

THE STORY SO FAR: THE ROLE OF THE SCOTTISH PARLIAMENT'S EUROPEAN COMMITTEE IN THE UK-EU POLICY CYCLE

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INTRODUCTION: THE ROLE OF EUROPEAN AFFAIRS COMMITTEES

The setting up of the Scottish Parliament's European Committee has enabled the closer scrutiny of European legislation from a distinct 'Scottish' perspective. At the outset in 1999 it was believed that such scrutiny would allow the Scottish Parliament to influence UK-EU policy, whilst improving the accountability of the Scottish Executive in relation to EU affairs. European Affairs Committees are designed primarily to improve parliamentary scrutiny and control of Executives in their EU activities. As a number of comparative studies have shown, the role of these Committees has undergone significant institutional adaptation and change (See Norton 1995; Judge 1995; Rometsch and Wessels 1996; Bergman 1997). In general, the greater specialisation provided by European Affairs Committees promotes an internal division of labour and an accumulation of expert knowledge that aids parliaments when dealing with complex European policy issues (Norton 1998; Raunio and Hix 2000). Similar reasons underpinned the Consultative Steering Group's decision to establish a separate Scottish European Committee. (The CSG was the civic, cross-party body handed the task of formulating proposals for the new parliament's standing orders and rules of procedure.) It was believed such a Committee would (a) allow more effective

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discussion of issues which cross-cut committee responsibilities, or which fall obviously to no other committee; (b) provide a sifting mechanism to identify important documents and proposals; (c) enable the membership to develop considerable expertise in EU procedures and law making; and (d) allow a better overview of linkages between different EU proposals (Scottish Office 1998b).

However, for those European Affairs Committees which attempt to scrutinise EU documents the process is fraught with organisational and implementation difficulties. As Weiler et al (1995, p.7) argue 'the volume, complexity and timing of the Community decisional process makes national parliamentary control, especially in large member states, more an illusion than a reality.' For example, in a recent report the House of Commons European Scrutiny Committee highlighted a number of weaknesses within the Westminster scrutiny system. Despite being 'built up over nearly three decades', effective scrutiny in the Westminster Committee was still hampered by the problems of time, accountability and the transfer of information (House of Commons 2002, p.13). In the Scottish context an additional problem is that relations with Europe remain reserved at Westminster (Scottish Office 1997). Whilst the devolution legislation indicated that the Scottish Parliament would have an important role in the formulation of UK-EU policy, it is the UK Government and Ministers who remain 'the main protagonists at the European decision-making level'(Burrows 2000, p.127). Thus, in essence the Scottish Parliament and its European Committee are 'semi-detached from the EU polity' and as a consequence 'their involvement in EU affairs is quite limited' (Raunio and Wright 2002, p.14).

Based upon an examination of official documents and a series of 11 elite interviews, conducted between October and December 2001, this article provides an analysis of how the Scottish Parliament's European Committee has developed, as it has attempted to influence the UK-EU policy cycle through the prior scrutiny of EC/EU documents. The interviewees included MSPs who are currently serving or have previously served on the European Committee (2 Labour, 2 Conservative, 4 SNP and 2 Liberal Democrats) as well a representative from the Committee's clerking team.

In order to compare pre-devolution expectations with post-devolution reality, each section of this article begins with a quotation taken from the Consultative Steering Group's final report **Shaping Scotland's Parliament** (Scottish Office 1998a). One key aspect of the Committee's development was

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a rethinking of its scrutiny strategy and a refocusing upon other areas of its remit. In particular, as this article goes on to discuss, by conducting inquiries and publishing reports into key areas of EU policy, the Committee has been successful, in part, in embracing the proactive role envisaged for it by the Consultative Steering Group.

THE SIFTING PROCEDURE

It is thus essential that scrutiny procedures are able effectively to sift documents, to identify which are of most interest to Scotland and to identify those where the Parliament's influence can best be brought to bear.

(Scottish Office 1998a, para 65).

As the CSG report highlights, given the expected volume of documents to be lodged with the Scottish Parliament, it would be necessary for the Committee to be very selective in the material it chose to consider. Expectations were that approximately 80 per cent of all documents would be discarded. The practice of the Committee has been that at each meeting, where the scrutiny of EC/EU documents was on the agenda, the results of the initial sift, undertaken by the Convener, Deputy Convener and the Clerk are presented to the whole committee. It is the issue of selectivity that introduces a number of political concerns; most notably, who decides what issues are of the greatest relevance to the needs of Scotland? Whilst the potential exists for conflict both within the Committee and in its relations with the Scottish Executive, if these decisions are taken in line with party preferences, it was hoped that a 'degree of trust from all political parties' would enter the sift process (Carter 2000, p.449).

