because some have legislative powers and some do not. Of course, it is probably more difficult to get a consensus in the Committee of the Regions because it has a bigger membership. If members of Regleg have a unanimous view on a specific sectoral dossier, why should not Regleg represent that view directly to the Commission?

Mr Kerr: You talk about the Committee of the Regions, but the people around that table who do not have legislative powers in their home states will do that through their Governments. That is where their influence over sectoral matters lies. The reason for having Regleg is to acknowledge the difference that exists in democratic accountability here in Scotland—it is different from in other nations. On what we want the Regleg nations to do, it is *vive la différence*, because our role in Europe is different from theirs. We need to recognise that difference and say, “We have got a Scottish Executive and a Scottish Parliament and we want you to work with us in a certain way that recognises the democratically accountable systems that we have.” I argue that your question is based on a misunderstanding of what Regleg is about. It is not about specific sectoral issues but about the way in which Europe engages with countries, such as Scotland, that have a Parliament and an Executive.

Dennis Canavan: Constitutional mechanisms and arrangements are not an end in themselves.

Mr Kerr: Absolutely not.

Dennis Canavan: They are a means to bring about policy change and policy improvements.

Mr Kerr: To go back to what I said in response to your initial question, the policy improvement is the fact that when anything happens to do with bathing water, health or education here in Scotland, we have better governance and early warnings. If subsidiarity might be infringed, we can deal with matters through the United Kingdom Government. I argue that that improvement to the policy process improves the policy and has a front-line effect on European legislation.

That returns to our difference of opinion on Regleg's purpose. I think that Regleg should ensure that Europe works better with countries such as ours. On health, education, the environment, transport, jobs and growing the economy, our policy impact is better because we have prior notice, closer communication, early warnings and because, under the new structures,

a third of nations can say, “Hold on.” We can do that through the UK Government. Those are the benefits of Regleg and why it exists.

Dennis Canavan: Will you confirm that Regleg never has discussed and never will discuss matters such as health, education, transport, fishing, the environment and all the other devolved subjects that we discuss in the Scottish Parliament?

Mr Kerr: Regleg has not discussed those subjects, because doing so is not its purpose. If its purpose changes, it may discuss them.

Mr Raffan: I regret that the First Minister has not come here to answer the questions that we have asked about Regleg over several months, especially as Regleg meetings are described as conferences of minister-presidents of regions with legislative power.

We are 10 months into our presidency and you have given us a list of activities that have been undertaken, but our profile has been subterranean. Few people outside the Parliament building have any idea that we have had the Regleg presidency, which gave us a major opportunity to be prominent on the European stage—I am a profound pro-European—and to advocate Europe's cause. That has not happened.

All that we are left with is a leaflet that you will supposedly publish about Regleg's objectives and work. You said that you would let us have that as soon as it was ready. It is a pity that the leaflet was not ready at the beginning of our presidency, and instead will be ready towards the end.

We are also left with the conference in November, which I seriously hope will be major. I am glad that all committee members and not just a committee representative, as your letter suggests, will be invited, because we must try to make the most of the last eight weeks of our presidency. We should let the Scottish people know that we have had the presidency, of which hardly any of them are aware.

The Convener: Was that a question?

Mr Raffan: It was a comment.

Mr Kerr: I say with due respect to the member that some people out there might not know that the committee exists. It is a matter of battering through the fact that we gained the presidency, as we do on every occasion and as the First Minister has done in every major speech. In the lead-up to his gaining the presidency, we worked assiduously through press releases, Parliament, the First Minister's speeches and responses to questions in the chamber to put Regleg on the agenda. The big event will be the conference, and work continues for that. I sincerely hope that the conference will be a big event whose role is recognised.

Perhaps I can send the member information on the number of press releases that we have issued and the activity that we have undertaken to put Regleg on the agenda. We are fighting for space with other items on the political agenda and sometimes the subject is not reported. However, members can rest assured that there was no policy intent to keep the profile of the presidency subterranean. In his speeches, the events in which he is involved, the people whom he entertains and tries to influence, and the letters that he writes, the First Minister always puts the matter at the forefront, but we cannot control the agenda. Every interested organisation should know that the First Minister has the presidency. If any organisation does not know, it soon will, because of the big conference that we will hold in Edinburgh.

I would like many Executive activities to have more coverage and I am sure that committee members want more coverage for the stuff that they do, but obtaining that is a difficult task. However, we have gained as much as we can from the presidency so far and we want to gain more.

The Convener: I will pinpoint two questions. The First Minister played up the presidency as a major post that he held for Scotland.

Mr Kerr: What you say contradicts the previous questioner. You say that the First Minister played up the presidency as a major post. That is what he tried to do; the profile was not subterranean.

The Convener: That was when he was first given the post.

So that we can understand the objectives that were achieved, will you explain what new provisions that were not previously agreed by the convention on the future of Europe back in 2002 now exist in Europe because the post came to Scotland?

Mr Kerr: As I have tried to say—and I hope that members will understand—a process has to be gone through for European issues. These are not overnight events. Our role in Regleg was over a committed period and a major success was that we did not lose anything, when the Spanish were out to say, “We do not want this.” In negotiations, we were supporting our position and they were trying to take away from our position. Regleg and the First Minister played a key role in ensuring that we did not lose any ground on greater involvement. I am sure that the committee would support that. People say things in meetings that are reported but there is no done deal. It is when negotiations occur that you need to bolster your support. I would argue that Regleg played a critical role in ensuring that our position was held.

