



The Scottish Parliament  
Pàrlamaid na h-Alba

## Official Report

# EUROPEAN AND EXTERNAL RELATIONS COMMITTEE

Thursday 25 February 2016

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**Thursday 25 February 2016**

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**EUROPEAN AND EXTERNAL RELATIONS COMMITTEE**  
**4<sup>th</sup> Meeting 2016, Session 4**

**CONVENER**

\*Christina McKelvie (Hamilton, Larkhall and Stonehouse) (SNP)

**DEPUTY CONVENER**

Hanzala Malik (Glasgow) (Lab)

**COMMITTEE MEMBERS**

\*Roderick Campbell (North East Fife) (SNP)

\*Willie Coffey (Kilmarnock and Irvine Valley) (SNP)

\*Adam Ingram (Carrick, Cumnock and Doon Valley) (SNP)

\*Jamie McGrigor (Highlands and Islands) (Con)

\*Anne McTaggart (Glasgow) (Lab)

\*attended

**THE FOLLOWING ALSO PARTICIPATED:**

Professor Christina Boswell (University of Edinburgh)

Professor John Curtice (University of Strathclyde, ScotCen Social Research and Economic and Social Research Council)

Dr Kirsty Hughes (Friends of Europe)

Professor Michael Keating (University of Aberdeen and Economic and Social Research Council)

Humza Yousaf (Minister for Europe and International Development)

Dr Fabian Zuleeg (European Policy Centre)

**CLERK TO THE COMMITTEE**

Katy Orr

**LOCATION**

The Robert Burns Room (CR1)



**Scottish Parliament**  
**European and External Relations**  
**Committee**

*Thursday 25 February 2016*

*[The Convener opened the meeting at 09:00]*

**Decision on Taking Business in**  
**Private**

**The Convener (Christina McKelvie):** Good morning and welcome to the fourth meeting in 2016 of the European and External Relations Committee. I make the usual request for mobile phones to be switched off or switched to airplane mode. We have received apologies from Hanzala Malik, and we have no substitute for him at today's meeting.

Agenda item 1 is a decision on taking business in private. Does the committee agree to take in private item 5, which is a discussion about correspondence to the United Kingdom Government on the European Union-Canada comprehensive economic and trade agreement?

**Members** *indicated agreement.*

**European Union Reform and**  
**Referendum**

09:00

**The Convener:** Agenda item 2 is this morning's substantive item: an evidence-taking session on the implications for Scotland of EU reform and the EU referendum. For a while, we were talking about the what-ifs, but we now know what is going to happen, and I am delighted to welcome to the meeting a panel of expert witnesses.

We have Professor Christina Boswell, director of research, school of social and political science, University of Edinburgh; and Professor John Curtice, who as well as being professor of politics at the University of Strathclyde is senior research fellow at ScotCen Social Research and fellow at the Economic and Social Research Council in the UK in a changing Europe programme. That is a long title, Professor Curtice.

**Professor John Curtice (University of Strathclyde, ScotCen Social Research and Economic and Social Research Council):** I have a lot of people to keep happy.

**The Convener:** I also welcome Dr Kirsty Hughes, associate fellow at Friends of Europe in Brussels; Professor Michael Keating, professor of politics at the University of Aberdeen and director of the Economic and Social Research Council centre on constitutional change; and, via videoconference, Dr Fabian Zuleeg, chief executive and chief economist, European Policy Centre.

Good morning, everyone, and thank you very much for coming along. As Dr Zuleeg will know, there is a slight delay with the videoconference set-up, so I ask everyone to take their time and understand that what is said will come through loud and clear.

In fact, I will begin with Dr Zuleeg, given that it will allow us to start the videoconference process. Can you say a few words about your view of the general political conditions?

**Dr Fabian Zuleeg (European Policy Centre):** Sure. Good morning, everyone, and thank you for having me along again.

What happened last week was important, because we had to have a deal. However, I think that, from a Brussels perspective, that almost concludes Brussels's involvement in the referendum. The campaigning has very much switched to the UK, and it is actually quite surprising how little discussion there has been of the content of the deal. There has been a lot of discussion of what the deal might mean and

whether it will hold up legally, but there has been very little discussion of the substance. That reflects the fact that the important message was not necessarily the deal's details but the need to get a deal in the first place.

It is also worth mentioning that what we are talking about is reform not of the EU itself but of the UK's relationship with the EU. There are very few wider implications for EU reform, not least because at this point what we are talking about is not fundamental treaty change but clarifying some aspects of the treaty and adding some provisions. Everything in the deal has to be compatible with the existing treaties.

**The Convener:** Thank you very much. Professor Keating, do you have any initial thoughts?

**Professor Michael Keating (University of Aberdeen and Economic and Social Research Council):** As I have said in my submission, I think that you can read this agreement in a narrow or in a broad way. In a narrow sense, nothing very much has changed, because the concessions that were made to the UK were fairly minor and are not going to affect, say, migration flows.

However, the whole debate and the framing of the referendum itself are very significant, because they effectively represent the UK's disengagement from the continuing European project. We might stay in the EU but whatever the referendum result it seems much more likely than not that the UK will opt out of future moves towards further integration. Although rather symbolic, the provision on not being bound to "ever closer union" is a recognition by the other member states that in future a UK opt-out could become the norm rather than the exception.

It strikes me that, in the lead-up to the referendum, even the remain campaign has been accepting David Cameron's agenda that we need to disentangle ourselves from the European Union to some degree. If we add to that the fact that a referendum will be required to transfer any further competencies from the UK to the European Union, it looks extremely difficult for us to be involved in any further moves, which might concern, for example, migration or aspects of financial regulation that would involve us even though we are not in the euro. We are thinking about further moves on climate change and energy. Those are big issues and they will have an impact on the UK, but it is unclear whether the UK will really be involved in them.

There is a Scottish dimension as well because, while the UK is travelling in one direction towards a looser relationship with the European Union, Scotland might want to travel in a different direction. In that respect, the critical issues are to

do with migration, possibly energy and the social dimension of the European project.

**The Convener:** Professor Keating, is your view that the deal that is on the table is not what people are being asked to vote on in the referendum? My concern is that we are being asked to take the deal or leave it in the context of Europe, but the referendum question will be about being in or out of the union so it has no real bearing on the deal.

**Professor Keating:** It is a bit like the Scottish independence referendum: there are three options but we get to vote on only two of them. It is a case of being partly or completely out; we do not have the option of staying completely in. That is unfortunate.

In the work that we have been doing about the European issue—we have been having meetings around Scotland and in the north of England, where I am going this afternoon—we are trying to focus away from those rather minor changes to the bigger question of what the future of Europe is and what the United Kingdom's place should be within the European Union.

**The Convener:** Thank you very much.

Dr Hughes, in your written evidence, you focus a lot on the media perceptions that have been developing on the issue. Will you give us some of your view?

**Dr Kirsty Hughes (Friends of Europe):** The package that was agreed last week has nothing to do with the challenges that currently face the European Union and has very little to nothing to do with the reasons why the UK should stay in the European Union. However, although some parts of it are fairly insignificant and irrelevant, as a whole, as Michael Keating said, it is bad for the UK. It is also bad for the European Union in various ways. In addition, as you just said, convener, we do not have a vote on that. There is no vote for the status quo; we cannot say that we would rather keep what we have now.

The way that David Cameron did the renegotiations did not involve the other parties to any significant degree, so there was no cross-party consensus on getting that package. So far—it is early days—if we look at the BBC or the pages of some of the broadsheets, we seem to be seeing a debate between two wings of the Conservative Party with rather little attention being given to, say, the Labour Opposition. The Scottish National Party gets some attention when Nicola Sturgeon says something about independence but, at the moment, we are seeing a Michael Gove or Boris Johnson versus David Cameron debate. One can only hope that it opens out from that.

Even though the package will not be a major focus of debate—although there is a major focus

at the moment on whether it is legally binding—I agree with Michael Keating that what I call the agreement to never-closer union for the UK is a significant change. Although Britain already has major opt-outs, it managed in the past to balance having those with playing an influential and occasionally leading and strategic role in the EU—for example, in enlarging the EU eastwards after the Berlin wall came down. If we write into a treaty that the UK is not committed to further political integration, we are making an extraordinary statement and stepping back.

Let us look at the details of some of the other measures, such as the red card. The red card might never be used, but the UK failed to get it agreed at proper intergovernmental negotiations for the Lisbon treaty and the constitutional treaty. Now, in the pressure to get a deal so that we stay in the EU, the UK has been given a kind of special arrangement to which, in normal circumstances, not all the 28 member states would have agreed.

Lastly, one thing that concerns me is that it is not only a question that in future steps, whether on energy or migration, the UK will keep opting out. I do not think that the British public fully understand how the EU works. The EU already has agreed powers, including with the UK, to take steps forward on energy, climate change, and the environment. If a future progressive Government in the UK—if we can imagine such a thing—decided to lead on taking big steps forward on climate in the EU, surely a lot of the public who had voted to stay in would say, “We voted that we were not going to do that sort of thing any more”. I do not think that, given the renegotiation deal, the referendum will resolve the perennial British debate over the EU.

**The Convener:** Do you see any other EU states using any of the additional powers that are part of the deal that David Cameron has secured? Are they of any use to other EU states?

