

Item 8 – Question Time

Response – to Mr David Bremner

Thank you for your question as it provides an opportunity to outline how the Council is gearing up to engage with Europe in light of the coming into force of the Lisbon Treaty on 1st December.

The Lisbon Treaty actually provides for more opportunities for intervention at the sub national or regional level than was previously the case. In providing a statutory framework for a broader consultation, the process of developing and approving legislation will not necessarily be truncated with the adoption of the Lisbon Treaty.

Protocol 2, raised in the question, deals specifically with the application of subsidiarity and proportionality. This refers to whether proposals are crafted in a manner which is in proportion to their intended impact and whether they take account of the relevant governance in each member state.

The eight week consultation period referred to in the question is set out in Article 6 which affords the opportunity for national Parliaments to provide a reasoned opinion stating if it considers whether a draft piece of legislation complies with the principle of subsidiarity or not. Given the provisions of the Scotland Act and the powers devolved to the Parliament, it is clear that the Scottish Parliament will have to be consulted as part of delivering Protocol 2.

The eight week consultation does not refer to the whole consultative process in the evolution of European legislation. Article 2 requires the European Commission to consult widely and that such consultations take into account the regional and local dimension of the action envisaged. This again underlines the expectation that the views of the Scottish Parliament are taken on board.

The Treaty also confers powers on the Committee of the Regions (CoR) to query and to block legislation. This is a major change as previously the CoR was only a statutory consultee. In terms of subsidiarity and proportionality, Article 8 affords the CoR the opportunity to pass judgement on any legislative proposals. It was reported to Resources Committee in December 2009 that the Convener is one of four Councillors to represent Scotland at the EU Committee of the Regions.

For the first time, the Scottish and UK Parliaments and the CoR have the power to not only question draft legislation but also to block its progress.

The need to take account to the impact of legislation on regional actors, such as local authorities, is also addressed at Article 5 which states that account be taken of burdens arising from any legislation is minimised and commensurate with the objective to be achieved. This would require liaison with local government.

The whole issue of monitoring whether consultation on subsidiarity and proportionality is carried out is ensured in the provisions of Article 9 which requires an annual report on consultation to be sent to the European Council and Parliament for scrutiny.

The Council has a long history of European engagement and will continue to represent the interests of the Highlands and seek to influence the European agenda.

In addition to the recent appointment of the Convener to the CoR, the following routes for influencing EU policy are used:

- The work of the Council via its European unit either working on our own or with our partners in the Highlands & Islands via the Highlands & Islands European Partnership (HIEP) in working with MSPs, MPs and the Scottish MEPs to seek changes to EU proposals in Edinburgh, London and Brussels. HIEP also works with other regions across Europe on matters of mutual concern. For example work is currently being undertaken with a group of regions seeking EU funding post 2013 for regions with geographic handicap. The council and HIEP also lobbies directly into the European Commission and responds to consultative exercises.
- The HIEP office in Brussels which provides analysis of intelligence emerging from the institutions in Brussels and can speak directly to Commission officials,
- HIEP working as part of Team Scotland in Brussels to lobby the Commission using the combined forces of the Scottish Government, Parliament, Scottish Enterprise via Scotland Europa.
- CoSLA
- The European networks which the Council is a member of, namely the Conference of Peripheral and Maritime Regions (CPMR) and Euromontana. These organisations are highly regarded in Brussels and they are regularly used to ascertain the views of the regions. The Council is well represented on these networks via Councillor Isobel McCallum on the Board of Euromontana and the Council's provision of secretarial support for the UK members which affords it a place on the ruling political bureau of the CPMR. Councillor McCallum is also a member of the COMR Agriculture Working Group. The Council's membership of European networks is kept under constant review so as to ensure it is gaining maximum advantage from its resources.

We are working closely with other Highlands and Islands Councils on our joint representation for important European issues. These matters are on almost every agenda when the Highlands and Islands Conveners, Leaders and Chief Executives meet.