On governance issues, consultation and impact assessment, we are influencing the Europe-wide

agenda through the Dutch presidency. We do not stop and start—the Irish presidency reflected the previous presidency, the Dutch presidency reflects the Irish presidency, and future other presidencies will reflect previous ones. Things do not change overnight, but through the First Minister’s role, we have seen a sustained agenda on subsidiarity and the role of regions with legislative power. I cannot say that it was dark one day and light the next, but I can say that many of the underpinning policy objectives of Regleg have been achieved.

We still want to do more. That is why we speak at conferences, go to meetings of COR-CONST, have major speeches, and have sub rosa meetings. All that work influences what happens, but things do not happen overnight.

The Convener: Regleg is for bodies with legislative powers. As a result of Regleg, do any such bodies have new powers that bodies without legislative powers do not have?

Mr Kerr: I imagine that pre-legislative work comes into that, but perhaps Nikki Brown can answer your question.

Nikki Brown: Treaty provisions on subsidiarity mechanisms will involve regional Parliaments with legislative powers, whereas regions without Parliaments with legislative powers, by definition, will not be involved.

The Convener: Do those provisions not cover local authorities as well?

Nikki Brown: It depends how member states implement the subsidiarity mechanism. In the UK, we expect that the UK Parliament will consult the regional Administrations; the UK Government has said that that is what it expects will happen. It has not mentioned going out to consult all the local authorities as well.

The Convener: It is still difficult to pinpoint whether all that is a result of Regleg.

Mr Kerr: With due respect, how can you pinpoint anything to do with policy development? I cannot; I think that it is an impossible task. Ideas on policy delivery, implementation and influence are all very difficult to pinpoint, as we should know, as politicians. Nonetheless, I would say that there has been sustained activity around subsidiarity, governance and the way in which Parliaments such as our own are involved in Europe. We have had great successes and should not forget that.

Phil Gallie: I sympathise with the minister over the unwarranted attack by Keith Raffan on publicity for Regleg.

Mr Raffan: Supported by a Tory! That must make you uncomfortable, minister.

Phil Gallie: I suggest that, because of public perceptions of Europe, the minister will have some difficulty with achieving publicity.

When he spoke about Regleg's involvements, he said that its principal consideration at present was signing up to the constitution for Europe. It is far from certain that that will be accepted. I would have thought that one of the jobs that Regleg could be doing would be to consider the implications if people across Europe were to reject the constitution. Is Regleg considering alternatives?

Mr Kerr: The answer to that is no. Risk assessment might be worth discussing—in the European debate, different nations have different ideas and we will play our own role—but unless other organisations in Europe are doing it, I am not sure that such work is going on.

15:30

Nikki Brown: A number of things that would be very useful for regional Governments and Parliaments can be done without the constitutional treaty. They include improved standards of consultation. The Commission has already brought forward proposals on minimum standards for consultation and we are keeping up the pressure to improve those minimum standards and to improve direct consultation. That does not need treaty change; it is something that we would be doing anyway and it makes sense to continue to press for it in parallel with work to plan for the treaty's implementation.

Phil Gallie: So the proportion of time that is devoted to implementation of the constitution is relatively small for Regleg.

Nikki Brown: All the work is important. It would make sense for Regleg to examine what the treaty will do if it is ratified and implemented and for it to determine how best to plan for implementation. We should also consider what we can do in advance of or instead of the implementation of the treaty—if that is what it comes to.

Phil Gallie: I would like a little bit more information in relation to some points made by Dennis Canavan. How do Regleg, CLRAE, the Committee of the Regions and NORPEC all work together? What advantage comes from having all the various organisations?

Mr Kerr: That goes back to my earlier points about the critical mass required to make policy shift and change. The First Minister has worked with those different organisations, as have other ministers. In relation to how Europe structures itself, the issue is about trying to create a critical mass for change around governance and subsidiarity issues concerning Parliaments such as ours. It is difficult and unrealistic to say what, specifically, the achievements are—people can translate and take ownership of achievements in different ways. The different organisations create a

critical weight, which allows change to take place. CLRAE, COR and Regleg have combined to make a credible argument. If a major nation state such as Spain says that it wants to undo the arrangements, they will not be undone, because of the different forces at play.

I return to an earlier point: we cannot trace any policy or governance arrangement back to a particular event. However, there is a process of osmosis and support; there are external organisations, internal organisations and different influences at play. They all come to a critical mass and that makes change happen. I think that Regleg is one of the organisations that make critical change occur.

The Convener: I would like to finish this part of the meeting in about three minutes' time.

Mr Home Robertson: I suppose that this could be taken as an example of what I would call alphabet soup syndrome. There is undeniably a plethora of organisations—with strange names—in and around the European Union, all with worthy objectives. Members of Opposition parties have been trying to make out that Regleg is just another one of those organisations, which is not going to do anything. It is important to emphasise that Regleg is something very different. It involves major regions with major powers from around Europe, which are determined to have their say.

It is a good thing that the Scottish Executive has played the lead in the early stages. What relationships have been struck up with specific major regions in other parts of Europe? Have we struck up particularly good relationships with people in Italy, Spain and Germany, which are likely to be valuable for Scotland in the future?

Mr Kerr: I believe that this is the premier league of European sub-national Governments, as I think the phrase goes. There are countries that have their own arrangements, such as Scotland. Arguably, we are on a different level from other parts of that alphabet soup, as Mr Home Robertson described it, and that should be recognised. If we consider those countries with whom we have co-operation agreements, that provides an indicator of where our engagement has increased at certain levels. Relations with Bavaria and other nations will continue to develop. Regleg separates those nations out, because of the unique, positive fact that they have their own legislative powers. I would argue that we are talking about the premier league of sub-nation states in Europe.