As a precaution against a party political dimension entering the sifting procedure, each Committee member was given the scope to challenge the recommendations of the initial sift. However, this appears to be a procedure that was used sparingly. Whilst representatives of all political parties have at some point successfully challenged and changed a particular recommendation, what is notable is the relatively small number of challenges made. Up until February 2002, the outcomes of only 29 documents had been changed as a result of intervention by the membership. Therefore, it is possible to draw two conclusions. On the one hand, this may indicate that the membership has generally been satisfied with the procedure; or, alternatively,

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it may reflect a combination of the pressure stemming from a heavy workload and a lack of sufficient time in which to ensure detailed and adequate scrutiny. From the series of interview conducted, it would appear that the latter is the more accurate explanation.

THE SCRUTINY PROCEDURE

The Scottish Parliament will be able to scrutinise all EU documentation deposited at Westminster, to ensure that Scotland's interests are properly taken into account in the development of the UK line.
(Scottish Office 1998a, para 28)

In terms of developing procedural rules and guidelines for the scrutiny of EU documents and legislation, the CSG and the Scottish Office provided an outline of how they hoped this procedure would operate. Thereafter, it was for the Parliament and more specifically the membership of the European Committee to decide the exact detail of the procedures to be adopted. Initially this decision centred upon fulfilling the Committee's first remit, the scrutinising of draft proposals for European Community legislation. At the second meeting of the Committee on the 18th of August 1999, the details of the how the scrutiny procedure would operate were discussed, debated and agreed. When undertaking scrutiny, the membership had two fundamental choices for each document, 'to do something with it or take no further action' (Steven Imrie, Committee Clerk, European Committee Official Report 23/6/99, Col 20). If the members decided that a document required further scrutiny they had three options at their disposal. Firstly, to categorise the document as a priority, secondly, it could be deferred if the membership required further information, or thirdly, it could be referred to another parliamentary committee. Table 1 outlines the total number of documents considered by the committee and the decisions made.

Table 1
Documents Considered and Decisions Made under the Original Scrutiny
Procedure
(June 1999 – February 2002)

Year	Total	Priority	Refer	Defer	No Further Action
1999	301	0	48	74	188

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2000	1178	15	135	124	907
2001	1212	57	67	202	888

At the first two meetings of 2002, no documents were presented for scrutiny.

THE PRACTICAL PROBLEMS ASSOCIATED WITH SCRUTINY

From an early stage, it became apparent that a number of practical problems would hinder the development of an effective scrutiny procedure. In particular, given the volume of documents lodged with the Parliament, the problematic issues of selectivity, timing and depth of scrutiny had to be overcome. At the early meetings of the Scottish European Committee a general consensus emerged amongst the membership, that in order to develop an effective scrutiny procedure, the Committee must strive to 'get in early' otherwise it would find itself merely 'rubber stamping' proposals and legislation that it could do nothing about. A common theme that emerged from the series of interviews was that in order to 'keep track' of proposals and legislation as they progressed through the European institutions, the membership were 'heavily reliant' upon the clerks to provide the necessary information (Interview with Tavish Scott MSP, 23/10/01). At present two full-time officials – a Clerk, an Assistant Clerk – and one part-time legal advisor serve the Committee. In this respect the Committee appears to be under-resourced when comparisons are made both to the staffing levels of other Scottish Parliamentary Committees (most have three or four full-time officials) and with the House of Commons' European Scrutiny Committee (which has 16 full-time officials). This low staffing level may have an impact upon the European Committee's ability to fulfil its remit. Indeed, a call for a greater level of resources was made in the Committee's **Report on the Governance of the European Union and the Future of Europe** (9th Report 2001).

Perhaps to compensate for the modest level of official support most interviewees highlighted the importance of developing their own informal networks to act as 'early warning systems'. Many pointed out that they 'quickly learned' the value of having a wide range of both formal and informal contacts, which they could 'tap into' and use as a means of keeping themselves informed of current issues at the European level. These networks included Scottish MEPs, interest and pressure groups and other MSPs in their

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respective parliamentary groups. In addition, Committee officials are also developing 'informal exchange network of companies and organisations from whom they seek advice on pertinent issues in EU documents' (Sloat 2002, p.114).