**Dr Hughes:** Other states may try to use the benefits break, although it has been worded in a way that tries to discourage other states from using it. I think that it is deeply disturbing; it is the thin end of the wedge in relation to introducing discrimination into the labour market, which I do not think should happen even if we were not part of the EU.

Then there is the red card. The red card can be used only if 55 per cent of the votes of all the national Parliaments use it, so it would require other countries to use it. However, the so-called yellow and orange cards have barely been used since the Lisbon treaty brought them in, so I think that the red card is not very likely to be used.

The child benefit criteria may be used. The rather nasty and unneeded penalising of third-

country spouses may be used. As I said at the start, it is really nothing to do with the principal problems in the way that the EU operates, the main challenges it faces or even the main reasons why Britain should stay in.

**The Convener:** Thank you very much. Professor Curtice, you are known to have your finger on the pulse of what people are thinking and saying. Please give us your wisdom.

**Professor Curtice:** I inevitably come at the matter with a slightly different perspective from my colleagues. I understand their feeling that there is not much substance to it, but one needs to understand that the renegotiation was primarily about symbolic politics, not about substantive politics.

The first thing to bear in mind is that we are talking about a relatively sceptical country so far as Europe is concerned. As we revealed yesterday, the British social attitudes survey shows that 65 per cent of people in the UK wish either to get out of the EU or to have its powers reduced. While my colleagues might like to have the option of keeping the status quo on the ballot paper, I am fairly confident that it would lose if it were to be included. From their perspective it may be a good thing that it is not going to be on the ballot paper.

Scotland is not immune from that. The Scottish social attitudes survey, asking exactly the same question at the same time, showed that 60 per cent of people in Scotland can also be regarded as Eurosceptic. We should not presume that Scotland is necessarily wildly different so far as wishing to reduce the powers of the EU is concerned, as opposed to wanting to leave.

That said, one also needs to be aware that Euroscepticism also potentially goes much further than anything that is in the renegotiation. Over half of people would like to end the freedom of movement provisions, and there is even a wish to get rid of the reciprocal health agreement that currently exists inside the EU. We should not underestimate the extent to which the public would like to reduce the role and remit of the UK.

The truth is that, with the renegotiation, David Cameron was trying to send signals to two audiences. The first is a general public that is deeply sceptical about the EU. He was therefore trying to send symbols that said that he recognised their concerns. The fact that immigration was linked with welfare benefits touched on not just the undoubted high level of concern about immigration in the UK but the increasing unpopularity of in-work benefits in British public opinion. Putting the two things together was a way of meeting that audience.

That is one audience. One can understand that the modal British voter is a Cameronian—they think, “I suppose that we should stay in but could we please make Brussels less powerful?” He was sending a symbol to that audience.

The other group to which he was trying to appeal, which was in a sense the primary political objective of the exercise, is the Conservative Party, particularly those members of the parliamentary party who are exercised about the issues of sovereignty. The reasons for that are not least that he was anticipating that by renegotiating—coming up with this deal and meeting those concerns—he would avoid a serious split in his party; that the bulk of MPs were behind him; and that only a minority of Cabinet members would take that position.

09:15

From that perspective, we now know two things about the success of that exercise. First, so far as avoiding a split inside the Conservative Party, the renegotiations have failed. We are now greeted with the sight of the Prime Minister and the leader of the Scottish Conservative Party—in the period leading up to elections at the beginning of May—campaigning to remain in the EU, while the leader of the Welsh Conservative Party and the Conservative London mayoral candidate are going to argue to leave.

A more serious matter is, of course, that two non-trivial players inside the Cabinet—Boris Johnson and Michael Gove—have now come out in favour of the leave campaign. It is also pretty clear that a majority of Conservative MPs may be in favour of the remain campaign. The party is going to split pretty much down the middle and, as a result, Conservative voters in this referendum are not going to get an unambiguous clue that they should vote in favour of remaining. The polls differ about the position to some degree, but they all agree that Conservative voters are pretty heavily divided on the subject. There must now be a serious possibility that that will remain the case.

Secondly, I will go back to the objectives, so far as the public are concerned. By sending out these symbolic messages that the Prime Minister has done a deal—he has a piece of paper and he can come back, having sorted things out—the expectation was that there would be a serious swing in favour of the remain camp. As Euroscepticism goes much wider than the Prime Minister anticipated, and although people are now rather less critical of the deal than they were when the original draft deal was published at the beginning of February, the truth is that it seems to be pretty clear that more people think that it is a bad deal than those who think that it is a good deal.

I will look at the evidence of the opinion polls. Three polling companies polled just before the publication of the draft agreement and then carried out a poll between the publication of the draft agreement and the doing of the deal last week. They have subsequently polled again. If we take out the don't knows, we essentially discover that before the publication of the draft deal the polls said that, on average, 53 per cent were for remain. In the interim period between the draft deal and the doing of the deal, it was 50 per cent for remain. Seemingly, there was initially an adverse reaction, but since then it has come back to 52 per cent.

In truth, when it comes to persuading the public, it looks as though, for all the huffing and puffing in Brussels—and I am sorry for those who were up all night—the immediate impact is pretty close to zero.

**The Convener:** Thank you very much. Professor Boswell, you maybe come from another completely different perspective, so please share.

**Professor Christina Boswell (University of Edinburgh):** My area is UK and European immigration, so I will focus my comments on the impact of provisions to ban or limit access to welfare on migration flows. I agree with comments that such measures are largely symbolic and arguably irrelevant when it comes to the attempt to have an impact on mobility flows. I do not think that they will have a significant effect on flows from EU countries into the UK, or indeed on the public purse—I do not think that they will create significant savings.

One of the aspects to bear in mind is that this so-called alert and safeguard mechanism—the emergency brake—is not only limited to seven years and to the first four years of people arriving in the UK. I think that this is actually overlooked in media reporting, but there is also a stipulation that the limitation should be graduated—that it should be gradually phased in over those first four years—so it is not a blanket ban over four years.

Another thing to bear in mind is that the mechanism might have a number of unanticipated inadvertent effects on mobility. For example, it might well lead to a short-term increase in mobility to the UK in the year or so leading up to it entering into force. It might affect the household decisions of those who are most affected by the reduction or ban on in-work tax credits. The families that are likely to be most affected are households with children where one of the partners is working or there is only a single parent. That might encourage the second parent to take up employment and, in the case of single parents, it could have an adverse effect on welfare. We really have to worry about the welfare impact of this measure.



I suggest that we also need to pan out a bit and think about the focus on central and eastern European mobility as the main issue of concern. The first point that I will make is that that currently makes up under 50 per cent of EU immigration. The majority of EU immigrants come from the EU 15 countries, which are the original members of the EU. That is most obviously associated with recession and austerity in south European countries. That immigration is not mentioned in the debate, although it represents 52 per cent of recent inflows from EU nationals into the UK.

The A8—the group of countries that are not subject to transitional arrangements—had immediate access to the labour market in 2004. That is important, because it was one of the arguments apparently justifying the UK's introduction of the special measures. The A8 now constitutes only 27 per cent of EU immigration flows into the UK, and that percentage is declining.

Therefore, there is a quite significant rise in EU 15 immigration and a decline in A8 immigration. A2 immigration—sorry for all of the jargon—which is immigration of Romanian and Bulgarian nationals, who were allowed access to the UK labour market in 2014, is relatively low and steady. The big trend is not central and eastern European immigration.

My second and final contextual point is that changes to the national living wage will be far more significant in terms of labour market dynamics and, ergo, labour migration dynamics. The introduction of the national living wage and the gradual increase in its level may have quite significant impacts on mobility.

Those impacts could go in different directions, depending on how stringently the national living wage is enforced. If it is not stringently enforced, which is likely given current trends in the enforcement of illegal employment rules, it may well create a pull factor and encourage employers who cannot or feel that they cannot afford the high costs to undercut the new wage levels by employing EU migrants on an irregular basis. That is a worrying trend to look out for.

**The Convener:** That is interesting. We will move on to questions.

**Jamie McGrigor (Highlands and Islands) (Con):** The Prime Minister has said that

“the problems in the Eurozone are driving fundamental change in Europe”,

that

“there is a crisis of European competitiveness”,

and that

“If we don't address these challenges, the danger is that Europe will fail and the British people will drift towards the exit.”

In his letter to Donald Tusk, the Prime Minister referred to seeking

“reforms that would benefit the European Union as a whole”.

I would prefer to stay in Europe, but I think that changes are needed for many reasons. Following the negotiations at the European Council meeting and agreement on EU reform, what are the attitudes of other EU leaders now to the UK in relation to trying to improve the EU as a whole?

Will the Prime Minister's attempts on economic governance and competitiveness produce growth and extra employment—some good things in the EU that are lacking at the moment?

**The Convener:** Fabian Zuleeg might give us his thoughts on Jamie McGrigor's question, given that he is sitting in Brussels at the heart of the action.

**Dr Zuleeg:** In a narrow sense, the competitiveness chapter in the deal is quite thin. That reflects the agenda of the Juncker Commission, which has moved to a large extent in the direction that the UK Government wanted. The Juncker Commission's economic reform agenda is very close to the priorities of the UK Government. There is an overlap.

We will have to see whether those economic reforms will be delivered. For me, that is the wider point about EU reform. It is universally recognised that there are many things that need to be addressed at the European level and a number of areas in which there are difficulties. I agree that economic performance is an area of concern, but we should not forget that we are facing other crises that are even bigger in terms of political magnitude.