Irene Oldfather: I agree absolutely with what the minister says. Like the First Minister, he seems to be in a no-win situation. If he participates in those organisations he is criticised and if he does not he is criticised. It seems that many of the big

players that the minister has been talking about, who are pivotal in Regleg, are also advancing the policy case within COR. It has been helpful to have the First Minister in both organisations working with his colleagues who are leading other legislative Parliaments.

Minister, do you feel that the sharing of good practice in relation to proximity to citizens and how we go about consulting citizens is worthy of some discussion at those meetings? Do you think that the networking that Regleg allows for—in particular, promoting Scotland to key players throughout Europe, as we hope to do in November—is of benefit to Scotland? It is difficult to put a price tag on such things, but they bring real and tangible benefits to both Scotland and the Scottish Parliament.

Mr Kerr: I share that view. You are absolutely correct about the articles and protocols on subsidiarity and about the nations with similar legislative organisation and bodies to ours. We can play a significant role in the governance debate; the committee can also play that role at the Edinburgh conference. We want positively to engage with the committee to ensure that our shared views come across in those discussions.

If Regleg did not exist, we would have to invent it. The organisation exists for a purpose; it is different from other organisations and it has more shove behind it because of its democratic accountability. We should be proud of what we have done with it and of where it is going.

Mr Raffan: Let us at least hope that we can go out with a bang at the November conference. What do you see as the theme of that conference? In your response to the committee's letter, you state:

"Representatives of certain other legislative regions from around the world are also likely to attend as observers."

Does that mean that an invitation has been extended to members of the National Conference of State Legislatures in the United States and to legislative regions in the Commonwealth? It is important that they are invited.

Mr Kerr: That has not yet been considered, but I will look into the matter because you have raised it. It is an interesting concept. The focus will be on the treaty, on governance and subsidiarity.

Mr Raffan: You state in the response:

"Representatives of certain other legislative regions from around the world are also likely to attend as observers."

That would be a good thing.

Mr Kerr: We have not yet decided where representatives will come from or how to select them, which is a difficult question.

Mr Raffan: It is getting late.

Mr Kerr: I take your point.

The Convener: Thank you, minister. We will let you go now, but I have no doubt that we will return to those issues in due course and we will continue to monitor closely the final two months of the First Minister's tenure as president of Regleg.

As members do not wish to raise further related points, I will suspend the meeting for five minutes for a comfort break.

15:38

Meeting suspended.

15:46

On resuming—

The Convener: We can now kick off the final part of the meeting.

Mr Raffan: On a point of order, convener. I am concerned about the fact that some members of the committee received advance copies of the minister's statement on Regleg. It is quite inappropriate that copies of a statement that he was giving to this committee were made available to only some members. The minister should either deliver his statement and not give any members a copy or make copies available to all members.

The Convener: That is certainly a matter of serious concern. Do members want to comment on that? No? Then I suggest that I make inquiries with the minister and let the committee know the outcome.

Mr Raffan: We should ask the clerk to communicate with the minister's officials. The situation is completely wrong and should not have happened.

The Convener: It would certainly be inappropriate if certain members of a committee were briefed beforehand on a minister's statement. I will look into the matter.

Dennis Canavan: Can we clarify which members received an advance copy?

The Convener: I cannot answer that question.

Mr Raffan: I understand that certain members had advance copies of the minister's statement and I would like the clerks to look into the matter and report back to us at the next meeting.

The Convener: I will look into the point that Mr Raffan raises and let the rest of the committee know the outcome.

Convener's Report

15:48

The Convener: We have letters from the Scottish Executive and the European Commission on the proposals for EU agencies. I think that we would want to thank the minister and Liz Holt from the European Commission in Scotland for their helpful letters. The one from the European Commission is particularly helpful, as it gives us a lot of information that we have been seeking for some time about EU agencies that are already established and others that are in the pipeline.

Members will recall that the committee has taken a keen interest in securing agencies for Scotland and we have on several occasions raised the matter with ministers. So far, as we can see from the correspondence, there are no EU agencies in Scotland. We have agreed to return to the issue and I therefore invite comments from members.

Irene Oldfather: The European Commission document, by Liz Holt, is useful. For some time, I have argued that Scotland should be on the list of locations for EU agencies. In the past, I argued for the European Maritime Safety Agency to come here. Furthermore, I know that a languages agency has been proposed—although it does not appear to be on the list before us—and I think that Scotland would be well placed to bid for that to come here.

It is helpful to have such information so that we can be a little bit more proactive, albeit that the decision on whether to make a submission rests with the UK Government. However, just as local authorities prepare a case and submit it to the Executive, it might be helpful for us to identify some of our strengths in Scotland in discussion with our UK partners to ensure that we make the best possible case. I understand that that was what happened when Glasgow was identified as a possible site for the European Maritime Safety Agency, although we lost out to Lisbon.

Mr Raffan: It is a matter of regret that, having bid for the European Maritime Safety Agency to be located in Glasgow, we did not get it. It is helpful to have the list, for which we are indebted to Liz Holt. It is interesting that Thessaloniki in the north of Greece has two regulatory agencies. Greece seems to be doing well, because another agency is specified for Greece, although not necessarily in the north.

We should make bids for some of the agencies that are not set up, such as the human rights agency, although there are several others. It is important that we ensure that we are on the European map in that respect. The fact that the

European Police College went to Bramshill does not mean that Scotland should not get something.