The problem of timing was partially addressed by the introduction of a protocol within the Treaty of Amsterdam (1997) that set a 6-week timeframe between the publication of a formal EC/EU proposal and its presentation in the Council of Ministers. However, the Amsterdam protocol failed to address fully the prevailing degree of unpredictability that exists within the EU's decision-making process, in particular 'the difficulty of knowing when the six week period has actually begun' (Carter 2000, p.437). Timing is a problem, which has a greater impact upon sub-national than national parliaments. In the case of the Scottish European Committee, decisions need to be made early enough in order for them to be considered by the European Scrutiny Committee at Westminster. Hence, the timing of meetings becomes crucial. Prior to devolution weekly meetings were suggested, and as the House of Commons European Scrutiny Committee meets on Wednesdays it was anticipated that the Scottish European Committee would meet on Tuesdays (Carter 2000). Since its inception, the Committee has met regularly on Tuesdays, but on a fortnightly basis and there exists a consensus amongst the membership that this was realistic given the workloads of individual MSPs. However, it was also pointed out that if the Committee wants to perform effective scrutiny then meeting on a fortnightly basis was unrealistic (Interview with Ben Wallace MSP, 12/12/01). In 'an ideal world', the Committee should meet weekly, but given the other work commitments of MSPs this was unlikely to happen (Interview with Colin Campbell MSP, 7/11/01).

Responding within a restrictive timeframe proved to be a significant barrier for the Committee. In order to illustrate the practical problems related to this issue, two examples are given below. The first was raised by Ben Wallace (Conservative), who noted the common problem of documents being considered too late. In this case, 'there have been a number of directives more than 40 about which the Committee could do nothing' (European Committee, Official Report, Meeting 2, 25/1/00, Col 417). A second example is taken from the same meeting, and for illustrative purposes, it is worthwhile quoting the exchange in full:

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Dr Ewing (SNP): Document SP 652 (COM (99) 700), on fishing opportunities and fish stocks, appears on the same page of the sift note. I would like that at least to be examined by our fisheries people. If not, I would like to look at it.

The Convener: The document was adopted at the Fisheries Council on 16 and 17 December 1999.

Dr Ewing: So it is too late? It is something that has happened already?

The Convener: Yes.

Tavish Scott (Liberal Democrat): Is it not the point that it was the measure shown in document 652 which implemented the December Fisheries Council, following the agreement of member states? It is merely the implementation of the political decision taken in December 1999.

Dr Ewing: So it is over already? Fine. I would also like to highlight document SP 656 (EC Ref No 13659/99, COM(99) 669). I know that the imposition of anti-dumping duties on Norwegian salmon imports is something that has been going on for all of 20 years, but it is still hard to know where we stand at the moment.

The Convener: Members will see from the advice notes that the European Council adopted the proposal as Council regulations on 8 December 1999. I am advised that, on all dumping matters, the decisions tend to be taken before they come near this Committee.

In an effort to reduce the impact of the problems associated with scrutiny, several changes were made in the presentation and consideration of documents. From the 2nd meeting 2000 onwards, the documents were structured in a way that related to the three pillars of EU work: European communities, common foreign and security policy, and judicial co-operation. A further development was the attendance of the Committee's legal advisor, Christine Boch, to provide the membership with additional information to aid the scrutiny process. The membership has also placed more emphasis upon the need to relate the workload of the Committee to the European Commission's work programme. In addition requests were directed towards the Scottish Executive, asking if it could supply details of its work programme to aid in the early identification of important EU documents.

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However, critics of the Committee's scrutiny record were quick to point out that, whilst the main problems in the process were identified, these various changes failed to fundamentally address the root of the problem (Interview with Ben Wallace MSP, 12/12/01).