We have to recognise that the process that we are talking about is not the way to change policies at EU level, to influence the system and to have the possibility of creating long-term reform. It is a unilateral process that is focused on one member state. If we want true EU reform, we need a process that must not only involve the 28 member states but all of the institutions fully. That is a long-term process, because it is about deciding on a common vision for where the European Union should go. All of that is not possible in the current timeframe and process.

I agree that we need to discuss EU reform, but the irony is that having a referendum on EU membership in the UK—or in any other country, for that matter—hinders the discussion of fundamental reform, because the only thing that is on the table now is what is in the deal, and there will not be any discussion on fundamental

additional issues because of the fear that that could trigger an adverse reaction in the referendum debate. At least in the coming month, we will see very little fundamental change at the European level. Whether we return to the long-term reform agenda afterwards depends on a number of factors, including whether, if the UK stays in, it will engage more constructively again with the European Union processes or whether the UK will continue to stand on the sidelines.

**The Convener:** Professor Hughes, do you want to comment? I beg your pardon. I should have said “Dr Hughes”.

**Dr Hughes:** “Professor” would be nice.

**The Convener:** We have too many professors and doctors here today.

**Dr Hughes:** I spent the first third of my career working on competitiveness and my PhD was on British and European competitiveness. There is always a lot of motherhood and apple pie about the aims, whether in last week’s statement or at the 2001 Lisbon summit, and you could do a whole report on competitiveness. In a nutshell, though, I feel that growth and productivity growth interact and tend to go together, so productivity growth may not be everything that we mean by competitiveness, but we need the two together if we are to move forward and be competitive globally.

Two things are constraining competitiveness in the EU at the moment. One is the extraordinary austerity policies that we have seen in the UK and more severely in the eurozone, with shocking levels of unemployment and youth unemployment across southern Europe. It also comes through at a more micro level—let us call it the industrial policy level—because the same neo-liberal economic approach dictates the ways in which we can or cannot intervene to tackle unemployment or to develop more competitive industries. There is the Juncker €300 billion to tackle some of the impacts of austerity and to tackle unemployment and competitiveness. That would be an extraordinary plan if it was real, but there is only €30 billion of EU money in that, and most of that €30 billion is not even new, so I am not encouraged by what I see there.

I will respond briefly to the first question, which was about attitudes to the UK as a result of the negotiation. I think that Britain has been a very difficult member of the club for all of the 40-plus years of its membership. That has been tolerated to varying degrees in the ups and downs of other member states’ attitudes to us, because sometimes we have also done more positive things and sometimes we have played a strategic role, but patience has worn extremely thin. It is extraordinary, at one level, that other European

nations and individuals have been willing to come along with Cameron to play the game and say the things that need saying, but there are limits and I think that we have reached that limit.

09:30

**Professor Keating:** I was going to make the same point as Kirsty Hughes has made about competitiveness and macroeconomic policy. Austerity is the other side of it, but the economic governance question is also about safeguarding non-euro countries from decisions that are taken in the eurozone.

The measures are highly problematic, because there is a very weak provision whereby non-euro countries will have a voice but not a vote in decisions in the eurogroup. They will be allowed to voice their concerns, but the other countries will still be allowed to meet as a eurogroup formation and take decisions that affect them.

Those decisions will also affect the United Kingdom, because almost anything that happens in the eurozone has an impact in the United Kingdom. If the euro is going to survive, that will be done through a tighter monetary, regulatory and banking union, and that will necessarily involve the United Kingdom, because many eurozone banks are based in London. Therefore, whatever happens, the City of London will be partly regulated by the eurozone, which I think will become immensely problematic. If the euro collapses, the problem will be resolved but, if the euro survives, that provision is really inadequate to resolve the question of what the relationship of the UK’s regulatory system will be to that of the eurozone.

**The Convener:** Do you want to come back in, Jamie?

**Jamie McGrigor:** I want to ask another question, if that is possible.

**The Convener:** Fire away.

**Jamie McGrigor:** We now know what we are voting on. My question is probably for Professor Curtice. What are the polls telling us about voting intentions for the EU referendum in the UK and in Scotland? What are the main issues that concern voters in relation to the EU for the referendum?

**Professor Curtice:** Alas, Mr McGrigor, the opinion polls are not being very helpful for the referendum, in the sense that there is a systematic discrepancy between those polls that are conducted via the internet and those that are being done via the telephone. Those done over the telephone are suggesting that the remain side is well ahead. Typically, on average, the telephone polls show about a 59 per cent vote for remain and 41 per cent for leave, once we take out the don’t

knows. In contrast, the internet polls show that, during the past year, there has been, on average, a 50:50 split. Do not ask me which is right and which is wrong because, to be honest, I do not know.

So far as Scotland is concerned, the picture is much clearer. It seems perfectly clear that Scotland is going to vote to remain inside the European Union. The telephone polls suggest that maybe as many as 75 per cent of people in Scotland will vote in favour of remaining, and the internet polls put it at about 66 per cent. That, of course, is very different from the position when we last had a European referendum in 1975, when Scotland was less likely to vote in favour of staying inside the Common Market. The explanation for that is essentially to do with the changed position of the SNP, which back in 1975 was campaigning to leave the European Union.

Once we do the analysis, we discover that, in essence, Conservative voters north of the border are split on the issue, much as Conservative voters are south of the border, and the same is true for Labour and the Liberal Democrats. However, SNP supporters, who of course are now the largest group in Scotland, basically come out at about three to one in favour of remaining in the EU—they are not united, but they are three to one in favour. Conversely, of course, there are very few UK Independence Party supporters north of the border.

What I think is crucial here is the way in which the SNP has made the European Union part of its wider vision of independence. Staying inside the European Union has been part of the idea of independence in Europe, and being inside the European Union is seen as a pathway towards Scottish independence. I think that the way in which those two issues have been linked and the relative popularity, still, of independence in Scotland is the principal explanation as to why Scotland is quite clearly going to vote to remain.

**Jamie McGrigor:** My second question was about the main issues that concern voters.

**Professor Curtice:** Oh, sorry. The main issues are pretty clear and it is also clear that they will leave many a voter with a fair dilemma. Issue number 1 is immigration, and there are the issues of sovereignty and, much more broadly, the feeling that being inside the European Union in some way undermines Britain's distinctive identity. Nearly half of the people across the UK as a whole think that being inside the European Union undermines our sense of identity.

All those issues are essentially leave issues. In other words, far more people think that immigration will be reduced if we leave the European Union than if we stay and more people

are concerned about the identity consequences of being in the European Union as opposed to feeling that it is perfectly okay.

The remain issues are partly to do with the extent to which people think being inside the European Union enhances Britain's influence in the world. More people think that, if we leave, we will have less influence rather than more. However, the truth is that that is, in part, an EH1 or SW1 issue—it exercises politicians but does not necessarily exercise the public so much.

In a sense, the answer comes back to your previous question in that the crucial issue for the public is the economy. It is perfectly clear, and it has been clear for a considerable time, that people are inclined to believe that being inside the European Union is better for our economy than being outside it. Therefore, this is a referendum in which people are going to have to tussle with two feelings. On the one hand, they think that being inside the European Union means that Brussels bosses us around, undermines our Britishness and results in too much immigration. Then they think, "But hang on—which side of our bread is buttered? Are we better off inside the European Union? Is leaving the European Union potentially too risky a project and should we therefore hang in there?" The results of the referendum will be determined by how those issues are resolved.

The only thing that I can add comes from some work that I presented yesterday. So long as more voters are convinced that the economy would be better off inside the EU than outside, it is likely that remain will win. However, there is no guarantee that that will continue to be the position.

**Roderick Campbell (North East Fife) (SNP):** Before I start the main questions that I want to ask, I will ask Professor Curtice a brief supplementary on the difference between the telephone and internet polls. You would not speculate as to which might be right. However, can you speculate what conclusions could be reached on that topic on the basis of the 2015 Westminster experience?

**Professor Curtice:** It is undoubtedly true, and it has long been the case, that internet polls have tended to find more UKIP supporters than telephone polls have found. That was clear in the run-up to and during the 2015 election. The differences in the raw samples were often minimised by the various ways in which the polls were weighted and filtered.

I cannot remember the exact figures, but the story that I am going to tell you is roughly correct. When we looked at the final opinion polls—that is always the test that one has to apply—the internet polls said that the UKIP vote was 15 or 16 per cent, on average, whereas the telephone polls

said that it was about 12 per cent, and the actual figure was in between the two.

From that experience, the best guidance that I can give you is that the actual figure may be somewhere between what the two types of poll say, which, at the moment, would mean that the vote for remain would be about 54 per cent. That said, the proportion of people who say that they are going to vote to leave the EU in any opinion poll is substantially greater than the proportion of people who say that they are going to vote for UKIP. Therefore, the extent to which one can judge the relative accuracy of the two approaches to the position of the EU now from the evidence on the UKIP vote in 2015 is perhaps debatable.

The second thing that one needs to realise is that the principal collective problem with the opinion polls in 2015 was that they underestimated the Conservative support and overestimated the Labour support. The difficulty with the EU referendum is that the supporters of both of those political parties are divided on the issue. The Conservative Party is more obviously divided, with probably more Conservative voters inclined to vote to leave the EU than are inclined to vote to remain within it. However, within the Labour Party, the remain campaign has an advantage of only about two to one. In other words, the issue cuts across party lines.