Phil Gallie: This is one area in which I support European objectives. Where agencies are being set up within Europe, we should ensure that we are in there and fighting to get them here. Liz Holt's report is good, but I am concerned that the Executive does not seem to be aware of the extent of the agencies' potential. With the greatest respect to Liz Holt and the Executive, it is their job to be on top of such matters and I must ask why they were not up to the mark.

The Convener: I share those concerns; we will come back to them in a second or two. Do members have any other comments?

Irene Oldfather: The proposed agency for education and culture is mentioned, with a location of Brussels, but I do not see anything specific about the languages agency. I think that it is mentioned in a Commission proposal, but perhaps it is not included in this report because it is still at the proposal stage. It would be helpful if the clerks could check that for us and report back to the committee. I am sure that they will not have the answer right now, but perhaps they could look into the matter for us.

The Convener: That is something that I have supported publicly in the past. Should an agency for minority languages be established, it would be appropriate for Scotland.

Irene Oldfather: The agency's remit would include minority languages, but it would cover modern languages generally.

The Convener: The only proposal that I have seen related to minority languages.

Phil Gallie: As we are pinpointing agencies, if there is one that is more important than any other, it is the proposed EU defence equipment agency. If we are considering a standing EU defence force as part of the constitution—

Mr Home Robertson: Are you in favour of that?

Phil Gallie: No. I stand against it.

Mr Raffan: But you want the agency.

Phil Gallie: I certainly want the agency if it is even being considered.

Irene Oldfather: Are you not worried about defence being a reserved matter?

Phil Gallie: No. We should be thumping on the Commission's door.

Mr Raffan: That is Tory logic.

Phil Gallie: We should take every advantage.

The Convener: I am not asking you to clarify your policy, but I ask you to clarify what you want the committee to do.

Phil Gallie: We should highlight the matter. At the moment, we have common defence policies with other countries in Europe, irrespective of the constitution. I am thinking of the Eurofighter, for example, which is an example of co-operation. At the same time, defence is extremely important and the UK is the lead country in Europe on defence—we have a major defence industry—so it is the obvious home of the defence agency, irrespective of whether we sign up to the constitution.

Mr Home Robertson: I am keen to encourage Phil Gallie to pursue that logic a bit further, because I am not sure where he will end up.

We should resist the temptation to try to create enough agencies to fill all the locations in Europe—there is a risk of that. We are in the business of reducing, not increasing, bureaucracy. However, the list that Liz Holt gave us reveals that agencies are concentrated in the centre of Europe—as we might expect—and on the southern edge of Europe. It is inevitable that accession countries will want their share, so it is important that the Executive and the UK Government stake the claim for peripheral Britain, including Scotland, to have a share of anything that is coming up in future.

The Convener: I like your new phrase, “peripheral Britain”.

Mr Home Robertson: Welcome to Britain!

The Convener: In future, the committee might want to track the campaign for the location of particular agencies as part of its work tracking European legislation and activity. In the meantime, I suggest that we send the Government in Scotland a copy of the list of agencies that the European Commission identified, ask for an update on its views and find out whether it argued for Scotland in every case.

We have often corresponded with ministers about the proposed Community fisheries control agency, whose remit has yet to be agreed. I suggest that we bring the matter to the attention of the Environment and Rural Development Committee, which might want to consider the agency's remit. Alternatively, the European and External Relations Committee could consider the matter.

Mr Morrison: We should leave the matter with this committee. I am a member of the Environment and Rural Development Committee and I think that the European and External Relations Committee is the right home for the issue—we raised it and we should pursue it.

The Convener: I mentioned the matter only because there might well be a case for our considering the agency's remit. I understand that we received a letter in the past couple of days

from a member of the European Parliament, seeking our views on the issue—the letter will be circulated to members shortly. Perhaps the matter should be considered in more detail, so that the member can be given a comprehensive answer.

Mr Morrison: You might be right, but it is not beyond the wit of this committee—this fine body of men and woman—to debate the remit of the agency.

The Convener: That is the choice that I am putting to the committee. Do members want to refer the matter to the Environment and Rural Development Committee or to put it back on our agenda?

Irene Oldfather: I ask for clarification. According to the list that Liz Holt supplied, the location of the Community fisheries control agency was decided at the Council of the European Union in December 2003—the agency will be located in Spain. Are we talking about a different agency?

The Convener: No. We are talking about the remit of that agency, which has not yet been decided.

Irene Oldfather: Are we not talking about the location of the agency?

The Convener: No, we are talking about the agency's remit, not its location.

Irene Oldfather: I see.

The Convener: We have corresponded with ministers in the past about the agency and I think that the Parliament will be asked for its view on the agency's remit. The committee could investigate the matter, as Alasdair Morrison suggests, or we could refer it to the Environment and Rural Development Committee.

Mr Raffan: I seem to recall that one of the minister's letters made it clear that the agency's remit would be fairly narrow. Ministers are obviously aware of the direction in which matters are going.

Irene Oldfather: The committee has done a great deal of work on the matter and there has been much to-ing and fro-ing of correspondence. We have done the background work, so it would make sense for us to follow that through. I am in favour of keeping the matter in the committee.

The Convener: In that case, I ask the clerks to produce a paper on the agency to enable us to discuss the matter. We might also take evidence from relevant individuals.

Mr Raffan: I agree that we should forward Liz Holt's extensive list to the Executive. Clearly, we cannot apply for every agency; we will get one. We failed to get the European Maritime Safety Agency. When we send the list, we should ask the

Executive which agencies they intend to prioritise. It is obvious that some agencies will be much bigger than others. It is for the Executive to do the work, not us, but it should keep us posted on its priorities.