Part of the role envisaged by the CSG for the European Committee was for it to act as a sifting mechanism, through which it would refer important documents to other parliamentary committees. The CSG report indicated that, in relation to the implementation of EU Legislation, the responsibility for assessment 'of implementation arrangements will fall to individual subject Committees, rather than primarily to the European Committee' (Scottish Office 1998a, para 31). A degree of apprehension was raised both pre-devolution and within the Committee as to the value of adding an extra layer of parliamentary scrutiny (Bulmer et al 2001). The main concern centred upon the ability of other committees, which already have a heavy workload, to consider the documents and respond within such a tight timeframe (European Committee, Official Report, 18/8/99, Col 25). Perhaps an indication of this problem was a general reduction in the number of documents being referred. For example, throughout 2000, 135 documents were referred to other parliamentary committees; however, this figure was reduced to 67 in 2001. (See Table 1.)

Various mechanisms were proposed in order to facilitate interaction between parliamentary committees. The first involved the development of informal contacts between the clerking staff of the European and other parliamentary committees and the development of some sort of early warning system that would help address possible timetabling problems. A second proposed mechanism related to the CSG's initial recommendation that the membership of the European Committee was intended to operate as a composite of other subject committees. The advantages cited for such an approach were that it would encourage interaction between committees and enable the identification of EU documents that crosscut the responsibilities of other subject committees (Scottish Office 1998c). Thus, on issues where timing was a potential problem, members serving on another committee could use their specialist knowledge to give their opinion on a particular document. Alternatively, 'any member of the Parliament, including members from one of the other subject committees, can come along to this committee to give their considered opinion on a particular document' (European Committee, Official Report, 18/8/99, Col 26). In practice, however, neither recommendation has developed as hoped.

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When the committee deferred a document, it was usually the case that it required further information. Requests for further information have predominantly been aimed at the Scottish Executive. Either a Scottish Cover Note (SCN) or a Scottish European Brief (SEB) supplies the Executive's position and viewpoint on a particular document. Of course, how long the committee had to wait for the transfer of additional information will have a direct impact upon the quality of any scrutiny. When questioned on this matter, Stephen Imrie the committee clerk indicated that Explanatory Memorandums (EM) from Whitehall should be with the committee within 10 days (European Committee, Official Report, 28/9/99, Col 165). However in interview it was conceded that the average wait for an Explanatory Memorandum was approximately two to three weeks. There was no indication how long the average wait would be for information to be forwarded by the Executive. Yet, the prompt transfer of information is essential given the time constraints associated with the scrutiny process. Any significant time delays seriously hamper the ability of the European Committee to influence both the Scottish Executive and the House of Commons European Scrutiny Committee.

In many respects, MSPs serving on the Committee have 'had to endure a sharp learning curve' (Raunio and Wright 2002, p.13), when attempting to minimise the overall impact of the practical problems associated with scrutiny. The accumulation of the relevant expertise and knowledge deemed necessary when dealing with European issues has been further hampered by the high turnover in Committee membership. In mid-2002 just three – Irene Oldfather, Dennis Canavan and Ben Wallace – of the initial membership continued to serve on the committee. The committee has also seen its total number of members reduced from thirteen to nine. Whilst this was part of a restructuring of the entire Scottish Parliamentary committee system undertaken in December 2000, reducing the number of members also placed additional pressure on a Committee already struggling with its workload (Randall and Seawright 2002). In addition the post of Convener and Deputy Convener have also undergone personnel change, with Irene Oldfather replacing Hugh Henry as Convener in December 2001 and John Home Robertson replacing Cathy Jamieson as Deputy Convener in January 2001.

Perhaps the best evidence of this 'learning curve' was the adoption of a new sift and scrutiny process. At its 3rd meeting in 2002, the Committee adopted a new procedure whereby it no longer records a decision or makes a recommendation on each document. Instead, a list of all EC/EU documents

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received by the Parliament and classified by reference to the remits of the Scottish Parliamentary Committees is published fortnightly. Thereafter, it is for the other parliamentary committees to choose which documents, if any, they wish to examine from the published list (European Committee Briefing Paper EU/02/1/1). Prior to adopting this new procedure, the Committee had striven to reach a formal decision on each EC/EU document lodged with the Parliament, a process which, as Irene Oldfather noted, failed to provide a return comparable to 'the amount of work that the clerks are having to do' (European Committee Official Report, 15/1/02, Col 1325).