It therefore follows that, even if the opinion polls have solved all the problems of 2015—the pollsters would not say that they have at the moment—that does not mean that they will get the result of the EU referendum right, because the issue cuts across the things that caused them problems in 2015. Conversely, it also follows that, even if the opinion polls are still getting it wrong as far as Labour and the Conservatives are concerned, at least one set of them may still get the result of the EU referendum right, because it is a cross-cutting issue.

I am afraid that the experience of 2015 is not terribly helpful, because the cross-cutting nature of the issue means that party supporters are divided and because we are looking at a phenomenon for which the level of support is much higher than the level of support for UKIP.

**Roderick Campbell:** The conclusion to draw from that might be that, as far as the opinion polls are concerned, we await the result of the referendum with considerable interest, reflecting on the opinion polls' approach.

**Professor Curtice:** Indeed. The other thing that we need to realise is that referendums are always more difficult for opinion polls to predict than are elections. The truth is that opinion pollsters learn from their past mistakes. Their methodologies develop and adapt over time, and they can learn

from one election to the next. The independent inquiry into what happened in 2015 will be published relatively shortly and will undoubtedly impel further changes in the industry.

With the referendum, in contrast, it is *de novo*, so we cannot be sure whether the things that need to be done to get a general election right necessarily apply to the referendum. It is true that we had a referendum on the subject 40 years ago but, given how long ago that was and how differently opinion polling is now conducted, frankly we cannot take much by way of lessons from that.

**Roderick Campbell:** Thank you—I think that I will leave opinion polls alone now.

**Professor Curtice:** I think that opinion polls should be taken but never inhaled, because to do so is dangerous. [*Laughter.*]

**Roderick Campbell:** I want to move back to sovereignty. We have heard the views that were expressed about the decision on ever closer union and what that might mean for the future. What are the panel's views on a further restatement of sovereignty—there was quite a lot of speculation on this in the press at the weekend—which could be dealt with on an internal basis? We are still awaiting clarification on that. What impact do you think that that might have on the view that the electorate takes on sovereignty issues?

**Professor Keating:** I will try to answer that one; it is a pity that we do not have a lawyer here. Sovereignty is a very abstract notion until we translate it into something rather practical. If the UK Parliament passes a resolution that says that it is sovereign, it must already be sovereign for it to be able to pass such a resolution. There is a circularity to it. By definition, it is not possible to legislate for parliamentary supremacy.

The idea that is being floated is that the Supreme Court should have the ability to strike down European legislation in the name of national sovereignty, but if that is done in the name of parliamentary sovereignty, which is all that we have got, it is meaningless—it just becomes circular. All that we would be saying is that Parliament is not bound by European law, but it is, for as long as we are part of the European Union.

The idea has also been floated that we could have the German system, whereby the German constitutional court has assumed the right to disallow certain European legislation on the grounds that it violates not German law but the German constitution, but we do not have a written constitution to measure that against.

Once we start looking at what sovereignty would mean in practice, it dissolves in our hands. It is something that has become symbolically important

for certain people within the Conservative Party, so I expect that we will have some kind of symbolic declaration, but I do not see what constitutional significance that could have until we have a written constitution in this country, which we are not going to get.

**Roderick Campbell:** In the panel's view, would a restatement of sovereignty affect the views of voters in any way, or would it have no effect whatever?

**Professor Curtice:** The truth is that sovereignty is an issue that exercises politicians because politicians sit in institutions and they always rather like the idea that the institution of which they are a member should be relatively powerful. However, voters do not sit in such institutions, so they are not quite so exercised by the concept.

As I suggested in my opening comments, there is no doubt that, for many a voter, there is a question mark over the legitimacy of rule from Brussels, as they would call it, in much the same way as, for many people in Scotland, there is a question mark over the legitimacy of rule from London. Those are in essence the same issue—that of who people regard as legitimate. Given that only about 15 or 16 per cent of people across the UK feel European, for the most part Europe is something that people feel is other. They do not feel that rules that come from Brussels are something in which they have an emotional investment, because those rules do not come from an institution the legitimacy of which they respect.

In that sense, the issue is a concern for the public but, as I implied earlier, as far as the leave side is concerned, banging on about sovereignty will not get it very far, because that argument has already been won. In the end, the crucial issue in the referendum is whether the leave side persuades people of the economic arguments. The research that I presented yesterday basically shows that if someone is concerned about the impact of being in the EU on Britishness and is of the "Why is Brussels messing us around?" view, there is about a 40 per cent chance that they will vote to leave, but a 40 per cent vote will not win the referendum.

If, on the other hand, someone is concerned about rule from Brussels and they are convinced that the economy would be better off if Britain were outside the EU, there is an 80 per cent chance that they will vote to leave. In the end, therefore, it is clear that the economic issue will be crucial. Sovereignty may exercise Boris Johnson and Michael Gove, but my respectful advice to them is that if they wish to win the referendum they should stop banging on about it.

09:45

**Dr Hughes:** First, as Michael Keating said, the primacy of EU law cannot be overruled by Westminster. The EU could not be run if all 28 countries could then overrule what they agreed in the Council of Ministers and the European Parliament. At the end of the day, if you cannot work together, you have to vote to leave.

I disagree a bit with John Curtice on sovereignty. Perhaps banging on about sovereignty per se may not go down well with the voters, but the voters care about democracy and therefore the legitimacy issue.

I was checking back to David Cameron's famous Bloomberg speech where he started the ball rolling on what he wanted to achieve. It is interesting that democracy was one of his three big categories. If you look at the deal, what did he get that relates to that? He got a funny little red card for national Parliaments. It is so abstruse, it will not be worth Johnson, Gove or Cameron banging on about.

There are huge issues of democracy and legitimacy today across the European Union—you see that in the various populist movements of left and right, including the new movement set up by Yanis Varoufakis; you see that in the UK, too. I do not think that how the British debate on Europe happens means that we address those issues in any interesting or central way, but they matter for voters.

**Dr Zuleeg:** I find the debate on non-sovereignty quite misguided. We should look at the European Union's purpose, which is to transfer certain competences to the European Union in which we then exercise shared sovereignty. That is the whole point of having an instrument such as the EU. In those areas of shared competence the final word must of course lie with the European Court of Justice; otherwise, you would have a completely meaningless framework at the European level, because every member state, at the point that something does not suit it any more, will then try to go back to its national decision-making processes and cancel whatever has been agreed at the European level.

If you exercise sovereignty in the sense that some people seem to be suggesting, you would destroy the decision-making process at the European Union level and you would make the European Union completely ineffective.

That indicates—at least to me—that even if we have a yes vote in the referendum some of those issues will not go away. We will simply continue to have these debates, because certain issues about shared sovereignty seem not to be acceptable to parts of the Conservative Party. Unfortunately, therefore, the referendum is not a solution for

changing the UK-EU relationship to something more positive; rather, it might just perpetuate such arguments.

**Roderick Campbell:** The new social benefits and free movement provisions will apply, obviously, to all member states. Is there the possibility that the European Court of Justice might wish to assess them for compatibility with the treaties? Is that a problem?

**Professor Boswell:** There is a real possibility of that occurring, although that is less the case in relation to the indexation of child benefit, as that will probably be seen as broadly consistent with non-discrimination principles. However, the ban on in-work benefits clearly implies differential incomes for EU nationals and UK and non-UK nationals. A weakness in the declaration and the decision is the grounds on which a member state can claim such an emergency brake. The deal talks about really quite severe circumstances in which

“an exceptional situation exists on a scale that affects essential aspects of”

the member state’s

“social security system, including the primary purpose of its in-work benefits system”

and so on. That is really stringent.

The other aspect that is mentioned in relation to the conditions under which it might be accepted that a member state could apply the brake is based on that odd phrase that relates to the decision that the UK made to allow immediate labour market access to the A8 countries, which acceded in 2004. As I said, that is not actually the primary cause of current EU immigration flows to the UK.

Empirically speaking, it is very doubtful that the ECJ would hold that the UK was justified. Even if it agreed in principle that an emergency brake was justified in those exceptional circumstances, the empirical grounds on which the UK could claim to meet the conditions are very weak.

**Anne McTaggart (Glasgow) (Lab):** I will stick with that subject, although Professor Boswell might have answered one of the questions that I had. Although the reform package has been put together in response to UK concerns, the measures included in the decision are applicable to all member states, not just the UK. As a result, the provisions in the decision could be used by any member state if it so wished. Do you think that the provisions, in particular in relation to social benefits and free movement, are likely to be used by other member states?

**Professor Boswell:** We can have a justified expectation that Germany will want to use the indexation of child benefits provision. There has been a controversial discussion in Germany since

2013 or 2014 about EU immigration and access to welfare; there is a perception that there is poverty migration, or *Armutsmigration*—the idea that impoverished migrants from central and east Europe are migrating to Germany because of generous welfare benefits. It is interesting that Angela Merkel did rather well out of David Cameron raising the issues—and getting the flak for doing so. As often happens in EU negotiations, Merkel could, in effect, keep quiet and hide behind Cameron as he made those arguments.

