EUROPEAN AND EXTERNAL RELATIONS COMMITTEE

AGENDA

1st Meeting, 2003 (Session 2)

Wednesday 11 June, 2003

The Committee will meet at 10.30 am in Committee Room 1.

1. **Declaration of Interests**: Members of the Committee will be invited to declare any relevant interests.

2. **Choice of Convener**: The Committee will choose a Convener.

3. **Choice of Deputy Convener**: The Committee will choose a Deputy Convener.

4. **Legacy Paper**: The Committee will consider the paper agreed by its predecessor Committee.

5. **Additional briefing for Members**: The Committee will consider whether further briefing on relevant issues is required.

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The following papers are attached for this meeting:

* **Agenda Item 1**
  BRIEFING PAPER: “Declaration of Interests”  EU/S2/03/1/1

* **Agenda Item 2**
  BRIEFING PAPER: “Choosing a Committee Convener/Deputy Convener”  EU/S2/03/1/2

* **Agenda Item 3**
  BRIEFING PAPER: “Choosing a Committee Convener/Deputy Convener”  EU/S2/03/1/2

* **Agenda Item 4**
  BRIEFING PAPER: “Legacy Paper: A review of the first Parliamentary Session of the European Committee – advice to successors”  EU/S2/03/1/3

* **Agenda Item 5**
  There are no papers for this item.
EUROPEAN AND EXTERNAL RELATIONS COMMITTEE

BRIEFING PAPER

“Declaration of Interests”

Introduction

1 Article 5 of the Members' Interests Order provides that before participating in proceedings (otherwise than by attending or voting) a member must make an oral statement or declaration of any registered interests which would prejudice or give the appearance of prejudicing the Member's ability to participate in a disinterested manner.

2 It is the responsibility of the individual Member to judge whether a registered interest is sufficiently relevant to particular proceedings to require a declaration. The Code of Conduct advises at paragraph 5.2.12 that Members should 'err on the side of caution'. Members may also seek advice from the Standards Committee Clerks.

3 Members are not required to declare interests which they have registered on a voluntary basis (i.e. those appearing in the “Miscellaneous” category on the Register).

Declaration of Interests at the First Committee Meeting

4 In the previous Parliamentary session, it was established that Members should make an initial declaration of interests at the first meeting of each committee to the extent of that committee’s remit. Paragraph 5.3.3 of the Code of Conduct states that

   It has been established as good practice that Members should declare interests relevant to the remit of that committee at the first meeting of the committee or on the first occasion on which they address the committee, irrespective of the business before the committee at that meeting.

5 At the first meeting of the European and External Relations Committee, the oldest Member who will be in the chair will invite Members to declare any relevant registrable interests. The declaration should be brief but sufficiently informative to enable a listener to understand the nature of the Member’s interest. It is not necessary to rehearse all the details of an interest as it
appears in the Member’s entry in the Register of Interests if this is more than required to explain the nature of the interest.

6 If Members have any questions about what might constitute an interest relevant to the remit of the European and External Relations Committee, they should contact the Committee Clerk prior to the meeting. Otherwise, the Standards Committee Clerks are also happy to provide advice.

**Declaration of Interests at Subsequent Committee Meetings**

7 Members are also required to declare any registered interests which may be relevant to business discussed at subsequent committee meetings. Where a Member has an interest relevant to the proceedings, he or she must make a declaration of interest at each meeting in which he or she participates, other than by simply attending or voting. This is to allow the public attending any committee meeting to be aware of the Member’s interest. The declaration should be made at the start of the relevant agenda item or as soon as the Member is able to make the declaration, but before otherwise participating in those proceedings. A declaration must be made whether a committee meets in public or in private. Where a relevant matter is discussed in both private and public at any single committee meeting, the declaration should, as good practice, be made during the public session even if it has already been made in private session.

8 Members should, as good practice, also declare any business or personal relationships they might have with any advisers or witnesses to the committee.

**Further Guidance**

9 Further guidance on declaring registrable interests may be found in section 5 of the Code of Conduct. The Standards Committee Clerks are also happy to provide advice to Members.

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EUROPEAN AND EXTERNAL RELATIONS COMMITTEE

BRIEFING PAPER

“Choosing a Committee Convener/Deputy Convener”

Introduction

1 Under Rule 12.1.2 of Standing Orders, the Parliament decides on a motion of the Parliamentary Bureau the party whose members are eligible for nomination as Convener of the Committee.

2 Motion SM2-107 agreed to on 4 June states that members of the Scottish National Party are eligible for the post of Convener of the European and External Relations Committee.

3 Motion SM2-107 agreed to on 4 June states that members of the Labour Party are eligible for the post of Deputy Convener of the European and External Relations Committee.

Procedure at the Meeting

4 At the first meeting, after declaration of interests, and with the oldest Member in the chair, the Members of the Committee will choose a Convener in accordance with paragraph 2 above.

5 The general procedure will be for the oldest Member or another Member of the Committee to make known the nomination of the SNP for the post of Convener. Unless a Member(s) objects, the Committee will acclaim this nomination and record its agreement. The Convener will then chair the rest of the meeting.

6 If two nominations from the same party are identified, there will therefore be a division. The oldest Member will ask the Committee to vote on the first of the nominations and see (usually through a show of hands) if there is a majority in favour. If there is a majority in favour, the first nomination takes the chair. If there is no majority, the same question is put for the second of the nominations. If a majority is received, the second of the nominations takes the chair.
The same procedure, except with the Convener in the chair, is followed for the post of Deputy Convener.

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EUROPEAN AND EXTERNAL RELATIONS COMMITTEE

BRIEFING PAPER

“Legacy Paper: A review of the first Parliamentary Session of the European Committee – advice to successors”

Introduction

1 As part of its work programme prior to dissolution, the previous Committee agreed to produce a legacy paper that it could leave to its successor committee(s). Attached is the agreed paper (see Annex A). This paper is similar in structure and content to most other legacy papers being produced by other committees.

2 The first half of the paper covers the previous Committee’s activity, remit and core tasks, potential topics into which this new, successor committee(s) might wish to inquire into, and some suggested criteria for these.

3 The second half of the paper covers in more detail the working practices that the then Committee adopted and how these have changed, and the extent to which they have assisted its substantive work.

4 As agreed at the then Committee’s 5th meeting 2003, this paper was made public.

Action requested

5 Members are requested to consider the contents of the legacy paper. Whilst Members are free to come to a conclusion, it is not expected that at this first meeting, any firm decisions on a long-term work programme will be taken.

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LEGACY PAPER – EUROPEAN COMMITTEE

Introduction

The European Committee has had an interesting and varied agenda through the first session of the Parliament. It has learnt much through its activity during this period that it would like to pass on to its successor committee(s), however constituted. Any successor committee(s) will of course have complete autonomy to select and undertake its work in the way that it sees fit. However, we hope that the lessons of our experience may prove helpful.

PART 1 – REVIEW OF ACTIVITIES, REMIT, TASKS AND POSSIBLE FUTURE WORK PROGRAMME

Activity during the First Session

1. Unlike subject committees, the European Committee does not deal, in the main, with Executive primary legislation. The Committee has not had a high volume of subordinate legislation or petitions referred to it, relative to subject committees. This has meant that the Committee has been able to focus more on its self-generated workload, perhaps more so that most other committees.