IMPROVING THE ACCOUNTABILITY OF THE SCOTTISH EXECUTIVE

We have been careful to develop procedures designed to ensure that the Scottish Executive is fully accountable to the Scottish Parliament for its actions. Our proposals include a strong role for Committees and a system of Parliamentary Questions, which will enable individual MSPs to address questions to the Executive.
(Scottish Office 1998a, para 25)

An important function of the European Committee is to hold the Executive to account in relation to EU affairs. The initial scrutiny procedure was designed to achieve this aim. However, as noted above, the scrutiny of EC/EU documents has been hindered by a number of problems. In addition, it is unclear to what extent Scottish ministers consider the European Committee's views. The absence of a Scottish scrutiny reserve has meant that the scrutiny procedure has developed as a mechanism for the Committee to express a view rather than to hold the Executive to account (Bulmer et al 2001). Calls for the adoption of a scrutiny reserve similar to that, which operates at Westminster, surfaced in the European Committee's Governance Report. Under such a system 'a Scottish Executive Minister would not be able to agree its own final position with their UK counterpart in advance of a relevant JMC or Council meeting if the European Committee (or another committee) had previously identified a wish to provide its view and had not yet done so' (European Committee 9th Report 2001, para 185).

Further procedural change proposed by the Committee included calls for Scottish Ministers to attend European Committee meetings both before and after their participation in Council of Ministers meetings. A proposal to this

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effect initially surfaced in the CSG Report (para 32) and was reiterated in the Committee's report on the Governance of the European Union and the Future of Europe (9th Report 2001, para 179). Although ministers have at various times given evidence to the committee in relation to specific inquiries; there is a consensus amongst the membership that transparency would be improved by establishing the precedent whereby Ministers gave pre- and post- Council briefings. Making Ministers more accountable to the Parliament would avoid occasions where Ministers have not been forthcoming with information. One example of this problem was raised by Colin Campbell (SNP), who tabled a series of questions to the then Deputy Minister for Environment and Rural Development, Rhona Brankin, in order to discover whom the Minister had spoke to regarding the presentation of Scotland's case to the UK and Europe in relation to the Common Fisheries Policy. His main complaint was that the answers he received were uncooperative and ran along the lines of:

To tell you whom we spoke to six months ago might make it more difficult for us to have confidential discussions in the future between the Scottish Executive and the UK about matters pertaining to Europe. Frankly, that is mince. It does not stand up in terms of democratic accountability. I am not looking for secrets; I wish to know the history of the meeting.
(European Committee, Official Report, 22/10/01, Col: 1189)

REPORTS AND INQUIRES

The Committee should be prepared to take a proactive role in the development of key areas of EU policy.
(Scottish Office 1998a, para30.3)

The conducting of a number of inquiries and publishing reports into EU policy areas is an important procedure, which allows the Committee to develop the proactive role envisaged for it by the CSG. Increasingly this has become a significant aspect of the European Committee's workload. To date the Committee's reports and inquiries have incorporated a diverse range of subjects including, 'funds, fisheries, fundamental rights and football transfer fees' (European Committee, 7th Report 2001). The topics chosen by the Committee appear neither to be constrained by the Executive's work programme nor restricted to devolved matters. Indeed, the issues tackled so far include policy areas that the Executive did not necessarily wish to discuss.

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In part, 'the Committee has filled the vacuum of the failure of scrutiny by conducting inquiries' (Interview with Ben Wallace MSP 12/12/01). There is perhaps some validity in this criticism, given the informal suspension of the scrutiny procedure that occurred during the period that the Committee was conducting its inquiry into European Structural Funds. Between meeting 9 and meeting 17 2000, no documents were formally presented to the Committee for scrutiny. This led Ben Wallace to question whether European documents were still being considered. It was left to Stephen Imrie (Committee Clerk) to 'confirm that we have not ceased scrutiny of European documents. We have indicated to the Convener that the ones that we have received are for no further action and have no points for consideration' (European Committee Official Report, 30/5/00, Col 723). The obvious problem of neglecting scrutiny for such a significant period was neatly summarized by the then Convener, when the scrutiny of EU documents returned to the agenda:

We had to put that element of our work on the back burner while we produced a number of inquiries and reports. As a result of that delay, some of the documents are quite old and the time by which we had to make a response might have passed. We will just have to accept that. We are still catching up with a backlog of documents and we will attempt to get up to date as quickly as possible.

(Hugh Henry, European Committee, Official Report, 31/10/00, Col: 850)

This temporary abandonment of the scrutiny procedure was an early indication of the problems faced by the committee as it attempted to cope with such a heavy workload.