The provisions on in-work tax credits are probably less appealing to other EU member states, but I think that the indexation of child benefit will be more appealing—Germany did that in 1975 in relation to Turkish guest workers, who were apparently abusing the system in a similar way. That resulted in quite large-scale reunification of children with their families in Germany; people moved their kids to Germany in response.

**Anne McTaggart:** Thank you, that was useful.

**Willie Coffey (Kilmarnock and Irvine Valley) (SNP):** I suppose that the bottom line is whether the deal has done enough to persuade Eurosceptics to stay in. Professor Curtice, I think that you said that the polling has not moved much since the deal was agreed. In that regard, we might think that David Cameron is likely to fail.

The shift in public opinion will not be driven by us in Scotland banging on about the constitution and so on; it will be driven by the media. The relentless negativity about the European Union in the UK media, particularly the English media—it has already started—could tip the balance in favour of leaving. Despite all our efforts to have reasoned argument and discussion about all the issues, the decision will in essence be driven by what the newspapers want people to hear. What are the panel’s views on that?

**Professor Curtice:** One’s best judgment is that the deal has not had an impact in terms of any immediate movement of public opinion in the wake of the deal being done. That is significant, given that the hope, if not the expectation, of people on the remain side was that concluding the deal would help to shift public opinion—in fact, that has not made much difference.

As far as the media are concerned, we have to remember that we are talking about a declining industry and that half of people across the UK no longer regularly read a newspaper at all.

More broadly, it is true that, whereas in 1975 pretty much the whole of what one might regard as the “British establishment”—quote, unquote—including much of the newspaper industry was lined up in favour of staying inside the Common

Market, the establishment is now somewhat more divided and the media empire will be too.

One can certainly anticipate that the *Daily Express*, and perhaps the *Daily Mail*, will come out in favour of leaving, but what will happen with Rupert Murdoch's newspapers? To be honest, we might be waiting for a long time, much as we did during the independence referendum, to find out eventually where—if anywhere—Mr Murdoch will put his money.

There will be a lot of largely critical coverage in some newspapers, but the question whether or not newspapers such as *The Times* and *The Sun* will come out against staying is still up in the air. Meanwhile, newspapers such as *The Guardian* and *The Independent*—in so far as anybody reads them any more—and the *Financial Times* will clearly be coming out in favour of staying.

There will be a mixed media message, and there will be pressure on both sides. As far as the broadcast media is concerned, they will have to give equal access to both sides of the debate.

**The Convener:** Dr Hughes, you have picked up the issue of media influence and how that works. Do you want to give us some insights on that?

Professor Boswell can perhaps give us some thoughts on how the arguments around migration are dealt with.

**Dr Hughes:** The print newspaper industry is a declining business, but it is still extremely powerful. As you know, the alternative sources of news are social media and other online sources, and one can see that social media is not exactly full of strongly tested facts and unemotionally expressed opinions.

At present, if you look at the polls that John Curtice has quoted, or at the bookies, they are still telling us that the remain side should win, but they are also giving us at least a one-in-three chance that we will leave. That is enormous—it is quite extraordinary. We also know that a big chunk of the population is unsure and is very open to being swayed, so there is a question around which direction the momentum will go and how influential the media will be, especially on the migration issue. There have been extraordinary developments in that regard in the past few days, with Austria convening a meeting with Hungary and the western Balkans and deliberately excluding Greece and Germany. The amazing pressures and crises that the EU is facing at present are not going away while we are having this bizarre debate on the sidelines.

It is also interesting to look at the many potential ways in which the votes could break down across the UK. From what we see so far, one would expect, as was said earlier, that Scotland—and

Northern Ireland, which is a dramatic change—will vote to stay. Wales is not as Eurosceptic as England, but it is pretty Eurosceptic. Nonetheless, we could end up with a situation in which Wales, Northern Ireland and Scotland vote to stay while England votes to leave. In that case, either England will drag the other three out unwillingly, or the three will keep England in unwillingly. Either way, there is a huge political crisis.

In Scotland, there has of course been a great deal of focus on whether there will be a second independence referendum, but I think that the crisis will go beyond that if we end up in such a situation, and Scotland would at that point be in discussion with other parts of the UK.

I will make one last point while we are on the subject. The vote could go in very different directions: we might find that it is suddenly 60:40 to stay and there is a quite extraordinary restatement of Britain in Europe. However, if three parts of the UK voted to stay and England voted to leave, we might end up with a fractionally close UK-wide vote. It might be 49.7 to 50.3, and what will the debate be then? It is all very well to say that we will not have a second referendum, but the way that the vote goes could be explosive.

**Professor Boswell:** On the question of the prospects for more positive media coverage on migration, I am very pessimistic. David Cameron made the decision to frame the issue around welfare dependence and so on. He made that gamble thinking, "If I frame it in those terms and offer this symbolic sop, people's concerns will be allayed," but he has obviously not succeeded even in offering that symbolic sop. I am afraid that he has lost the battle on framing the issue, so I would be very pessimistic about coverage.

10:00

**Willie Coffey:** I was just thinking that someone has to articulate the positive case. Over the years, this committee has been very positive about the European Union, and that is true across the parties. My worry is that that simple, positive case that the public can relate to is not being made yet.

**Professor Boswell:** Yes, and it is not likely to be made by UK-wide, mainstream parties at the moment.

For a long time, I have made the case that we should do what Germany did and have a cross-party commission that makes a clear case for the benefits and some of the challenges that are associated with immigration and have a really open debate. The environment in Scotland would be much more propitious for such a cross-party commission.

**Professor Curtice:** There is one part of the UK where the media has cottoned on to the fact that it has to play the immigration issue a little more carefully, and that is London. There is now an appreciation that there are about a half a million EU citizens living in London who, although they will not have a vote in the European Union referendum, will have a vote in the London mayoral election, where we now have two candidates on opposite sides of the fence. It is therefore quite possible that the interests of European Union migrants and the way in which they vote could play a decisive role in the London mayoral election. Because of the diversity of London, it is now perfectly clear that no politician and no media outlet can come out with a wholly negative message.

**Willie Coffey:** Okay, thank you.

**The Convener:** The final question will come from Adam Ingram.

**Adam Ingram (Carrick, Cumnock and Doon Valley) (SNP):** Can I ask two questions, please?

**The Convener:** As long as you are quick.

**Adam Ingram:** First, I take Professor Curtice's point about the London mayoral election. Will the European referendum have any effect on the Scottish parliamentary elections?

Secondly, I agree with Professor Curtice that "It's the economy, stupid" tends to sort out most elections, but what would be the reaction of other member states to the UK voting to leave? Would they be quite happy to form a free trade agreement with the UK following such a referendum result? What might be the economic impact of a vote to leave?

**The Convener:** Fabian, can I bring you in on Adam Ingram's second question, given where you are and how you view things?

**Dr Zuleeg:** Absolutely. It is clearly an uncertain situation and it is unprecedented—we have never had this situation before. There are a lot of reasons why a Brexit will be economically detrimental for the UK if it happens. When I hear the Eurosceptic argument that the UK trade deficit gives it some strength in post-Brexit vote negotiations, I find that very strange. Usually, a trade deficit is not construed as something that gives economic strength.

A debate would happen about access to the single market, and I see few political incentives for the countries that would be remaining in the European Union to give the UK generous access, especially if the UK insisted on opt-outs and special provisions in areas such as free movement of people. I do not see where the incentive would be for the EU to do that.

In my view, there would be relatively little impact on trade in goods because most of that is governed by the World Trade Organization rather than EU provisions, so the countries of the European Union could continue to export their manufactured products to the United Kingdom. The effect would be on trade in services. There, the European Union provides a framework for the UK, which is very successful in exporting services. That would particularly affect the financial sector. There would be a detrimental effect on the single market side.

On top of that, the attractiveness of the UK as a destination for foreign direct investment would reduce significantly—it would not happen overnight but it would happen over time. A lot of global companies are investing in the UK at least in part because the UK is a gateway into the EU. That kind of investment would switch to other places. A lot of the investment in the UK is not to serve domestic UK demand; it is to serve EU demand.

The idea that you could have a soft exit and the same kind of benefits from the European single market when you were outside the EU is politically and economically extremely unlikely.

**Professor Curtice:** On Adam Ingram's first question, the EU referendum will probably matter less in Scotland than in any other part of the UK, essentially because Ruth Davidson—together with the majority of her current MSPs—has come out in favour of remaining in the EU. The Conservatives in Scotland are therefore on the same side of the fence as all the other principal political parties in Scotland. Given the relative weakness of UKIP north of the border, the EU referendum will probably not be a central issue in the Scottish parliamentary elections.

Elsewhere, it will be a central issue—in Northern Ireland because it matches the unionist and nationalist split; in Wales because the Conservative Party there is much more sceptical and UKIP is much stronger; and in England, in the English local council elections.

Of course, much more broadly, we are now witnessing the quite extraordinary sight of a party leader choosing to hold a referendum on a major divisive issue just when we are about to hold the biggest set of mid-term elections during the course of this Parliament, leaving aside the European elections.

We do not know what impact the continual representation of Conservative division will have on Conservative support between now and the beginning of May but certainly, having had 12 months of witnessing a certain amount of internal strife inside the Labour Party, all of a sudden the



focus has switched in the opposite direction with unknown electoral consequences.