2. However, it should be noted that this flexibility is provided for only within the framework of the Committee’s core tasks – to scrutinise the activities of the Scottish Executive in the discussions on draft EC/EU legislation and its transposition and implementation. Additionally, the Committee far more than any other is actively engaged in its own and the Parliament’s external liaison activities, for example, receiving inward visits.

Remit and core tasks

3. The remit of the European Committee is as follows (Standing Orders, Rule 6.8):

   1. The remit of the European Committee is to consider and report on-

      (a) proposals for European Communities legislation;
      (b) the implementation of European Communities legislation; and
      (c) any European Communities or European Union issue.

   2. The Committee may refer matters to the Parliamentary Bureau or other committees where it considers it appropriate to do so.

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1 The Committee has investigated the provisions of the Water Environment and Services Act as well as enquiring into certain aspects of the transposition and implementation of secondary legislation that gives effect to Community obligations.
3. The convener of the Committee shall not be the convener of any other committee whose remit is, in the opinion of the Parliamentary Bureau, relevant to that of the Committee.

4. The Parliamentary Bureau shall normally propose a person to be a member of the Committee only if he or she is a member of another committee whose remit is, in the opinion of the Parliamentary Bureau, relevant to that of the Committee.

This was extended by the whole Parliament on 5 March to cover the following additional issue (within Rule 6.8.1) and the Committee's name was altered accordingly to the **European and External Affairs Committee**.

(d) the development and implementation of the Scottish Administration's\(^2\) links with countries and territories outside Scotland, the European Communities (and their institutions) and other international organisations;

(e) co-ordination of the international activities of the Scottish Administration

5. In practice, the remit resulted in five main core tasks for the European Committee during the First Session:

(a) **Sift/scrutiny** – as identified in subsequent sections of this paper, the European Committee receives copies of all proposals for EC/EU legislation and initiatives, sifts through to identify subjects that may be of interest to itself and other committees and refers this information accordingly.

(b) **Pre- and post-EU Council scrutiny** – as a sub-task of (a) above. As identified in subsequent sections of this paper, the European Committee receives material and briefing from the Executive immediately before and after meetings of the European Council, the Council of the EU\(^3\), JMC(EU)\(^4\) and MINECOR\(^5\), which helps identify the activities and policies of the Executive at these key milestones in the EC/EU decision-making process.

(c) **Implementation/Transposition** - as identified in subsequent sections of this paper, the European Committee receives updates from the Scottish Administration (approximately every two months) on the progress of the transposition and implementation of EC/EU legislation in devolved areas in Scotland.

(d) **Inquiries** – the Committee conducts its own parliamentary Inquiries into subjects of interest, see below.

(e) **Networks, visits and visitors** – the Committee was instrumental in launching a series of networks with other parliaments and assemblies in

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\(^2\) Scottish Executive Ministers and their civil servants
\(^3\) Formerly known as the Council of Ministers
\(^4\) Joint Ministerial Committee (European Union)
\(^5\) Ministerial Group for European Co-ordination
the UK and the EU, sends representatives to various formal and informal networks and groups in Scotland and in the EU, hosts a wide variety of delegations and other VIP visits to the Scottish Parliament and itself participates in visits elsewhere. Later sections of this paper provide more detail.

Basic facts and figures

During the first Parliamentary session, the Committee will have met 69 times and, in addition to its other work (see below) undertook the following own-initiative Inquiries:

1999
- 3rd Report, 1999 Report on the Objective 3 Operational Plan

2000
- 2nd Report, 2000: Report on European Structural Fund Programme Management Executives and their relationship with the Scottish Executive
- 3rd Report 2000: Report on Objective 2 plans

2001
- 1st Report, 2001: Initial report on the application and project appraisal process for European Structural Funds (1st round of the 2000-2006 period)
- 3rd Report, 2001: Reforming the Common Fisheries Policy: a Blueprint for negotiations

2002

2003

Additionally, the Committee nominated a number of Reporters, who conducted the following Inquiries on behalf of the Committee which led to the production of Committee reports:


7th Report 2000: Report on a review of the impact of European list 1 designated disease Infectious Salmon Anaemia and list 2 disease Viral Haemorrhagic Sepicaemia on the Scottish aquaculture industry (Maureen Macmillan MSP)

2nd Report, 2001: Report into the EU Charter of Fundamental Rights (Dennis Canavan MSP)


1st Report 2002: Report on the enlargement of the European Union and the challenges and opportunities facing Scotland (Ben Wallace MSP)

5th Report 2002: An Inquiry into Scotland's Representation in the European Union (Helen Eadie MSP and Ben Wallace MSP)


In relation to the scrutiny of draft EC/EU legislation, the Committee received over 4,100 documents, all of which were deliberated upon to varying degrees in the Committee. The second section of this paper identifies how the sift/scrutiny procedure changed during the first session.

On implementation and transposition, the Committee agreed its areas of focus since then, has reviewed 4 reports and briefings from the Scottish Executive. The second section of this paper reviews the focus of this core task as agreed by the Committee.

Possible future own-initiative Inquiry topics

A successor committee(s) will wish to make its own choices as to Inquiry topics. However, a number of issues have emerged during the course of this Committee’s work that we regard as worthy options for future consideration. The topics have emerged in a number of ways, notably through an analysis of the European Commission’s 2003 work programme and the operational

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6 Communication from the Commission to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions on the Commission’s Legislative and Work Programme for 2003, COM (2002) 590
programme of the Greek and Italian Presidencies of the EU Council\(^7\), as well as through the ongoing process of reform and enlargement of the EU. The suggestions below are in no particular order. Please note, some of these may (or ought to) be the focus of work within other subject committees of the Parliament. Additionally, some subjects may be a more appropriate project for a Committee Reporter, rather than a full Committee Inquiry.

**RECOMMENDATION 1: the Committee considered the issues below and offers these as advice to its successor(s)**

- **Proposed Constitutional Treaty for the EU and the IGC deliberations (ongoing)** – 2003/4 will be the years of preparing the ground for the new Europe. The EU will have to adapt its institutions through the work of the European Convention and the next Inter-Governmental Conference (2004) and attempt to re-engage citizens in the European project.

- **3\(^{rd}\) Cohesion Report and reform of the European Structural Funds post-2006** (expected November 2003) - including, as appropriate legislative proposals for the Structural Funds after 2006 and the UK Government’s consultation.

- **Joint Report in Social Inclusion and the mid-term review of the Social Policy Agenda and national action plans** (expected June and October 2003) - adoption of a Communication on the mid-term review of the Social Policy Agenda and effective implementation of the open method of co-ordination by the adoption of a revamped employment package, a second joint report on social inclusion and the launch of this working method in the field of pensions.


- **Commission Communication on Health Policy** (expected March 2003) – sets out goals and objectives of the Community’s health policy and how the Commission intends to develop policy in the future.

- **Commission Communication on charging for transport infrastructure** (expected early 2003) – consideration of the links between an efficient use of the existing transport network as well as financing of new transport infrastructure according to the priorities which already exist.

- **Legislative proposals for reform of the Common Fisheries Policy** (throughout 2003) – legislative proposals and measures to implement fisheries reform such as setting up the first Regional Advisory Councils, establishment of a Joint Community Inspection Structure for Fisheries, establishment of multi-annual management plans for some major fisheries stocks and proposals for the necessary implementing measures for the application of the new fleet policy.