Conducting inquiries is a strand of the committee's workload that has undergone a significant degree of procedural change. During the early period of the Committee's existence, a consultation exercise was undertaken to gauge the EU policy areas deemed most important to Scotland. Individuals and groups were encouraged to respond to four questions:

- What the European Union means to them?
- What issues they consider the most important to their businesses or daily lives?
- How do they consider these issues are dealt with in Scotland, and how this might be improved?

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- What would they like to see the Scottish Parliament , and the committee in particular, doing to improve how the priority issues are dealt with?

Evidence gathered from some 75 respondents formed the basis of the committee's Forward Work Programme. Each committee member (except the Convener) was given the task of conducting a report into a specific subject area. (See Table 2.) These reports were timetabled to be published at various intervals over an 18-month period.

Table 2
The Forward Work Programme of the European Committee

Issue/Working Title	Reporter
Policy Implications of the European Commission's 6th Environmental Action Plan	Sylvia Jackson
Preparation for, and policy implications of, the single currency	Bruce Crawford
A review of the European List 1 Designated Diseases Infectious Salmon Anaemia and Viral Haemorrhagic Septicaemia in Scotland	Maureen MacMillian
Implementation of European Legislation in the Agricultural Sector in Scotland	Tavish Scott
European Education and Training Initiatives: the policy implications, take up of programmes and future changes	Alan Wilson
Community Economic Development and the Role of the EU	Cathy Jamieson
A review of European Initiatives in the Field of Tourism, Culture and Sport	Margo MacDonald
Promoting Links Through European Networks	Irene Oldfather
The Proposed European Charter on Fundamental Rights: Development of a Scottish Perspective	Dennis Canavan
Enlargement of the EU and the Challenges and Opportunities Facing Scotland	Ben Wallace
Improving the Provision of Information on EU issues in Scotland	Winnie Ewing

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European Law and the Implications for Scottish Justice

David Mundell

However, the Forward Work Programme has not functioned as anticipated and was identified as an 'over-ambitious project' (Interview with Maureen Macmillan MSP 20/11/01). The merits of developing such a programme that used individual members as reporters proved a stumbling block, and its replacement with a more flexible approach is an example of the committee 'learning a valuable lesson' (Interview with Maureen Macmillan MSP 20/11/01). To date three reports, those by Maureen MacMillian, Dennis Canavan and Ben Wallace, have been published in full, whilst only the initial findings of the report undertaken by Sylvia Jackson have been published. Partly this failure can be explained by both the change and reduction in membership that occurred between November 2000 and January 2001, which resulted in many of planned reports being left incomplete. Indeed, this point is highlighted by the report on the 'The Preparation for, and Policy Implications of, the Single Currency'. After the assigned reporter, Bruce Crawford, stood down as a member on 1st November 2000, the responsibility for completing the report was subsequently taken forward by the whole committee.

The merits of the Forward Work Programme can also be questioned in terms of its usefulness in enabling the Committee to influence UK-EU policy. Whilst the issues included were deemed to be those most important to Scotland, they did not necessarily correspond to the external agenda being set by the European Commission. Therefore, the Committee signalled a significant procedural change by moving away from its Forward Work Programme in order to develop a more flexible approach. Essentially this represented a realisation of the need to find a more effective method of influencing the EU's policy and decision-making process. This new flexible approach was evident in the Committee's response to the proposed changes in the Common Fisheries Policy and its inquiry into the Governance of the EU. Its attitude towards these issues illustrated a willingness to assume the lead role on certain European issues. With the Common Fisheries Policy due to be reformed by December 2002, the Committee took the opportunity to launch a major inquiry on this issue. The main premise was to look at the development of a distinct Scottish perspective to the forthcoming European Commission green paper on reform of the Common Fisheries Policy. The inquiry process involved the gathering of evidence from key fisheries groups, environmental

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organisations, European institutions (Commission officials and MEPs) and the Scottish Executive and culminated in the publication of a report on the 17th May 2001. The advantages cited for adopting such an approach was that it allowed the Committee to develop a more pro-active route into the EU's decision-making process. For instance, such a procedure would enable issues to be considered and reported on by the Committee before the European institutions had published their final proposals.