**The Convener:** Okay. Dr Hughes—very quickly, because we are just about out of time.

**Dr Hughes:** In a sense, you know the answer about the Scottish elections better than I do, but something that could make a difference to what John Curtice said is if the polls get even closer or if the Brexit side is ahead for some of the time. What will the Scottish Labour Party's position on independence be in the face of Brexit? What will the national UK Labour Party's position be on that? Nicola Sturgeon and the SNP have already said things about their position—carefully worded things, but they seem to be getting more strongly worded. How much the EU referendum affects the Scottish elections may depend on the polls.

**The Convener:** Well, whatever happens, it will be another interesting year in politics. We have the minister in next, which is why I am hurrying you along a wee bit. We obviously want to get a view from the Scottish Government before we conclude our report.

I thank all the panel members very much for your written and verbal evidence. We are considering the report next week, so if you think of anything at the last minute that we should ensure is in there before we publish it, please let us know. Thank you all and I thank Fabian Zuleeg for joining us from Brussels.

10:08

*Meeting suspended.*

10:11

*On resuming—*

**The Convener:** Continuing with our inquiry on EU reform and the impact on Scotland, I welcome to the meeting our second panel of witnesses: the Minister for Europe and International Development, Humza Yousaf MSP—good morning, minister, and welcome back to the committee—and Craig Egner, head of European relations team at the Scottish Government.

Minister, we have just had a very interesting evidence-taking session with some learned and diverse people, and we look forward to hearing from you. I believe that you wish to make an opening statement to give us some of your views.

**The Minister for Europe and International Development (Humza Yousaf):** Indeed, convener, and thank you. I cannot profess to be as enlightening as the previous panel of scholars, who have real expert knowledge, and I will certainly replay the previous evidence session and listen to what they said.

Thank you very much for inviting me to give evidence in the committee's inquiry on EU reform and the EU referendum. I note that you have taken evidence from a wide range of sources—not only academics but many other stakeholders—on EU reform and intergovernmental relations, and the Scottish Government looks forward to reading the committee's report.

On my visit to Ireland last week, I delivered speeches at a conference organised in Dundalk by the centre for cross border studies and at the annual conference of the British Irish Chamber of Commerce in Dublin. The EU referendum and the consequences for the UK if it were to leave the EU absolutely dominated the discussion in Ireland. We should bear in mind that even though there is a general election taking place in that country tomorrow, the EU referendum almost eclipsed even that issue.

As we know, the Prime Minister announced last weekend that the referendum will be held on 23 June; he also announced that he would campaign for the UK's continued membership as a consequence of the deal and the settlement that he secured at the European Council on 19 February. Members will not be surprised to hear me say that I am disappointed that the Prime Minister and the UK Government have chosen to hold the referendum so soon after the Scottish elections and the elections in Wales and Northern Ireland. It will cut across the election campaigns for devolved Parliaments, and I do not believe that we have sufficient time or space to make the positive case for membership. However, I will not dwell too much on that in my opening remarks.

As for the renegotiation, I am very pleased that a deal has been struck, but what is important is not necessarily the deal itself but the fact that it allows us to have the more substantive arguments about whether to stay in the EU. The Scottish Government will, of course, be campaigning for the UK to stay.

I will come to the outcome of the deal in a second, but it is important to say that citizens across the UK will not be voting on the deal—that will not be on the ballot paper. What is on the ballot paper is the question of whether we should leave or remain a member of the European Union. I think that there is a risk that all that will be clouded if we view this discussion simply through the prism of what the Prime Minister renegotiated.

10:15

There is much in the package that we would agree with and some, of course, that we would not agree with. We support, for example, a competitiveness agenda, with its focus on completing the single market and tackling some of

the red-tape bureaucracy that exists in the EU. On economic governance, we agree that the rights of countries outside the eurozone should be protected in EU governance structures, although, of course, not to the detriment of eurozone countries. It is important that non-eurozone countries do not face the costs of bailing out those in the eurozone.

On sovereignty, we note the exclusion of the UK from ever closer union secured by the Prime Minister. To be frank, I would say that we in the Scottish Government have never interpreted ever closer union to be about just a union of countries but about a union of peoples. The treaties allow for different paths of integration—a point that was made in Professor Keating's submission—so I am not clear what this agreement adds in that area beyond setting out the UK for special treatment.

The Scottish Government's reservations are on inward migration. It is critical to our success, our population growth and our economic productivity for the future that we are able to attract migration to Scotland. EU citizens have greatly contributed to our country and our society. Studies by University College London and many other studies have shown that the economic contribution of EU citizens has been substantial. Therefore, a seven-year emergency brake, or any other measures that would create a disincentive to come to Scotland, would be deeply worrying and deeply concerning.

We will be making a very positive case on the benefits of membership. We have to do so in order to remain within the European Union; the vote is on an absolute knife edge across the UK. We have seen recent polls that have put it within the margin of error. In fact, over the period from June 2015, our analysis shows that, on average, remain has had a small percentage point advantage over leave of only 4 per cent across the UK. In Scotland, there is a 20 per cent advantage for remain over leave. We will continue to make the positive case about the economic, social and cultural reasons to remain within the European Union.

That is not to say that we think that the European Union is perfect. We have our own reform agenda, which is shortly to be refreshed. We think that it will be no surprise to any committee member that we would prefer to have Scotland in the European Union as an independent country in its own right, but in the current constitutional set-up, we think that it would be democratically indefensible for Scotland to be dragged outside of the European Union against its will. If it were, the First Minister has been clear that that could precipitate demand for a second independence referendum.

However, let me make it absolutely clear that, without any shadow of a doubt, I want both

Scotland and the UK to vote to stay within the European Union.

**The Convener:** Thank you very much, minister. You opened with your concerns around the referendum date of 23 June. Could you give us any insight into whether Scotland or any of the other devolved nations—Northern Ireland or Wales—had consultations with the UK Government on the decision to set that date?

**Humza Yousaf:** I would say that there was unity among the devolved Administrations that a June date would be unwelcome. That was widely publicised: a letter that was signed by the First Ministers of Scotland, Wales and Northern Ireland and the Deputy First Minister of Northern Ireland said that a June referendum would be unwelcome for a number of reasons.

Some people have suggested that seven weeks is enough of a gap, but we have seen already in the past week how the news agenda has been completely and utterly dominated by the issue of the European Union and, I would say, even by the internal politics of one political party as opposed to the wider issues.

In canvassing, I have had the issue come up on the doorstep—undoubtedly as we have all been doing—which is a good thing, because people are talking about it. However, it means that if that pace and level of media dominance continues, it could interfere with our Scottish election campaign, when all parties and all politicians will want to be talking about the health service, education, the justice system and so on. That is one issue.

There is also potential interference because of the fact that there are certain statutory actions that the UK Government has to take, some of which would interfere directly in the timescale of our Scottish elections. For example, there is a 10-week period wherein the UK Government will have to report on the outcome and progress of the UK's renegotiation, which means that that information will be released around the time when postal ballots for the Scottish elections are coming out. There is clear interference with our elections, as well as the fact that the political agenda will be completely and utterly dominated by the EU issue, which could mean that focus will be taken away from other issues. If we want to make the positive case about Europe, it will be difficult if we cannot have a substantial conversation about the European Union because, quite rightly, many politicians in Scotland will be talking about other issues of relevance to the Scottish elections.

There is a great amount of difficulty with that date. There was no consultation. We certainly gave our view, but there was not really any substantial or meaningful consultation that would

enable us to say why that date would not be suitable.

**Jamie McGrigor:** Do you think that the issues around economic governance and competitiveness, which were two of the points that were raised by the Prime Minister and which have been agreed in the renegotiation, will bring benefits to the Scottish economy?

**Humza Yousaf:** In my opening remarks, I made it clear that there were parts of the UK's renegotiation that I agree with. Again, we are looking through the detail of the practical implications of what the Prime Minister has managed to renegotiate. However, on the economic governance and competitiveness agendas, there are a lot of advantages to be had for the UK and Scotland, and for Edinburgh, in particular, with its financial centre—the economic governance aspects could be particularly important in that regard.

On competitiveness, we have been clear that the EU should focus on some important competitiveness agendas. The issues of the digital single market and the energy union are incredibly important.

I can see some advantages for Scotland. I am not convinced that we had to go through the process that the Prime Minister took us through in terms of renegotiation and the referendum on the back of that. However, in terms of the deal, the Scottish Government has a lot of agreement with the points that you have mentioned. With regard to sovereignty, as I mentioned, I am not convinced that the UK had to have special treatment with regard to the ever closer union. I have already mentioned how, on freedom of movement and the fourth basket, which includes in-work benefits, the Scottish Government has some concerns.

**Jamie McGrigor:** I come from the same position as you, in that I would prefer Scotland and the rest of the UK to stay in the EU. However, if they left, would there be a viable alternative to EU membership for Scotland, such as the European Free Trade Association?

**Humza Yousaf:** I agree with others that the Norwegian former foreign minister probably got it right when, with regard to his country's model, he said:

"We pay, but have no say".

There are other models to explore, such as the Norwegian, the Swiss and the Icelandic models, but none of them gives those countries the same degree of representation, even though people must still contribute and abide by many of the rules and the legislation. Westminster committees, this committee and other politicians have explored other models, but I think that nothing delivers the

same quality of representation in return for the money that must be paid.