- **A review of the implementation of EC waste and other environmental legislation in Scotland** (no date) – previously agreed to (in principle) Inquiry focusing on a

\(^7\) Operational Programme of the Council for 2003, 14944/02
review of the success or otherwise in Scotland of meeting EC obligations/targets in environmental policy and waste in particular.

- **Green Paper on Entrepreneurship** (Expected January 2003) – to launch a debate on entrepreneurship, relevant factors influencing such people, future policies to promote etc.

- **Inquiry into merits of Tartan Day**

**Criteria for selection of Inquiry topics**

11 Although not explicitly referred to, the European Committee has been working broadly to a set of implicit criteria applying to the selection of possible Inquiry topics over the first parliamentary session. In general, these indicative principles have proved helpful in guiding the Committee in its choices. The implicit criteria are reproduced below as they may be of assistance to our successor.

**RECOMMENDATION 2: the Committee agreed to formalise these criteria and to offer them as advice to it successor(s)**

**Balance.** Over the course of the parliamentary session, a successor committee is likely to want to balance its work across its remit, in our case between the areas of looking at draft legislation and at its eventual transposition and implementation in Scotland. For each piece of EC/EU legislation or initiative, we have tended to focus on either the negotiation of the draft legislative text or focus on its implementation. There may be advantages to our successor in being more selective and focussing on both elements of the remit where it is possible to have a beneficial impact over the entire decision-making process in the EU and then in the Scottish Parliament (see also note below on “timing”).

**Avoiding duplication.** Where other committees are investigating or have recently investigated an EC/EU issue relevant to their own remits, the Committee may wish to avoid duplicating this work. There may of course be cases where the Committee regards other investigations as inadequate, and would still wish to pursue its own, perhaps with a slightly different focus. Mostly this has been avoided in the first session, but as successor subject committees become more engaged in EU affairs, it may be an important principle to adopt.

**Executive v own-initiative.** The Executive has from time to time suggested informally areas on which a Committee input would be appreciated. The Committee has pursued some of these issues, e.g. reviewing European structural funding in Scotland, as they create an opportunity for a positive and effective influence on Executive policy. However, the Committee has resisted having its entire agenda set for it by Ministers, which is a danger of too close co-operation. A successor committee will need to come to a view about the balance it wishes to strike between creative co-operation, and critical scrutiny of the Executive.
It may be worth re-emphasising the view that such an imbalance would be improper.

**Making a difference.** This Committee has indicated that one of its main objectives was, by the end of the first parliamentary session, to have had an impact on the governance of Scotland in relation to EC/EU affairs, and its successor may feel the same. This Committee has therefore had a preference for Inquiries that have the potential to lead to concrete recommendations, capable of being implemented and which improve the process and transparency of the decision-making process on EU affairs in Scotland, the UK and the EU. This touches on the sensitive area of reserved and devolved matters. On the one hand, there is an advantage in focussing on devolved areas where responsibility for implementation rests with the Scottish Executive. On the other hand, it may also be useful to examine the extent to which UK-wide policy on some reserved matters (e.g. negotiations on draft EC/EU legislation, the reform of the EU etc.) is suited to Scottish conditions. This Committee has always sought to keep its sister committees in other UK parliaments and assemblies informed of its work.

**Potential for legislation.** the Committee has indicated that in the main it prefers to try to influence proposals for EC/EU legislation at as early a stage as possible. This means in practice when the EU institutions are developing policy (e.g. Green Papers, White Papers or earlier). A successor committee(s) may wish to reaffirm this policy and consider how to use current and future staffing resources in Edinburgh and Brussels accordingly.

**Timing.** an issue may be one that it would be useful and appropriate for the committee to examine, but the timing is wrong. For instance, it might be pointless to examine a legislative initiative shortly before an important meeting of the Council of the EU, if the Council is set to adopt the legislation and the objective of the committee is to exert influence on the decision-making process. The EU’s decision-making process is immensely complex and lengthy. However, the Committee may choose to suggest to its successor(s) that if one objective of a piece of work is influence, then a preparatory analysis of where the legislative item is in the decision-making chain is a necessary first step before any decision is taken to proceed with an Inquiry.

**Topicality.** This issue is allied to timing, but slightly different. Issues may be politically topical at one moment, but be of less interest shortly thereafter. This Committee has been wary of taking on issues that have the potential to lose public interest, or become irrelevant, by the time that the committee reports. This does not prevent a subject committee taking the issue up. This Committee has not, largely, therefore responded to

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8 Experience suggests that for issues that are agreed by co-decision with the European Parliament then intervention is best at the committee stage or before first reading. Engagement with the European Parliament is possible after a Council Common Position but before second reading. However, after that it is very difficult to influence a piece of EU legislation.
demands to examine for instance particular urgent issues, constituency issues.
PART 2 – REVIEW OF WORKING PRACTICES AND LESSONS FOR THE FUTURE

Introduction

1 This section of the papers reviews in more depth the working practices and patterns adopted by the Committee and suggests lessons that a future successor committee(s) may chose to adopt. This section addresses the following aspects of the Committee’s activities:

- Sift/scrutiny process of draft EC/EU legislation and initiatives
- Pre- and post-EU Council scrutiny
- Consideration of the transposition and implementation of EC/EU legislation in Scotland
- Preparing for and managing Inquiries, including the use of Committee Reporters
- External networking, networks, representation at various fora etc., including:
  - European elected Members Information and Liaison Exchange (EMILE)
  - Scottish European Structural Funds Forum (SESFF)
  - Trilateral meetings with the Presiding Officer and Deputy First Minister on external relations
  - European Chairs-United Kingdom (EC-UK)
  - Network of Regional Parliamentary European Committees (NORPEC)
  - Agreement with the ‘European Affairs Committee’ in the Landtag of Saxony-Anhalt on inter-regional co-operation
  - Central-Local Partnership Working Group on the future of Europe
  - Informal External Liaison Network
  - Consular network
  - Network of European Officers in Councils and CoSLA
- Future incorporation of Committee of the Regions work into Committee business, including the use of the new Brussels presence
- New functions and tasks for the extended remit (covering external affairs)
- Proposed new internal UK system for the monitoring of subsidiarity
- Intelligence gathering and preparing new Committee work programmes, including the use of the potential expanded new Brussels presence
- Handling visitors and inward/outward visits
- Civic participation events
- Use of advisers, research services and legal advice
- Production of ‘Europe Matters’, the Committee’s electronic newsletter

2 These issues are addressed in turn below.

Sift/scrutiny process of draft EC/EU legislation and initiatives

3 This is an area of work that has undergone quite radical changes from the early days of the Committee. The most significant changes have been to the
method by which the Committee considers the documents received and how it then in turn alerts other subject committees to developments.

4 Prior to January 2002, the method by which the European Committee sifted through the estimated 1,200 EC/EU documents received each year was to analyse briefly the contents of each legislative initiative and to classify it into one of five areas:

- **Priority scrutiny** – meaning the EC/EU document would be looked at in more detail within the work of the European Committee. Usually this classification meant a document was relevant to an ongoing Inquiry and could therefore be addressed as part of the work undertaken.

- **Routine scrutiny** – meaning the document was referred formally to another committee of the Parliament for their interest. No recommendation was made by the European Committee as regards a suggested course of action for the recipients, although feedback on any decisions taken was requested.