Compared to other Scottish Parliamentary Committees, the European Committee's output of published reports has not been great. Aside from those reports already mentioned in relation to the Forward Work Programme, the committee had published a further 16 reports by mid-2002. Undoubtedly, the major focus of the Committee to date has been to conduct a series of inquiries on the past and future management and plans for the next round of European Structural Funds. In conducting its inquiries, the Committee has taken evidence from a wide range of sources, the most prominent being various Scottish Executive Ministers, officials from the European Commission and other member state's national and regional parliaments. In addition, the Committee has also taken evidence from groups within Scotland – for example, COSLA, and representatives from the business and the industrial sector, along with voluntary organisations and pressure groups. A notable absence, particularly when the Committee was undertaking its inquiry into European Structural Funds and Additionality, was that of any Ministers from Westminster. Indeed the failure of the then Scottish Secretary, John Reid, to appear before the Committee provoked a degree of tension amongst the membership (European Committee, Official Report, Meeting 10, 23/5/00).

The European Committee has been responsible for a number of procedural firsts for the Scottish Parliament. For example during their inquiry into the Common Fisheries Policy, the Committee participated in a video conference with the President of the Fisheries Committee in the Galician Parliament. In gathering evidence for their inquiry into EU governance, the Committee has been the first within the Scottish Parliament to have had official contributions from MEPs, Westminster MPs and a Government Minister in the shape of Peter Hain, the current Minister for Europe.

Of course, the major test for the Committee's reports is the extent to which the Executive takes on board their conclusions and recommendations. As such, this test is difficult to gauge solely by reference to the Committee's official documents. In interview it was noted that influencing the Executive was only

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one aim of the Committee's reports. Of equal significance was ensuring the Committee's findings and the Parliament's views on important European issues reached the public domain. In particular, the reports provided a vehicle through which the Scottish Parliament could directly address the European institutions (Interview with Ben Wallace MSP, 12/12/01).

CONCLUSION

In its short life the Scottish Parliament's European Committee has already undergone a significant degree of procedural change. To their credit both the membership and the officials have driven this change as they attempted to minimise the problems associated with a sub-national parliament influencing EU policy-making. This article has examined two strands of the Committee's workload: the sifting and scrutiny of EC/EU documents and the conducting of inquiries into key EU policy areas. The aim throughout was to measure the extent to which the Scottish European Committee can be said to be proactive in overseeing UK-EU policy. Whilst the evidence suggests that the scrutiny procedure has failed, more success has been gained through the inquiry process. In this respect the Committee has, to a certain degree, developed according to the role that was envisaged for it by the CSG.

Without doubt tackling the problems associated with the scrutiny of EC/EU documents has been responsible for a significant degree of change. An assessment of the Committee's scrutiny procedure suggests that the impact of issues such as timing, the transfer of information, and accountability combined to make this process haphazard at best. Whilst the CSG's report highlighted that the scrutiny of EC/EU documents was an important priority, the development of an effective scrutiny procedure has been restricted by a combination of the reality of addressing these common scrutiny problems and the fact that the relations with the EU remain a reserved power. A difficult barrier to overcome has been the transfer of information, particularly from the Scottish Executive. Similarly, the ability of the Committee to feed its decisions into Westminster's scrutiny cycle can also be questioned. The fact that this procedure remains an informal working arrangement and there has been no change in the Westminster scrutiny system in order to accommodate devolution had a detrimental effect on the ability of the Scottish European Committee to oversee UK-EU policy. To its credit, the Committee initiated a number of procedural changes, with the central aim of minimising these problems as they have arisen. However, the various mechanisms introduced

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to allow the Committee to enter the scrutiny cycle at an early stage at best provide only a partial solution. In short, in terms of its scrutiny procedure, the Committee found itself mainly reacting to decisions that either have already been taken or arrive too late for the Committee to influence.

By conducting a number of inquiries and reports, the European Committee is fast developing into a forum of debate for important EU issues. Whilst this article has not examined the content of specific reports, it has monitored the procedural change related to this aspect of the Committee's remit. In this sense, the Committee has been more successful in developing a proactive role, and harnessed many of the expected new opportunities to ensure EU policy matches Scotland's distinct needs envisaged by the CSG. The replacement of the Forward Work Programme with a more flexible approach to conducting inquiries was an important step forward. Relating issues to the Commission's work programme marked a significant development in this respect, and subsequently the committee has shown it is capable of producing detailed reports with a tight timeframe. Of course, the degree to which the Scottish Executive and the UK Government adopt the Committee's recommendations and conclusions will remain the ultimate test of influence.

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