**Jamie McGrigor:** Has any thought been given to how things such as common agricultural policy payments would be replaced in the event of our leaving?

**Humza Yousaf:** The UK Government Department for Environment, Food and Rural Affairs has said that there have not been any discussions on its behalf on what would happen to CAP payments if there was a Brexit. Our line has always been that we are campaigning very positively so that Scotland and the UK stay in the European Union. Of course, there will always be scenario planning and we will always ensure that we put Scottish interests first, but we will absolutely be working on the premise that we will stay in the EU and will campaign hard for not only Scotland but the rest of the UK to stay in the EU.

**Willie Coffey:** Good morning, minister. In the previous evidence session, we talked a little bit about the impact that the media might have in the campaign and the fact that the campaign will probably be nothing to do with the deal that Mr Cameron has negotiated, as it will touch on a range of wider issues and will largely be driven by the media. We have some experience in Scotland of the relentless negativity of the media. How does the Scottish Government aim to counter such relentless negativity? How do you plan to articulate the positive case for Scotland and the UK remaining in the union? How do you plan to set out the case so that the public can easily access and understand it?

**Humza Yousaf:** I thank the member for that question. The media would probably say that they are driven by the relentless negativity of politicians as much as we are driven by their relentless negativity. The real concern is that the entire debate will be viewed through the prism of migration. That is what the UK Government has often talked about and, as you rightly suggest, it is what the media talk about. I know from experience that, when the EU is brought up with me on the doorstep, it is largely around the agenda and issue of migration. Such a scenario would be deeply concerning, because although we can make very positive arguments for migration I think that the narrative that has been set by the media will be very difficult to counter. However, we will do our very best to do that.

From a Scottish Government perspective, we will, first of all, be honest in the debate. We will not descend into the pit of negativity—as we often saw people do in the previous referendum on Scottish independence—and will make a positive case. However, that will involve our being honest and saying that, if the UK was to leave the EU, of course it could still trade with France, Germany

and Spain, but our point is a very simple one: the EU has 53 trade agreements and the UK would have to renegotiate all 53. Renegotiating 53 trade agreements as a medium-sized country would mean that the terms would be very different from those that would result if the largest trading bloc in the world renegotiated them. It is important to point out those realities.

It is also important to make the positive case about how the EU shapes people's everyday lives. It is not just the macroeconomics, although that is important, as we have access to 500 million customers and consumers and 20 million businesses. That does not necessarily mean too much to people in their everyday lives, but things like social protections are really important. For example, there is the fact that nobody will be forced to work more than 48 hours a week; that maternity pay and paternity pay are guaranteed within European legislation; that anti-discrimination legislation is enshrined within EU law; and that, if we are removed from that, those safeguards are in the hands of an unfettered UK Government, regardless of its colour. We will make the argument about social protections.

We will also make the argument about what we might call the microeconomics, or what would affect people in their everyday lives and in their pockets. By mid-2017, it will not cost people a penny to make mobile phone calls between one European country and the next. That means something to people when they go on holiday to Tenerife, Paris, Munich or Berlin. There is also the fact that people get cheap holidays on Ryanair and easyJet. Those two airlines exist only because of EU deregulation. It is about making a positive case on a micro level and a macro level and challenging some of the misconceptions about migration.

We will try to counter what you describe by being very honest in our contribution to the debate and by being positive. We are refreshing the "The Benefits of Scotland's EU Membership" booklet, which members have probably seen. It is a pretty simple and easy-to-understand guide and we should make sure that it gets out to as many people in Scotland as possible.

**Willie Coffey:** Some people may mistakenly think that leaving the European Union will suddenly free the UK from all obligations, costs and so on. In the previous evidence session we discussed continued access to the single market and, in a prior evidence session, Norwegian officials explained that it costs their country €70 per head to maintain that access. A quick calculation for the UK would take that to about £4 billion a year. That is what we would still have to pay without being a member of the club. As you explained earlier, minister, you have no say in

that. Will such issues be clear to people who are tempted to leave the European Union and who are thinking that they will make savings when they will not?

10:30

**Humza Yousaf:** For those who believe in the EU, which includes me and most of the people around this table, the challenge is that, although politicians are very good at it, it is difficult to find a sweet and pithy soundbite for continued membership of the European Union. The arguments and discussions are nuanced and involved and they require a fair bit of articulation. It is easy for the other side who want to leave to throw around simple soundbites. That is one of the challenges. The Norwegian official was correct, as you are, in saying that we would have to continue to pay without having so much of a say.

Northern Ireland officials mentioned another thing that I thought was a really good point. If the UK leaves and the money comes back to the UK Treasury, is there a guarantee that the UK Treasury will disburse those funds to regions such as Northern Ireland and Scotland, which benefit more from European funding, in the same way that the EU did? Will Northern Ireland and Scotland get more money? I am not convinced that that would happen. Even if we get the money back, there is no guarantee that it will be disbursed in a way that is as fair as it is while we are in the European Union.

**The Convener:** The Rural Affairs, Climate Change and Environment Committee has been looking at that issue very closely. To illustrate the point about whether the disbursement of money would be fair and equitable, I note that the UK got a generous funding formula for the common agricultural policy that was based on the challenges that Scottish hill farmers face. However, when that money came to the UK, it was not disbursed on that basis. It was shared equally, which put the hill farmers who were the justification for the more generous funding in a challenging position. That is an illustration, but are you aware of any other similar issues around European structural funds or European social funding or any of the elements that have an impact on the social union, which is the most important part of the EU? People forget that we have had 60 years of peace and capacity building. The Northern Ireland peace agreement is a key aspect of that.

There is a whole area there that is unexplored. The economic argument might be the forceful argument, but the social argument is the most precious.

**Humza Yousaf:** I entirely agree. Our generation was not brought up with the notion of how the construct came out of the ashes of war. Our generation takes peace for granted. That might be different in Northern Ireland, certainly, but in Scotland, probably England and no doubt Wales, we probably take peace for granted and forget that before the European Union and the United Nations, we went through two world wars that annihilated populations. Millions of people—not tens of thousands or hundreds of thousands—lost their lives in those two world wars. It is a remarkable achievement that there has not been conflict on such a scale on the European continent since then. There have been conflicts, and we are aware of what is happening between Ukraine and Russia, but on the continent generally we have not seen war and conflict on that scale. That is an incredible achievement. A lot of people scoffed when the European Union won a Nobel peace prize, and I can understand why some people were concerned about that, but it was merited if we consider the achievement of the past 60 years.

Your point about the CAP payments is also well made. Between 2014 and 2020, €4.6 billion will be disbursed to farmers. We have not seen any absolute assurance from the UK Government that that money would come to Scottish farmers in the event of the UK leaving the European Union. We have not had that confirmation and I do not know whether it would be able to tie in future UK Governments.

The third point that you made is absolutely right. We do not often talk about the social union. We will certainly do that in the Government, but I would love to be able to speak to all the communities that have been affected positively by European structural funds and other European moneys, because there are a heck of a lot of projects that have done a lot of good. Only this week, we had the 40th birthday celebration for the Prince's Trust—I signed the card—in the Parliament. The trust has received European Union funding for a number of years. That has helped young people into work, given them confidence and helped them with their education. The work that the trust does would not have been possible without some European funding. Even at what we might consider to be a small level, there are stories to be told in every community in Scotland.

**Roderick Campbell:** The Smith commission report made reference to improving intergovernmental structures. Will you give us an update on how that is working and the extent to which you might be able to highlight that kind of issue in the context of the EU referendum debate?

**Humza Yousaf:** That is an excellent question. Sovereignty, which has been much talked about,

the red card system and other things that have been mentioned are often talked about in relation to national Parliaments, but we—unsurprisingly—make the case that devolved Parliaments should also be considered in those discussions. How can we have a better say in what is happening in the European Union? How can we seek redress, articulate the areas with which we are particularly uncomfortable and show our opposition to particular measures? It will not surprise you that we, and other devolved Administrations, have been pushing that case.

On intergovernmental relations, there are many, ever-evolving pieces of work going on with the UK Government and the other devolved Administrations. I have been on the joint ministerial committee on Europe for the past few years, and it is fair to say that that forum could definitely work better. It is a bit formulaic and set piece at times. There is an understanding of that, so officials are doing work in the background between the UK Government and devolved Administrations to determine how we can make that better. Similar conversations are also happening with other intergovernmental forums, such as the British-Irish Council. There is often talk about how that can be refreshed and how it can work better for all the stakeholders who are involved.

That is an ever-evolving conversation, but devolved Parliaments have a job to do to ensure that we are part of the conversation in any renegotiation. The white paper that the UK Government just produced mentions the fact that the UK Government will endeavour to discuss renegotiation with the devolved Parliaments and Governments. We will certainly take it up on that.

**Roderick Campbell:** From the previous witnesses, we heard talk of what impact the EU referendum might have on the Scottish election. Without being partisan about it, what are your fears or hopes in that respect?

**Humza Yousaf:** I am never partisan when I come in front of the committee. However, there is a genuine concern. The situation can go one of two ways. The issues that we wish to discuss during the Scottish election—important issues that affect people's everyday lives, some of which I have mentioned already, such as crime, education and health—could be subsumed, diluted or overshadowed by the EU referendum, such that, every time that people in Scotland turn on the news or the debates, they find that they are all dominated by the EU. There will probably be debates between the leave campaign and the remain campaign, so the question is whether they will dominate or overshadow any debates that take place between the leaders of the Scottish political parties.