- **Defer** – usually meaning further information on document was awaited, most often the UK Government’s Explanatory Memorandum.

- **No further action (copy to committee)** – meaning a document was simply sent, informally, to another committee for interest. No feedback was requested.

- **No further action** – meaning simply that.

5 The difficulties with the system related to the level of resources required to undertake even this limited level of scrutiny, coupled with the minimal feedback received from other subject committees to whom documents were referred. Many understandable reasons were given as to why this was the case, from pressures of competing work (e.g. Bills, own inquiries etc.) in subject committees to the general complexities of engaging in detail with EC/EU issues.

6 Since January 2002, the onus of the new system has been to encourage other subject committees to, and at their own initiative, make full use of the powers within standing orders to investigate EC/EU matters relevant to their own remits. This places the emphasis on other subject committees to be more responsible for deciding themselves which EC/EU issues to engage with.

7 The European Committee now acts as a kind of ‘early warning system’ by providing each committee, every two weeks, with a list of EC/EU legislative developments relevant to its remit. This coupled with extensive EC/EU training for clerks in other committees, familiarisation visits to EU institutions for conveners and clerks and efforts to increase the EC/EU-related expertise within SPICe, are all showing early signs of success. For example, the Rural Development Committee and the Justice 2 Committee now have, pro-actively, developed their own EC/EU legislative tracking systems to monitor
developments relevant to their own remits. Initial indications suggest the Social Justice Committee is considering its options here too.

8 A successor to the current European Committee should now consider whether it wishes to continue with this revamped sift system. Additionally, the Committee should decide whether it wishes to continue with the system whereby it sends each committee of the Parliament a list of EC/EU legislative developments relevant to them. It is important to note that this list is made publicly available on the Parliament’s website and sent pro-actively by the Committee to other external bodies to assist them in their tracking of EC/EU issues. Should a successor committee choose to alter the system, it may be worthwhile advising it to consult with other subjects committees first.

9 The successor Committee(s) may like to consider advising the clerk to limit the level of resources focused on the production of the sift list and to make this a fairly straightforward, technical exercise and refocus the limited clerking, legal and research resources into other aspects of the Committee’s work. The Committee may wish to suggest making the sift list more widely available to all of the Committee’s contacts and place the list on the Parliament’s intranet.

RECOMMENDATION 3: the Committee recommended the continuation of the new system, advised the clerk as per above, and agreed to review the process again during 2004

Pre- and post-EU Council scrutiny

10 This new initiative resulted in part from the Committee’s two Inquiries into EU Governance and the future reform of the EU. A main theme of these Inquiries was the Committee’s efforts to improve the openness and transparency of the EU and internal Scottish and UK decision-making processes.

11 One of the critical milestones\(^9\) on the decision-making process as regards the formulation and adoption of EC/EU legislative texts and initiatives is the meetings of the Council of the EU (formerly known as the Council of Ministers). These meetings, made up of national ministers from the Member States, are the main fora for final decision-making in the EU. Such meetings are, on occasion, attended by Scottish ministers along with their UK counterparts depending on the subject matter being discussed. Running in parallel to these meetings are the internal UK fora, such as the Joint Ministerial Committee (EU). It is in these meetings that government ministers and their officials prepare and decide on EC/EU legislative texts.

12 Following the very positive intervention of the Deputy First Minister, Jim Wallace MSP\(^10\), it was agreed that the Scottish Executive would provide the European Committee in advance of such fora with an annotated agenda and a post-meeting report.

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\(^9\) For legislative proposals following a co-decision procedure, the decision-making stages in the European Parliament are also very critical stages.

\(^10\) Letter to Committee of 18 April 2002.
13 On the 18 June 2002, the Committee considered for the first time the initial set of briefings provided by the Executive. Despite some early teething difficulties, the system now seems to work well. Information is provided routinely by the Executive according to agreed timetables. It would appear, from feedback from current Members of the Committee, that the system works well and this is a useful exercise to keep checks on the Executive’s activities and to encourage such information to be openly accessible to all (the Committee places all material received onto the web).

14 It must, however, be recognised that this is a very resource-intensive exercise for the Executive and for committee officials. It is important that any successor committee(s) considers carefully whether it wishes to continue with this system and, where possible, ensures adequate time is made available within the Committee to discuss the material received.

15 A successor may also wish to consider whether to routinely ask the Executive to provide (via UKREP) the statements made by national delegations at Council meetings. A successor may also wish to consider whether as follow-up to each committee meeting, the convener on behalf of the committee should send a series of questions and queries to the Executive and publish the response as a matter of course.

**RECOMMENDATION 4: the Committee recommended to its successor(s) to continue with the pre- and post-EU Council work, to prioritise this as a key task and make time and resources available accordingly and keeps the system and processes under review. This review process could involve asking external bodies for their views**

Consideration of the transposition and implementation of EC/EU legislation in Scotland

16 The above two sections outlined some of the Committee’s tasks in relation to the consideration of draft legislation prior to its adoption in the EU. A second core task for the Committee has been to consider the transposition and implementation of EC/EU obligations in devolved areas in Scotland. The Committee has carried out its scrutiny function from two perspectives:

- Recourse by the Executive to section 57 (1) of the Scotland Act
- Delays in meeting transposition or implementation deadlines

17 The importance of this scrutiny was identified by the Committee given that the decisions taken on such matters are those of the Executive and that the Scotland Act requires the Scottish Parliament to act in a manner consistent with Community law. Failure to do so can result in fines and penalties to be paid out of the Scottish block budget.

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11 The power that enables Westminster to implement EC obligations in a devolved area on an UK wide basis
18 The Committee agreed with the Executive that it would provide, every two months, a list of all EC/EU obligations in devolved areas that were to be transposed and then implemented. This listing would provide information on lead departments, deadlines and timetables, and information on the use of section 57 (1).

19 To date, the Committee has considered three such lists from the Executive. Improvements have been made along the way as regards the format of the information and the level of detail provided by the Executive. Currently, as articulated by Members at a previous meeting earlier in 2003, some improvements remain to be made, but that the quality of the information provided by the Executive has greatly improved.

20 Members have previously stated that this is an important function for the Committee to undertake and that the focus on the issues of late transposition/implementation and the use of section 57 remain the main areas of effort for the Committee.

21 However, one Member of the Committee, Ben Wallace MSP, is on record as indicating that the Committee might wish to do more. He has stated that a committee of the Parliament should routinely be crosschecking the provisions of Directives in devolved areas with the corresponding Statutory Instrument or, more rarely, a Bill. This would enable Members to consider such issues as perceived ‘gold-plating’ and differential implementation.

22 It should be noted that any attempt to undertake this kind of task on a consistent and regular basis would be a very significant function. It is estimated that about 15% of the estimated 350 Scottish Statutory Instruments received each year in the Parliament are driven by the EU (i.e. 50/year). The legal and policy resources that would be required to conduct this analysis, either internally\(^{12}\) or through external advisors\(^{13}\), would be substantial\(^{14}\), and/or would mean that other committee tasks might have to be dropped. Additionally, Members might like to consider whether this additional function ought to be a priority for the whole committee, or whether there are alternative structures, for example through a sub-committee\(^{15}\), that could be used to discuss such matters without necessarily using the limited meeting time available to the whole committee.