The Convener: Okay, we will take those two courses of action.

The second item is the letter from ministers on the potential implications of the Altmark judgment in the European Court of Justice for the Glasgow underground and other transport undertakings. Members might recall that ministers informed the committee that the Glasgow underground would be exempt from the provisions that are aimed at regular re-tendering of contracts. In the light of the European Court of Justice's Altmark judgment, that might well not be the case. I invite comments from members.

16:00

Phil Gallie: The ministers simply got it wrong again.

The Convener: Given that the Minister for Transport, Nicol Stephen, appears to be on top of the issue and recognises the threat to the Glasgow underground, I suggest that we simply note the matter for the meantime and ensure that the other relevant parliamentary committees are aware of it.

The third item is the monthly report from the clerk/chief executive and the external liaison unit on the Parliament's external relations activities. The report is self-explanatory.

Mr Raffan: We have recently had one or two visits related to the Commonwealth Parliamentary Association—last week we had the speaker of the Queensland Parliament and the president of the Legislative Council of Western Australia—but I understand that there has been a bit of a moratorium on visits until the Parliament has been officially opened. There will be quite a few visits in October, November and December, which will be a bit of a rush, so the earlier we know about them, the better. It is important that we are involved with the entente cordiale programme and the visit of the president of the National Assembly of Québec.

The Convener: The next item in my report is an update on the scheduled witnesses for our inquiry into the promotion of Scotland. We agreed that we hoped to have all the witnesses before us by the end of the year so that we could start to put together a report.

Dennis Canavan: On the sports panel, we are to have representatives from the Scottish Rugby Union and the Scottish Women's Rugby Union, which I applaud. However, although we have a representative from the Scottish Football

Association—the chief executive, David Taylor—there is nobody from Scottish Women's Football Ltd. Given that, in terms of participation, women's football is the fastest-growing sport in the world, an invitation should at least be extended to either Maureen McGonigle or Sheila Begbie of Scottish Women's Football.

The Convener: The clerks have reminded me that when the committee discussed the issue previously, we decided to invite representatives of one or the other women's organisation. Do you want us to make a special effort to get written evidence from Scottish Women's Football?

Dennis Canavan: Yes.

Mr Raffan: The panel of witnesses on 23 November will be made up of politicians and former politicians with an interest in international development. The international development aspect is important. Those of us who went on the visit to Hauts-de-Seine in France saw the work that that region does on international development. I realise that we have already taken evidence from voluntary organisations on that matter, but we should explore the issue further, because it will be an important aspect of our report.

We should phase the evidence from ministers. I agree with the paper that the ministers should attend different evidence sessions; we should give each of them an opportunity. I hope that we can have Andy Kerr last, because it is important that we see the Executive's international strategy before we take evidence from him.

Mr Morrison: I agree with Dennis Canavan's point, especially given that I am the MSP who represents the Scottish girls football champions, the Nicolson Institute, which has a great record in girls football.

On the proposed panel of witnesses for 23 November, I suggest a politician who is currently serving but shortly to retire, who has experience in the Scottish Office, the Scotland Office, the Foreign and Commonwealth Office and the Department of Trade and Industry and who is currently a trade envoy for the Prime Minister: Brian Wilson. Given the type of people whom you are looking for, he would make an excellent witness.

The Convener: We will certainly put his name in the pot.

Phil Gallie: I thought that Alasdair Morrison was going to mention George Foulkes—he has had all the same posts.

The Convener: I thought so, too.

Irene Oldfather: Our meeting on 23 November will be quite close to the time of the Regleg

meeting, which will be attended by the presidents and ministers of regions throughout Europe. Given that some of those people have particular experience in actively promoting their regions—for example, Tuscany is renowned worldwide—perhaps one or two of them, such as President Martini, might be willing to talk to the committee on how they do that. They might be able to give evidence at our meeting that coincides with the week of their visit. Perhaps the clerks could explore that possibility. I know that many ministers and presidents give receptions in Brussels, at which they invite people to try the local food, wine and so on. They could certainly explain to us the benefits of holding such events.

The Convener: You are selling the idea well. I am sure that we will take on board that suggestion.

Mr Raffan: That might be a good idea, but we might need an extra evidence session for the Regleg conference.

The Convener: The final point, which was also mentioned when the minister was here, is the planning for Scotland's role within the presidency of the EU when that is held by the UK next year. We raised the matter with the minister coincidentally, but I suggest that we write to him to find out further information on what is planned so that we can discuss the matter at a later date. I am sure that the committee will want to take a keen role in that.

Mr Raffan: I agree totally. As we are the European and External Relations Committee, it is important that we be kept posted about that. I know that a committee of Executive ministers and officials is examining the G8 meeting, which the UK will host early next July. It is important that we be kept posted about that as well.

Irene Oldfather: The Committee of the Regions endeavours to hold at least one of its meetings in the country that holds the presidency. I understand that colleagues in the UK delegation are supportive of attempts to hold one of the COR meetings in Scotland during the UK presidency. I will keep the committee informed of any developments. I am sure that we all appreciate the support of colleagues in the UK delegation.

The Convener: Irene Oldfather can keep us updated on that.

Dennis Canavan: I want to raise an issue under the convener's report. During the recess, we all received a glossy leaflet entitled "Tourism—Promoting Scotland Abroad", which advertises a conference that will be held on 27 September. I am concerned that readers of this literature might gain the impression that the conference is being organised on our committee's behalf or with its official blessing. I suspect that the leaflet's format

is specifically designed to give that impression to readers. Let me elaborate why.