**RECOMMENDATION 5:** the Committee recommended to its successor(s) to continue with the scrutiny of implementation, agreed the same two priorities as currently exist but recognised that future progress can be made in terms of comparative analysis of EC Legislation and SSIs. The Committee considered the merits of additional priorities for scrutiny as outline above in paragraph 20. This should involve other committees of the Parliament.

\(^{12}\) This type of scrutiny is currently facilitated by the Committee’s clerks and legal adviser whose resources would be limited without a re-orientation of priorities.

\(^{13}\) Other options would be for the clerk/legal adviser to manage the input of briefing material on this subject matter from external sources, for example, through the use of advisers, a standing panel of advisers etc.

\(^{14}\) Around 2 to 3 SSIs analysed for each meeting of the Committee

\(^{15}\) Members need to be aware that the formation of a sub-committee is a matter for the Bureau.
Preparing for and managing of Inquiries, including the use of Reporters

23 During the first parliamentary session, the Committee undertook 21 Inquiries (including reporters’ inquiries). These were in addition to the Committee’s regular tasks relating to the scrutiny of draft EC/EU legislation, pre- and post-EU Council analysis and consideration of transposition/implementation plans.

24 The majority of these Inquiries have lasted around 3 to 5 months, from launch of the terms of reference to the publication of a report. A rough rule of thumb points to each Inquiry being in receipt of 10-20 written submissions and the taking of oral evidence from 5-10 bodies, usually over 2 or 3 sessions.

25 Although originally intended, the Committee has not made much use of the facility to travel outwith Edinburgh to take evidence\(^\text{16}\) or to participate in case study visits\(^\text{17}\). This is not the case with regards Reporter’s inquiries where the MSP(s) has been able to be more flexible. Additionally, it has more often than not been difficult to organise preparatory briefings or seminars for Members in advance of an Inquiry commencing or to have organised sessions where draft findings are considered prior to a draft report being tabled in committee. Suggestions of lines of questioning are, however, commonly distributed in advance of meetings.

26 It must be recognised that this situation has been due almost entirely to competing pressures of workload as described above (see paragraph 22). The Committee typically meets every fortnight, on average for just less than two hours. The table below shows the profile of meetings through the session.

<table>
<thead>
<tr>
<th></th>
<th>1(^\text{st}) Parliamentary Year May ’99 - May ’00</th>
<th>2(^\text{nd}) Parliamentary Year May ’00 - May ’01</th>
<th>3(^\text{rd}) Parliamentary Year May ’01 - May ’02</th>
<th>4(^\text{th}) Parliamentary Year May ’02 - 4 Mar ’03 (incl.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of Meetings</td>
<td>18</td>
<td>20</td>
<td>17</td>
<td>13</td>
</tr>
<tr>
<td>Time Spent in Committee</td>
<td>34hrs 59 mins</td>
<td>37hrs 48 mins</td>
<td>32hrs 43 mins</td>
<td>27hrs 19 mins</td>
</tr>
<tr>
<td>Average Length of Meetings</td>
<td>1hr 56 mins</td>
<td>1hr 59 mins</td>
<td>1hr 55 mins</td>
<td>2hrs 06 mins</td>
</tr>
</tbody>
</table>

27 This table shows that the average length of committee meetings has remained even through the course of the four parliamentary years\(^\text{18}\), although the number of meetings per year has declined slightly. In earlier years, a number of short, extra meetings were held to discuss one-off items or to schedule in extra witnesses for Inquiries. This has not proved necessary in

\(^{16}\) The Committee has met once formally in Glasgow.

\(^{17}\) One notable exception was the series of visits to Islay and Huntly as part of the Inquiry into the Water Framework Directive.

\(^{18}\) Broadly May to May, except year 4 which includes meetings up to and including 4 March 2003
later years. One key point, however, is that the volume of regular committee business (e.g. pre- and post-Council scrutiny, consideration of implementation plans etc.) has increased in later years, coupled with approximately the same number of Inquiries per parliamentary year.

28 Members have stated in the past their preference for this pattern of meeting\textsuperscript{19} as this means more can be done outwith meetings, such as the Committee’s role and responsibility for receiving visitors to the Scottish Parliament and activities in relation to the Committee of the Regions etc. However, there still remains the pressure on the time available at meetings to schedule adequately the necessary business.

29 One option used extensively by the Committee has been to appoint Reporters. Following a rather ambitious programme of Reporter’s reports launched at the outset of the first session, the Committee has used this system quite innovatively and flexibly. It does, however, require that the MSP has sufficient resources (e.g. support staff, interns etc.) to assist him/her with the project. There is also a requirement for the clerk to continue to engage with the work undertaken.

\textbf{RECOMMENDATION 6: Members provided their views on the management of the Committee’s inquiries, offered suggestions for improvements, commented on the use of Reporters and the general patterns of committee business.}

\textbf{External networking, networks, representation at various fora}

30 One of the other reasons why it may be difficult to move away from a fortnightly pattern of meetings is the heavy pressure on Members, particularly the Convener/Deputy Convener (or their representatives if unavailable) to participate in the networks and groups that the Committee by necessity is represented on (see page 9).

31 These include the various groupings of elected Members at Scottish, UK and European levels, the networks with other committees, monitoring committees for policies such as the structural funds, internal Scottish Parliament fora etc. Such networks are in addition to those that representatives of other committees must sit on, such as the Convener’s Group.

32 At first glance, it is difficult to see where this requirement can be reduced without withdrawing from a number of fora that Members have previously expressed as being important. It should be recognised too that such networks play a very important role in the collection of intelligence and briefing on EC/EU developments and in fostering access to the Parliament for external bodies.

\textsuperscript{19} Members may wish to note that the Convener’s Group had suggested that a fortnightly pattern should be the norm for committees, where possible.
RECOMMENDATION 7: Members considered the list of networks on page 9 and the paragraphs below and considered what, if any, networks could be reviewed for a reduced involvement.

European elected Members Information and Liaison Exchange (EMILE)

33 Members will recall that EMILE is the network bringing together the Scottish Minister for Europe, Scotland’s MEPs, representatives of the Committee, Scotland’s members on the Committee of the Regions and, more recently, the Conference of Peripheral and Maritime Regions. It meets twice per year.

34 The Committee has made previously a number of recommendations on reform of EMILE and the issue was discussed at EMILE’s meeting in February. The conclusions will be written up in a paper to be produced by the Executive in due course.

RECOMMENDATION 8: Members recommended continued involvement in EMILE, particularly in light of recent reforms.

Scottish European Structural Funds Forum (SESFF)

35 The Convener or Deputy Convener represents the Committee at the Scottish European Structural Funds Forum. This meets on average twice per year. It is composed of the Deputy Minister for Finance and Public Services, MEPs, Councillors etc. It acts as a forum to discuss the management of structural funds and general policy directions. Recently, the Convener has appointed a ‘representative’ from the Committee to attend on her behalf due to diary commitments.

36 The Forum can act as a useful grouping to discuss the structural funds and is an integral part of the Committee’s agreed annual reporting cycle on the management of the funds. It has also been of recent months a meeting place to discuss these funds post-2006.

RECOMMENDATION 9: Members recommended continued involvement in SESFF, but considered whether alternative representational arrangements could be made (e.g. widening membership of SESFF beyond office bearers, delegating attendance to the clerk etc). Members recommended that a successor committee organise an early briefing on such issues.

Trilateral meetings with the Presiding Officer and Deputy First Minister on external relations

37 The Presiding Officer, Deputy First Minister/Minister for Europe and the Convener meet every few months to discuss external affairs issues. Although in recent months this meeting has had to be postponed, it is an important forum to discuss developments. This may prove more so with the extension of the Committee’s remit (see below). The forum supplements the trilateral monthly meetings between officials from the Executive, Parliament’s External Liaison Unit and the Clerk to the European Committee.
RECOMMENDATION 10: Members recommended continued involvement in the trilateral meeting and recommended considering how feedback mechanisms to committee members might be improved.

European Chairs-United Kingdom (EC-UK)

38 The Convener (or Deputy) meets twice per year with the chairs of the ‘European Affairs’ committees in the House of Commons, House of Lords, Welsh Assembly and Northern Irish Assembly. This group, initially an idea proposed by the Scottish Parliament, is a useful forum to share experiences, discuss common policies and work programmes.

39 In recent months, it has been put on-hold following the suspension of the Northern Irish Assembly. The next hosts are due to be the Scottish Parliament, but no decision has been taken yet on dates. It may be that a meeting of officials replaces the scheduled meeting of elected members to keep the links going and to review the future until the situation is clearer in Belfast.

RECOMMENDATION 11: Members recommended continued involvement in EC-UK, recommended considering how feedback mechanisms to committee members might be improved and supported officials meeting in the interim period to discuss future arrangements.

Network of Regional Parliamentary European Committees (NORPEC)

40 This new informal network consists of elected representatives of the ‘European Affairs’ committees in the Scottish, Flemish and Catalan Parliaments. It was launched in November 2002, with the signing of the conclusions of a meeting held to discuss matters of common interest. Since then, the Committee has made a submission on ‘regional issues’ to the European Convention after consultation with members of NORPEC.

41 This nascent grouping needs developing during the second session of the Parliament with a view to deepening co-operation and, in the fullness of time, widening membership to ‘regions’ with similar powers. The clerk has secured additional staffing resources to facilitate this.

RECOMMENDATION 12: Members recommended continued involvement in NORPEC as a priority task for the successor committee(s).

Agreement with the ‘European Affairs Committee’ in the Landtag of Saxony-Anhalt on inter-regional co-operation

42 As part of a meeting in Brussels in spring 2002, Members discussed with their counterparts in the Landtag of Saxony Anhalt a proposal for closer co-operation. As a result, a five-point action plan formed the basis of an eventual agreement between the two committees. This covered the following issues:
• Encourage the development by others in Scotland of joint INTERREG III C proposals, mutual participation in conferences and seminars etc.

• Seek to encourage the development by others in Scotland of efforts for closer co-operation between Western and Eastern Europe, utilising the joint initiatives of Saxony-Anhalt and its contacts with Estonia and Bulgaria.

• Co-operate on European issues, where appropriate, within the Committee of the Regions, possibly including joint position papers, as committees rather than as parliaments, on enlargement or regional policy.

• Seek to foster closer co-operation between the two Parliaments beyond European issues.

• Encourage the exchange of experience between parliamentary administrations in terms of parliamentary procedure, benchmarking etc.

Due to subsequent elections in the Landtag and competing pressures of business, there has not been the level of activity in relation to the implementation of this agreement as might have been desirable. Members may note, however, that a deepening of membership of NORPEC (see above) might be one vehicle for revisiting links with the Landtag in due course.

**RECOMMENDATION 13:** Members considered the agreement entered into and advised its successor and the clerk on future plans.

Central-Local Partnership (Working Group on Future of Europe)

Recently, the Convener represented the Committee at a meeting of a Working Group of the Central-Local Partnership. This is a network sponsored by the Office of the Deputy Prime Minister in UK to foster closer links with regional and local government members. The Convener attended a CLP conference when it met to discuss future of Europe issues.

**RECOMMENDATION 14:** Members considered the merits of continued involvement in the CLP, but did not take a view on alternative arrangements for representation.

Informal External Liaison Network, Consular network, Network of European Officers in Councils and CoSLA

Partly at the behest of the Committee and partly to facilitate their work, the clerks have set up a number of informal networks that are used to keep the Committee informed of the views of a wider grouping of key external organisations and opinion-formers on EC/EU issues. These networks are:

• **External Liaison Network** – a listing of key bodies (such as SCDI, NFUS, CoSLA, Environment Link, European Commission/Parliament offices etc.) to whom the clerks proactively send sift papers, EU
Council agendas, implementation reports, committee reports (when published) for feedback and dialogue. This helps the clerks take soundings from these bodies on EC/EU matters.

- **Network of European Officers in Councils and CoSLA** – this recently formed network is operating in a fashion similar to the external liaison network and may be subsumed into it.
- **Consular network** – a network between the clerks and representatives of the various consuls and consuls-general of EU and accession states.

46 In the main, the contact between the Parliament and these networks is through the clerks. However, on occasion Members are more involved such as through attendance at occasional receptions or other events with these networks organised to keep up the dialogue between these important offices and elected Members.

47 It is important to recall that these networks might form the basis of the types of organisations that could support the establishment of a Scottish Institute for European Affairs. The institute is an idea supported and promoted by the Committee.

**RECOMMENDATION 15:** Members supported the continued use of such networks, recommended them to its successor(s), reaffirmed support for the Scottish Institute for European Affairs and tasked the clerk with keeping them informed of progress on its development. Members also considered what other groupings it may like to approach (e.g. academia). Finally, Members recommended an early meeting of the new committee with the consular network.

**Future incorporation of Committee of the Regions work into Committee business, including the use of the new Brussels presence**

48 Scotland currently has eight members on the Committee of the Regions (COR). These consist of four parliamentary representatives (two from the Executive and two from the Parliament) and four from local government. All eight are members of the UK’s national delegation.

49 With the coming into force of the Treaty of Nice, members of the COR now either have to hold a regional or local authority electoral mandate or have to be politically accountable to an elected assembly. It is now also stipulated that the term of office of members of the Committee shall terminate automatically when the mandate mentioned beforehand comes to an end.

50 Members will of course recall that their ability to be kept more informed on COR matters more generally will be improved with the opening of the Scottish

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20 A paper on the development of an institute is being drawn up by a number of interested parties.

21 In the first session these were Nicol Stephen MSP and Jack McConnell MSP

22 In the first session these were Irene Oldfather MSP and Irene McGugan MSP
Parliament’s Brussels presence, as the postholder is charged in the main with assisting the Scottish Parliament’s COR members with their business.

**RECOMMENDATION 16:** Members recommended to their successor(s) that the Clerk works with the new appointee to the Brussels presence to bring forward options for a future Committee as to how it may engage with the COR (particularly as the COR’s potential role as an ‘interlocutor for the regions’ to access the European Court of Justice develops).

### New functions and tasks for extended remit (external affairs)

51 On the 5 March 2003, the Parliament agreed to extend the Committee’s remit to cover external affairs and the Committee’s name was altered accordingly to the European and External Affairs Committee (see paragraph 4).

52 This places a boundary on the Committee’s scrutiny function. However, this new role in itself is not insignificant. The Executive has in recent years been quite active in signing a number of bilateral agreements with other European regions, in signing multilateral statements and declarations on EC/EU issues (such as the future reform of the EU), in establishing the Scottish International Forum and in other activities such as Tartan Day.