Right at the top, the leaflet has the word "Holyrood". The Scottish Parliament does not have copyright on that word, but especially now that we are in this building, the word "Holyrood" is almost synonymous with the Scottish Parliament. It should be pointed out to conference delegates that the conference is being organised not by the Scottish Parliament but by Holyrood Communications Ltd, which is a private company that uses or exploits the Parliament for its own business interests. There is no official connection with the Parliament.

The leaflet contains the statement:

"Following the conference the results of the poll will be submitted in a report to the European and External Relations Committee."

The letter that accompanied the leaflet states that the conference will provide an opportunity for delegates to feed into the committee's inquiry. However, such opportunities already exist. Delegates and potential delegates to the conference should be made aware that they do not have to pay a fee of up to £300 to feed into our inquiry; they can do so free of charge by writing to the convener or the clerk.

The leaflet also twice contains the statement:

"Members of the European and External Relations Committee will be available during the breaks to answer delegates' questions or discuss issues raised during the day."

Frankly, it is misleading to imply that committee members will attend the conference in an official capacity. I for one have not even been invited, and I have no recollection of the matter ever having been discussed by the committee.

On conference fees, the leaflet states that the full rate is £292.58 per delegate and the "Supported rate" for students, community groups and so on is £116.33 per delegate. I do not know any community group or student who can afford such extortionate fees. There must be many other people on low incomes who would find such fees prohibitive. Such a socially exclusive conference is of limited value and I have no intention of attending, because I do not want to lend credibility to such an event. I hope that the committee will not attach much credibility to poll results from such an unrepresentative sample.

Those are my concerns. If the committee shares them, I suggest that they be conveyed to the organisers of the conference either in writing or verbally by those committee members who intend going along to the conference.

Mr Raffan: I share Dennis Canavan's concerns. This is a serious matter. I remember something

similar happening when I was at Westminster and it was reported to the speaker immediately. It was an issue of parliamentary privilege. The commercial organisation has abused this place and that should be brought to the attention of the Presiding Officer so that the organisation is stamped on immediately and the incident is never repeated. It is complete and utter abuse, and the organisation needs to be exposed.

Irene Oldfather: I support Dennis Canavan 100 per cent. I was shocked when I saw the leaflet. I checked my diary and our timetables to see when I had received an invitation to the conference, but I could find no record whatever of having been invited to attend. I wonder what contact the organisation had with the committee, because as deputy convener I do not recall anything to do with it. Where has all this come from?

Mr Morrison: Dennis Canavan raises a serious matter, particularly when he points to the fees that are being charged for community groups, voluntary organisations and students, which he rightly says are not socially inclusive. I am concerned that at 9.40 on the day of the conference, convener, you are down to outline the remit of the inquiry; it is your prerogative to do that in any forum, but the main forum for our inquiry is this committee room or other committee rooms or other parts of the country or world—wherever this committee decides to go. I would like to establish what the convener's role was in liaising with the organisers. Why were we not involved in deciding whether it would be appropriate for the convener to attend or to participate?

Mr Home Robertson: I thank Dennis Canavan for exposing this matter. I had not heard of the event, seen the leaflet or heard of the organisation. What has been read out at this meeting makes it sound like the most extraordinary enterprise, which should be dealt with firmly by the full Parliament.

Mr Raffan: Alasdair Morrison is right. I am not getting at you, convener, but it is important that in future the committee is notified and consulted and then decides on the commercial conferences at which the convener should speak. The organisation is clearly piggybacking on us, and charging extortionate amounts of money, which is complete abuse.

Phil Gallie: I saw the leaflet, although I did not read it in detail. It is a bit much to suggest that members of the committee will be in and around during the day if the organisers have never approached a member of the committee other than the convener.

Mr Raffan: It is outrageous.

Phil Gallie: I make no criticism of the convener for agreeing to speak at such a conference, but I

would expect us to be kept informed—perhaps the recess had something to do with why we were not informed.

16:15

The Convener: I thank Dennis Canavan for bringing the matter to the committee's attention. It raises a lot of serious and pertinent issues.

For the record, my own involvement is that I received an invitation to speak at the conference and I accepted it because I accept all the invitations that are received, provided that I can make it.

The issues of which we were made aware only when the leaflet was published—about costs, committee members being available at the break and so on—are very important. I suggest that the matter be brought to the attention of the Presiding Officer and the chief executive of the Parliament, given the ramifications for the Parliament's corporate identity. I also suggest that the matter be brought to the attention of the Conveners Group, because I presume that the issue of how conveners or any other members handle invitations to speak at commercial events is relevant to all committees.

I seek the committee's advice on the event itself, at which a representative of the committee is due to speak. Owing to other circumstances, that representative may not be me, but the committee is perfectly at liberty to take a decision on how it wants to approach that.

Irene Oldfather: If I recall the situation correctly, the event will be held in the middle of our inquiry, therefore we will not have finished taking evidence. It would be inappropriate for a member of the committee to attend when the committee has not taken a decision or reviewed all the evidence. We would be very limited in what we would be able to say. Attending the conference would mean taking matters that are being discussed in parliamentary committees into a forum before the committee has had an opportunity to discuss the evidence and agree on conclusions. That is a dangerous precedent to set.

The Convener: On a point of clarification, I understand that a representative has been invited to outline the remit of the inquiry for 10 minutes or so: their role is not to provide feedback from the inquiry or to discuss conclusions that the committee has reached.

Mr Morrison: I am grateful for that clarification.