53 The Committee has not yet had an opportunity to discuss how in practice it plans to tackle its new scrutiny function. It has been suggested that a regular (perhaps annual) statement to the committee by a minister(s) on activities to date and on any future proposals, might be a first step. This would follow the model set by the Committee in its scrutiny of the Executive’s priorities for each incoming Presidency of the EU.

54 One issue the Committee will, however, need to consider is the potential implication on a Member’s time as the pool of relevant visitors to the Parliament widens. Previously, in the main the Committee was involved in facilitating the visits of VIPs from EU countries and accession states. One potential impact of the remit extension is to involve Committee Members in the visits from other non-EU countries (see below for a more detailed discussion on handling of visits).

**RECOMMENDATION 17:** Members recommended that its successor(s) consider an early paper on ‘operationalising’ its remit

### Proposed new internal UK system for the monitoring of subsidiarity

55 Part of the debate in the European Convention is the issue of how national parliaments (at member state level) can be more involved in the scrutiny of draft EC/EU legislation. One proposal is for them to be part of an ‘early warning system’ to help monitor subsidiarity.

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23 Such as with Catalonia, with Tuscany and with North Rhein Westphalia.

24 Such as the Flanders Declaration and REG LEG submissions to the European Convention
56 The European Convention is discussing how the principles of subsidiarity and proportionality can be enshrined in the Treaty, to strengthen their legitimacy and to help guide the EU’s decision-making process. It is likely that a Treaty reference to subsidiarity will acknowledge explicitly the role of both the member state parliaments and the authorities below Member State level.

57 In its joint submission with the UK Government, the Scottish Executive welcomed the Convention’s Subsidiarity working group’s proposal for an ex ante monitoring mechanism involving Member State Parliaments. If this is adopted, the Executive noted that each Member State will wish to consider how best to give effect to it in a way consistent with its own internal constitutional arrangements. Within the UK, the UK Government proposed to put in place arrangements under the early warning system allowing EU legislative proposals which fall to be implemented by the devolved administrations to be referred in addition to the parliament and assemblies in Scotland, Wales and Northern Ireland.

58 It is likely that this involvement of devolved parliaments and assemblies will fall to the most relevant committee(s), which in our case may be the European Committee. How this will work in practice is yet to be discussed and defined. It is, however, a significant new role.

59 In the Executive’s joint submission, it indicated that it supported the recommendation that the Committee of the Regions be given the right to refer ex post a matter to the European Court of Justice for violation of the principle of subsidiarity. Again, how a devolved institution will take forward such a referral through the COR or the UK Government has not been defined. This too is likely to involve committees and would also be an additional task.

**RECOMMENDATION 18: Members recommended that its successor(s) considers an early paper on options for ‘operationalising’ these new roles and tasks**

Intelligence gathering and preparing new work Committee programmes, including the use of the potential expanded new Brussels presence

60 As outlined above, the Committee uses extensively its external contacts – council officers, trade associations, unions, environmental groups, think-tanks etc. – as points of contact to help provide information and views on developments in the EU. The Committee is also well connected with Scotland’s other elected representatives, such as MEPs. Although activities can always be improved, the Committee has been very active in continuously developing these links.

61 One important task that this networking is used for is the preparation of the Committee’s annual work programme. This is set each year, usually in

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25 It should be noted that at present, there is nothing to prevent the Scottish Parliament from raising subsidiarity concerns with the Executive, with Scottish MEPs or indeed even directly with the Commission. The Explanatory Memorandum from the competent Whitehall department which accompanies any new document “deposited at Westminster and forwarded to the devolved legislatures contains a subsidiarity heading.
January/February and it outlines which Inquiries the Committee will be focusing on and sets out any other activities through the year.

62 The choice of this particular time of the year is deliberate. This is the time that the European Commission finalises its own work programme setting out legislative developments for the calendar year and is when one of the two Council Presidencies for the year sets out its priorities for the first six months of the calendar year in question. It is also the time the Commission publishes its Annual Policy Statement which sets the likely work programme for the following calendar year. The Committee therefore has the ability to consider likely legislative developments, decision-making timetables etc., and then agree the most suitable subjects for Inquiries.

63 To supplement this written material, the Committee arranges a visit to the EU institutions also in January/February of each calendar year. The basic template for the visit is an initial briefing from the Commission’s Secretariat General on its work programme, followed by meetings with key senior Commission officials on legislative dossiers of most interest, then meetings in the European Parliament with representatives of its committees and Scotland’s MEPs. The visit usually lasts 2-3 days. Recent visits have taken more of a political edge rather than focused on briefing, with an emphasis on more politician-to-politician meetings. This general template and refocusing appears to work well in practice, based on Member feedback.

64 Outwith this annual visit, the Committee has not made as much use as might have been expected of more ad-hoc visits to the EU institutions in smaller groups. Although Members of the Committee have made regular visits, either in their role as the office-bearers, through COR work or as Reporters, there have not been as many occasions as was anticipated for a representative(s) of the Committee to visit the EU institutions on an urgent committee matter.

65 This may be in part due to other pressing commitments and/or the complexities with the necessary administrative procedures required to arrange such a visit as part of committee business. The clerk is exploring ways to minimise the administrative steps necessary for such visits to gain approval. Members may, however, wish to express a view on the desirability in principle of enabling representatives to visit the EU institutions on a more regular basis, for example, to seek a meeting with opinion formers on an urgent legislative development in the EU.

66 Finally, an important development that a successor committee(s) will need to consider is the appointment of a member of the Parliament’s staff to launch its presence in Brussels. This fixed-term appointment, to be based at least initially in Scotland House, is intended to assist MSPs appointed to the COR. Additionally, the member of staff will work alongside Edinburgh-based officials to develop a feasibility study into an expanded presence for the Parliament. These two tasks will form the overwhelming majority of the staff member's time. At the margins there will be limited scope for the person to assist committees and MSPs more generally. This may be in the form of collecting intelligence and briefing material, facilitating visits by MSPs to the EU
institutions and building links between MSPs and MEPs. However, it must be
re-emphasised that this is a very small component of that person’s workload.

**RECOMMENDATION 19**: the Committee recommended to its successor(s) to
continue with the annual visits, to consider in the early months of any year the
Commission’s work programme and annual policy statement, to explore whether either of
these should be debated in the full Parliament, to explore the means for more regular
ad-hoc visits involving smaller delegations and to use, within reason the resources
available to it within the Parliament’s Brussels presence.

Handling visitors and inward/outward visits

67 This is one of the tasks of the Committee that is often under estimated.
Although not strictly part of the Committee’s remit, it is fair to say that the
Committee is involved in the lion’s share of inward visits to the Parliament,
perhaps more so that any other committee. In total, there have been 542
inward delegation visits to the Scottish Parliament since May 1999, of which
285 have been from the EU. This situation will become even more apparent
as the Committee’s remit expands outwith the EU. By way of example, the
following list covers the Committee’s commitments in the months of February
and March 2003 alone:

- Meeting with clerks and officials from the Bosnian Parliament
- Meeting and lunch with MPs from the Treasury Select Committee
- Meeting and lunch with a delegation of MPs from the Slovak Parliament
- Meeting with Rt. Hon Peter Hain MP, Secretary of State for Wales and
  UK Government Representative at the European Convention
- Meeting with Denis McShane MP, UK Minister for Europe
- Evening meeting with MEPs, Councillors and ministers on EC/EU issues
- Address and evening Meeting with the President of the European Parliament
- Briefing and evening Meeting with the Internal Market Commissioner
- Meeting with the Slovenian Ambassador
- Meeting with the Estonian Ambassador

68 The places a welcome but significant requirement on members of the
Committee and its office bearers in particular, which must be accommodated
into their other commitments. It is and will remain to be an integral part of the
European Committee’s workload. In that sense, there is no question of the
Committee not welcoming the opportunity of meeting visitors, but it must be a
sensibly managed process in order that the Committee is not overwhelmed
and the visitors themselves get the most out of their time in the Parliament. It
is critical that visitors leave the Parliament with a good impression as they
often correlate this with a perception of Scotland as a whole. It is therefore
important that the Parliament best represents the citizens who elect members to it and does its best to maintain the excellent perception of Scotland across the world.

69 The Parliament’s internal contact between the clerking team and the External Liaison Unit (ELU) works very well in practice. There is a great deal of sharing of information on forthcoming visits and it is very rare that a problem arises. To supplement this process, ELU and the Clerking and Reporting Directorate are set to agree a protocol on visits. This covers issues such as the need to maximise the period of preparation for a visit, avoiding key dates/times that are most unsuitable for MSPs\(^{26}\), managing the expectations of visitors, providing appropriate briefing on the visits etc.

70 The contact between the Parliament and the Executive’s units has, after a more problematic start, improved. There are now regular meetings between the Executive, ELU and the clerk to share information on forthcoming activities. This is a welcome development.

71 Irrespective of the above, the number of visits remains high and will, in all likelihood, increase with the move to the new building. This means it is opportune for Committee members to consider their experiences to date. It may also be worth articulating a set of priorities for visits and a type of ‘grading system’ which will assist the clerk assess the relative importance of the visit to the Committee. This is not to suggest that any visitor is unimportant, but simply to place a flexible guide on whether a visit is more appropriately handled at the level of one or two MSPs representing the Committee, should involve the whole Committee or may just a task for the clerk. The type of questions that could be considered in advance of each visit might be as follows:

- What is the profile and status of the visitor – politician, ambassador, official etc. and what therefore would be the most appropriate itinerary for the visit?
- Did the Committee itself invite the visitor or is this part of a wider visit to the Scottish Parliament and Scotland as a whole?
- Is this part of the Committee’s other networking priorities – EC-UK, NORPEC etc?
- Is the visiting delegation from one of the Scottish Parliament’s agreed political or geographical ‘priorities – the EU, Commonwealth, accession states etc\(^{27}\).

72 It should be recognised that the fact that the European Committee meets on a fortnightly basis enables MSPs to have (in theory) slightly more ability to

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\(^{26}\) Officials try to arrange visits for Tues/Wednesday/Thursday lunchtimes where possible or, failing that, to choose times on these days which avoid (where known) Stage 3 debates, Question Time etc. Clerks also try to have due regard to recess and pre-election periods, and of course to dissolution.

\(^{27}\) This list is not in any priority order. The general guidance on political and geographic ‘priority’ has been agreed by the Parliamentary Bureau.
participate in such inward visits and therefore any consideration of the pattern of Committee meetings needs also to take into account the Committee’s responsibilities for such visits.

RECOMMENDATION 20: Members recommended continued involvement in a managed visits programme and agreed to recommend to its successor(s) such a ‘grading system’ identified above.

Civic participation events

73 The Committee has held two such events. The first was organised by the Committee’s then member, Sylvia Jackson MSP, to take evidence as part of her work on the 6th Environmental Action Plan. The second was the Committee’s very successful Scottish Parliamentary Convention on the Future of Europe (attended by over 120 delegates). The Committee was also heavily involved in the Europe Day (May 2002) event with primary school children. Finally, although not strictly civic events, the Committee opens its meetings with the Ambassador of each incoming Presidency of the EU to the general public. These events do take significant resources to prepare but are, based on feedback, very worthwhile events.

RECOMMENDATION 21: Members recommended continued organisation of such civic participation events and to maximise its use of the parliamentary budget resources available.

Use of advisers, research services and legal advice

74 The Committee has appointed three specialist advisers to assist it with its Inquiries. These have proved, based on feedback from Members of the Committee, to have been very effective and beneficial experiences. Typically, such advisers have been used to provide briefing, suggested lines of inquiry, drafting of reports etc. The Committee has not yet used advisers to assist a reporter, although arguably it is possible to do so.

75 In recent months, with the introduction of specialist EU researchers in SPICe and an increase in EU-awareness amongst SPICe in general, the Committee has begun to draw more on the Parliament’s Research and Information Group. This has also, based on feedback from Members of the Committee, to have been a very effective and beneficial experience. It is clear that there now exists in the Parliament’s internal research services a greater capacity to assist the European Committee and committees more generally with information and advice on EU policy issues. One service the Committee has not availed of is the ability to use SPICe to commission research from external sources.

76 The Committee has also, based on feedback from Members of the Committee, benefited greatly from the support provided by the Parliament’s

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28 This is different from using an adviser. In this capacity, a Committee commissions specialist research (e.g. in the form of a report) to assist it with its work.
Legal Directorate. Initially, due to the level of resources elsewhere within the Parliament, the advice provided by the Legal Adviser has been broader than matters relating directly to Community law. However, with the increase in resources available from elsewhere, this is beginning to refocus itself more directly at legal advice and briefing on the implementation and transposition of Community obligations in Scotland. If the Committee does choose to continue with, and possible augment, its focus in these areas, it will be necessary for resources to be targeted and refocused accordingly.

77 Whilst it is not a matter for MSPs to direct the resources provided by the SPCB, it is helpful to have guidance on the political priorities and areas of focus in order that the most efficient use of resources and areas of expertise can be achieved. Whilst the Parliament's officials will continue to work as a 'broad team', it is clear that certain parts of the organisation are best placed to provide certain types of advice.

**RECOMMENDATION 22: Members recommended to its successor(s)**

*a continued use of specialist advisers (perhaps as a matter of course), consideration towards commissioning external bespoke research, greater use of the research and information services for policy and technical advice and a more efficient use of legal support.*

**Production of ‘Europe Matters’, the Committee’s electronic newsletter**

78 The final issue to consider for the Committee and its successor(s) is that of the Committee’s electronic newsletter, *Europe Matters*.

Published roughly every 2-3 months, this provides the reader with a more accessible overview of the work of the Committee, in addition to the Committee’s Annual Report. It is placed in the Committee’s webpage and proactively emailed to somewhere between 700 and 800 people in Scotland, the UK and the EU. These people then cascade the information to others.

79 Currently, the newsletter is drafted by the clerks with editorial input from the Convener. It may be that other members of a successor Committee(s) may wish to provide their own thoughts, articles or opinion pieces, which would broaden the content of the newsletter. Additionally, external organisations might be asked to ‘have their say’. In doing so, appropriate disclaimers would need to be made in the newsletter.

**RECOMMENDATION 23: Members recommended to their successor(s)**

*continued production of the newsletter and consideration of a broader content.*

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29 A good example is the level of support and advice provided for the Committee’s report into the Implementation of the Water Framework Directive in Scotland

30 For an example, see: http://www.scottish.parliament.uk/official_report/crtee/europe-03/eunews-10.pdf