My first point, which the clerks might respond to, but perhaps not right now, concerns the vetting process for invitations to conferences. "An invitation has come in, therefore I will accept it" is a wholly irresponsible attitude. How do we vet those invitations? We should await responses from the Presiding Officer and the chief executive

before we decide whether a member should participate in the conference.

Mr Raffan: I think that the issue is for the Presiding Officer rather than the chief executive. It should be brought to the Presiding Officer's attention today as it is a matter of urgency and raises issues about members, the Parliament and in particular conveners. The convener is right to say that we should bring the matter to the attention of the Conveners Group. We are being used and abused commercially. We are totally innocent in this. Guidelines need to come from the Presiding Officer and the Deputy Presiding Officers—through the Conveners Group—on conveners' attendance at conferences. Think-tanks and such groups are fine, but it is completely and utterly wrong for us to be used for other people's commercial profit.

The Convener: I am particularly surprised to learn that other members of the committee have not been invited to the conference, given that—as Dennis Canavan pointed out—they are supposed to be available to speak to delegates.

Phil Gallie: It is not only those on the committee who have fallen into supporting the conference. The event appears to have been approved and perhaps sponsored by VisitScotland, the Scottish Tourism Forum and other bodies, some of which are Government bodies or quangos. If people look at the leaflet and see that Philip Riddle, for example, is on the agenda and that VisitScotland is mentioned on the front, that seems to give an official seal of approval.

Irene Oldfather: Given what Phil Gallie has just said, was there no contact between those organisations or the conference organising body and the committee other than the invitation to the convener to give an opening address? Has there been no other contact?

The Convener: If members do not know about the conference, I suggest that the answer is no.

Dennis Canavan: The glossy leaflet was probably sent to every MSP, not only to members of the committee, as well as to people in the world of tourism—in other words, to potential delegates.

The Convener: I will draw a line under the discussion and suggest that we take advice from the Presiding Officer. Is that agreed?

Mr Raffan: On a point of information, did you agree to attend for the whole day? The leaflet states not only that you will open the conference at 9.40, but that you will sum it up at 16.10. That is very generous of you, convener, but it seems extraordinary to me.

The Convener: All that is currently in my diary is the opening remarks. Thank you for informing me of my extended role.

We will take advice from the Presiding Officer, who is the ultimate authority on the issue. The committee will be informed of the outcome.

Dennis Canavan: I will ask a final question of you, convener; I hope that it does not embarrass you. I take it that you were not offered a fee for speaking at the conference.

The Convener: I was not offered a fee. I can put that on the record.

Dennis Canavan: Thank you. It is important that that is on the record.

The Convener: I spoke at the Scottish Centre for Public Policy last Friday—I think that all members were invited to that event. Conveners are asked to undertake a number of engagements. My policy has always been to be as accessible as possible to the people of Scotland. However, as has been raised today, there are other issues that we should take into account. That is why we should seek guidance from the parliamentary authorities.

Phil Gallie: Is it not the case that that forum charges for attendance at their meetings?

The Convener: No. Attendance at that meeting was free—it was sponsored by the European Commission. That was made clear on the day.

Pre and Post-council Scrutiny

16:21

The Convener: We move to pre and post-council scrutiny. Self-explanatory papers are before committee members. I invite comments on any of the issues.

Mr Raffan: On the first point, it is a good idea that we feed in questions—we should also encourage other committees to do so—when the candidate commissioners come before the European Parliament. That is a good idea and we should think about that. We should also invite—*[Interruption.]*

The Convener: I suspend the meeting, as the fire alarm has gone off.

16:22

Meeting suspended.

16:56

On resuming—

The Convener: We can now return to the item that we were discussing. Do members have any comments?

Mr Raffan: As I was saying before I was so rudely interrupted, I thought that the part about the committee having any questions for candidate commissioners was a good idea. We should encourage other committees to follow that lead. I do not know what process we would use; I assume that the candidate commissioners would come before committees of the European Parliament rather than the plenary session in order to be vetted or ratified—I think that they use one of those words in the United States—or to have their nominations approved.

That process would be especially appropriate for commissioners who have particular relevance for Scotland, such as the commissioner for regional development. I think that we should invite them to come, although without the expectation that they will do so soon. Furthermore, I think that we should invite Commissioner Mandelson. That would be useful.

The Convener: I understand that the clerk knows the dates on which commissioners will be visiting. I will ask him to update members.

Mr Raffan: Are we going to embark on a process whereby we put questions to them or will we have to feed our questions through the MEPs?

The Convener: The clerk is suggesting that we send proposed questions to him so that he can collate them and take it from there.

Mr Raffan: We could talk to John Edward as well. He is the head of the European Parliament office in Scotland and could be helpful. The general proposal is a good idea in as much as it will give us a good opportunity to raise our profile.

Phil Gallie: Is it not the case that the questioning of the commissioners is the responsibility of MEPs? In that case, should we just contact our MEPs?

Mr Raffan: That is what is proposed.

The Convener: It is for the MEPs to ask questions but it is open to us to suggest questions that we believe it would be in Scotland's interest to have answered. I will ask the clerk to e-mail members to find out whether they have any questions that could be passed to the MEPs. Are there any other comments?

Irene Oldfather: The post-council report on the meeting of the employment, social policy, health and consumer affairs council talks about childhood asthma and influenza pandemic preparedness and response planning. Those issues are particularly relevant in Scotland and have been in the news a lot. It would be helpful if we highlighted those items to the Health Committee.

Mr Raffan: I, too, refer to that council and the section in the report headed "Council Conclusions on Reduction of Alcohol-Related Damage among young people". It states:

"The Presidency called upon the Commission to continue with the development of its alcohol strategy."

I would like more information about that, as it is relevant to what the Executive is trying to do through the implementation of its national plan on alcohol.

The Convener: We will arrange that.

Sift

17:00

The Convener: The final item on the agenda is consideration of the sift paper, which, because we did not meet during the recess, is relatively big. As ever, the documents of special importance are highlighted for members.

Phil Gallie: I refer the committee to document 1335. Can someone explain the phrase

“required to further the political project proposed by the Commission”?

I understand that the Commission does not have any political projects as such.

The Convener: The phrase that Phil Gallie cites is a direct quote from the Commission’s paper. We would have to write to the Commission for clarification.

Phil Gallie: Can we do that and ask the Commission what its political project is, unless a member of the committee can provide an explanation?

Irene Oldfather: I am not responding to Phil Gallie’s point. It is fair enough if he wants to seek information from the Commission. However, I note that a UK Government explanatory memorandum is available. In the light of the committee’s substantial work on structural funds, it would be helpful either for us to examine the whole document or for the clerks to produce a summary of it for consideration by the committee, so that we can discuss it, perhaps together with the Executive’s response to the committee’s report.

The Convener: Would Phil Gallie be happy for the committee to proceed as Irene Oldfather suggests?

Phil Gallie: I would like to have a specific explanation of the words that have been used. We are told that the Commission does not have a political project.

Mr Raffan: I refer to document 1357, on education. The paper relates to the youth in action programme. I raised with the minister the issue of fostering mutual understanding between the different peoples of the European Union through young people and through exchange. I would like to know more about that paper.

I also highlight document 1263, which is entitled “Note from Netherlands presidency to the Horizontal Working Party on Drugs: EU Drugs Strategy (2005-2012)”.

I would like to make another brief point about the sift. During the recess, we were attacked by an MEP, who accused us of not doing our job in

relation to the proposed Community fisheries control agency, I believe. I do not want in any way to damage relations with MEPs, but the MEP who attacked us was a representative of my party. I was very concerned about what happened and the way in which it happened, especially as I had tried to be helpful to her office in providing information. Although the press release was withdrawn, it reached *The Herald*.

It is important that, if MEPs are considering the work of the committee, they should first speak to the clerks and others to get their facts right. The incident also raises the question of our relationship with MEPs. The minister spoke about what the Executive is doing to build relations with MEPs and I fully support that initiative. However, we need to consider—apart from through EMILE and the joint forums where we meet MEPs—how we relate to them and build a constructive relationship with them. We certainly do not want to get into any more confrontations.

The Convener: Subsequent to the issuing of the press release, we received a letter from the MEP concerned that made no reference to it and brought to our attention the issue mentioned by Keith Raffan. That was the proper channel to go down in the first place.

Irene Oldfather: I was not aware of the incident to which Keith Raffan refers, but he makes a valid point about liaison with MEPs. It would be in the committee’s best interests to improve that relationship. In the past, we have met MEPs on our annual trip to Brussels. For various reasons, it was mostly new committee members who went last time. We have spoken for some time about visiting the Parliament in Strasbourg when it is in plenary session, so perhaps the committee will consider that at some point. When we look at our forward work programme, we should try to timetable in some discussions with MEPs to ensure that we can work in tandem and in partnership on issues that affect Scotland. I support what Keith Raffan says, but we need to look for mechanisms to develop that process.

Mr Raffan: It is important that we work in partnership and in tandem with the MEPs and that we do not get into point-scoring exercises. That was not the intention behind the unfortunate incident of which we have spoken—we certainly do not want to repeat it. Strasbourg is notoriously difficult to get to and back from, which might create problems for us when it comes to whipping, unless we make the trip during a recess. It might be worth looking at that in the future.

The Convener: I will ensure that the clerks take on board those comments and look for the earliest opportunity at which the committee can meet the new intake of MEPs.

As there are no further comments on the sift document, and before I draw the meeting to a close, let me say that it has been a pleasure working with the committee during the past year and a half. I have thoroughly enjoyed my position as convener of what is an interesting committee. I hope that we have fulfilled our obligation to hold the Executive to account and that, as a result, the committee has battled a little harder for Scotland in Europe and overseas. I hope that we have successfully raised the profile of the committee and European matters in the Parliament and the Parliament's profile in Europe and overseas. Finally, I record my thanks to the clerks, who have given me enormous support in my role as convener and I wish the committee all the best for the future. On that note, I bring the meeting to a close—

Mr Raffan: You cannot do that without allowing us some mutual back-slapping.

The Convener: I am always game for a bit of mutual back-slapping.

Phil Gallie: The deputy convener might want to say something, but let me add that I was delighted when you were appointed the first convener of the committee in this session. You have fulfilled your role with dignity, despite the political banter that you have had to put up with at times. You have done well and I have enjoyed serving on the committee with you.

Mr Raffan: I endorse those remarks and thank you for the work that you have put in, convener. It has not always been easy, particularly when you have had to reconcile those who are extremely pro-Europe such as me and Europhobes such as Mr Gallie. You managed to keep us all together in a friendly mode. We wish you well for the future and your many years in opposition.

The Convener: I was beginning to like you, Keith, until that last comment.

Irene Oldfather: I echo my colleagues' comments. As deputy convener, I think that we have produced some good work in the committee. We wish you well in your new job and thank you for your work over the past year.

The Convener: Thank you.

Meeting closed at 17:08.

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