It could go that way. The other way that it could go is the complete opposite, which is that the EU discussion in Scotland does not get the attention that it deserves. We are in election mode, so everybody will, quite rightly, be speaking about the Scottish election. Either way is a loss. Either way, it is not good for the Scottish parliamentary elections or the EU referendum. We might get the worst of both worlds, in which nobody gets a substantial discussion on the Scottish election or the EU referendum, and therefore our electorate is not fully informed about the issues in either. That is one of the reasons why we have concerns.

There are also the points that I made about the European Union Referendum Act 2015. The UK Government has to fulfil some statutory requirements, which would very much interfere with the timeframe.

There is then the issue of purdah. We go into our purdah period at the end of the day on 23 March, or 24 March technically. After a Government is appointed—whatever Government that is—there would be a further purdah period. In effect, we could have 10-plus weeks of purdah, which is not helpful and could slow the Government down, which is not what any of us would want.

**The Convener:** In 2011, the Scottish Government ministers were not appointed until 25 May. If the same were true, that would mean that purdah would start on 26 May. What challenges would that pose for an incoming Government?

**Humza Yousaf:** It creates a lot of difficulties. The point is well made in the question. It does not mean that the Government could not do anything—it would not be absolutely restricted. However, as the committee has discussed, there are important European matters, such as European social funds, that affect farmers, fishermen and organisations up and down the country. They affect academic institutions and a wide range of society. It is really not helpful to have purdah for our Scottish Parliament elections and then purdah after that as well. For those reasons and many more, it was right that the First Ministers of all the devolved Administrations were opposed to a June referendum. However, we have it, and we will just have to find a way of getting on with it.

**The Convener:** Maybe 24 hours to sort everything out is a bit of a stretch for any Government.

**Jamie McGrigor:** On that point, does that mean that there will not be any Scottish ministers making proclamations about the referendum? The purdah will be for ministers, and there will be no Scottish ministers in place.

**Humza Yousaf:** The purdah rules would not prevent the First Minister from appointing the Government. Whoever that First Minister is, he or she would be able to appoint a new Government—I cannot see any reason why they would not be able to do so. The purdah rules would apply to European issues; there could be Government pronouncements and discussions on other issues. Perhaps I did not understand your question.

**Jamie McGrigor:** The only reason I make that point is because of when ministers were appointed in 2011. If the date were the same this time, it would be into the 28-day purdah period before 23 June.

**Humza Yousaf:** What I meant was that purdah would not stop the Government from appointing ministers. However, ministers would be restricted from making pronouncements about the European referendum that were not already in the public domain. Purdah in the Scottish Parliament works in the same way. Scottish Government ministers are still Scottish Government ministers, even during purdah. You cease to be an MSP in the Scottish election, but you do not cease to be a minister, and therefore you could, as a minister, reiterate those lines that are already in the public domain. What you cannot do is to create new policy or make new announcements. Anything that is not in the public domain, we would not be able to say in the purdah period.

There are other challenges with the 23 June date. As I said, we would be going from one purdah period straight into another. The point is a fair one. That may well place an urgency on whichever Government comes in post 5 May that previously was not there.

10:45

**Willie Coffey:** You mentioned that you had been in discussion with your Irish colleagues last week. Outside Scotland, the greatest impact of the UK leaving the European Union might be felt in Ireland. There would be implications for the peace process, particularly with regard to the common travel area and the border. Can you tell us about the Irish concerns and how we might help with moving forward on that issue in the debate?

**Humza Yousaf:** I completely underestimated how big an issue the referendum was in Ireland. I knew that it was an issue, but until I arrived and spent a couple of days there, and took part in the panel debates and discussions, I did not know how much of an issue it was. Even from having private conversations with businesspeople, it was clear to me that the referendum is a huge issue for the Irish Government.

That is demonstrated by the fact that whereas, during the Scottish independence referendum, the

Irish Government was absolutely and studiously neutral, and did not make a pronouncement either way—it was very careful and measured in its pronouncements and said that it was a matter for the Scottish people—Ireland has been very vocal already on the issue of the EU referendum, because the UK leaving the EU could have an effect on it.

The Irish have a few concerns. One is the cross-border issue. They see it—quite rightly—as incredible progress that someone can drive between Northern Ireland and the Republic and not even know that they have passed through a border. There is a speed bump in the road and that is about it. There are no checkpoints or guards at the border. Their genuine concern is what would happen if the UK left Europe and whether there would have to be a physical border. I am not saying that that would be the case; I am simply highlighting some of the concerns that were raised with me in Ireland. Would we regress backwards to the point at which there would have to be some sort of border between Northern Ireland and Ireland? Again, I am not making any assumptions about that—I am just saying that it was a concern that was discussed with me. There is also the peace process, which has been mentioned, and the Good Friday agreement and so on.

However, the Irish concerns should not be viewed simply through the prism of the Northern Ireland relationship. Those in Ireland are deeply concerned about a UK exit from the EU because of what it would mean for Ireland's relationship with the rest of the UK. Trade is the obvious point, but there is also the cultural relationship.

It would be fair to point out that the common travel area existed before free movement and Schengen, or anything like that, existed. The common travel area has existed since about 1923. There would have to be adjustments, but there could be a discussion about how that might be continued.

Nonetheless, the real concern is the relationship with the rest of the UK and, in particular, the cross-border issue with Northern Ireland. It is a massive issue in Ireland. As I mentioned, the Irish elections are on Friday, and it may be a matter of weeks before the Government is appointed, depending on the election result, but I am sure that, once the Government is appointed, it will be quite vocal about some of Ireland's concerns around the referendum.

I have often been asked what I think about European Union member states intervening in the UK's discussion. I have said—even publicly—that I do not think that it would be particularly helpful to have Brussels officials or even other member states telling people in the UK which way to vote. I

think that there would be a backlash to that. However, the exception in my opinion would be the Irish. Particularly in Scotland—I cannot speak for other parts of the UK—the Irish are viewed very favourably with a lot of affection. They are seen as our cousins, and their advice is genuine and sincere. We will hear the Irish speak out quite loudly about the issue once their elections are out of the way and a Government is formed.

**The Convener:** Looking east from Ireland, have you had any communications with other European member states? I understand that you are saying that it would not be helpful for other people to express to us a view on which way we should vote. However, earlier Fabian Zuleeg said that there are serious pressures on the UK's relationship with the other member states, and that the attitude of other member states is that this deal is a one-off and that they are saying to Britain that they have had enough. Have you picked up any of that? What would be the Scottish Government's reaction to that?

**Humza Yousaf:** The UK is seen as a begrudging partner of the institution of the European Union. Even the Prime Minister has insinuated that the UK Government sees its relationship with the EU as one that is pragmatic and practical, as opposed to one in which it is positively engaged. It is fair enough to have that view, although it is different from mine.

I will not name them, but during the renegotiation process we spoke to a number of member states, whether through their permanent representatives or their embassies, that expressed concern that the UK has already had a significant number of opt-outs and has a rebate, and which questioned how much more the UK wanted and how committed it is. Some countries said that certainly they would engage constructively on the renegotiation but that they would not do that at any cost. There were some red lines. Obviously the Prime Minister came across those red lines, so things were renegotiated in the spirit of compromise.

I could not comment on whether this is the last renegotiation that we will ever see or whether the relationship between the EU and the UK will continue to evolve. However, it is time that the UK Government started to realise that real benefits and positive opportunities could be captured if we play a positive and engaged role in the EU. Of course, we are already a power broker. We are one of the significant players in the EU, but we should use that role positively, instead of always whingeing and moaning about what could be better. Reform is important, but what about the opportunity that could be had if we made Europe work for its citizens a little better?

It would be no exaggeration to say that every one of the other EU member states wants the UK to stay in. They believe, and they are right to believe, that the EU is stronger for having the UK in it, and that the UK is stronger for being in the EU.

**The Convener:** Some countries are pushing much further to the right in their domestic policy and pushing against the social policies that I think are the best part of the EU. There is a school of thought that the UK's behaviour on its opt-outs and renegotiations could enable some countries to push forward with discriminatory policies or ideals.

**Humza Yousaf:** I would be reluctant to speculate on that, but I will make a general point. The UK Government is allies with other Governments, particularly those on the centre-right of European politics. That is why I prefer to have social protections protected by an EU that is made up of Governments on the centre-left and Governments on the centre-right. By its very nature, the compromise often has to be somewhere around the middle. Successive UK Governments—whether they were red or blue—have been much more on the centre-right of the spectrum. Therefore, leaving those social protections in the hands of an unfettered UK Government carries great dangers.

The UK has natural allies in the EU, but many countries take a very different view from the UK and it is well documented that they have big differences with the UK on integration and so forth. However, we have a deal. I and the Scottish Government do not agree with everything in it, but we do not want to harp on about the renegotiation deal. We want to get on with making the positive case that Scotland's interests are best served in the EU.

The European Union is stronger for having the UK in it. If we get it to work better for us, we can have a more prosperous, socially just and economically viable European Union for all its citizens. That is what the European Union should be about—not just raising the boats, as the Irish call it, for some of the people at the top but raising them for everyone. That is the message that we will be aiming to deliver between now and 23 June and no doubt beyond.

**The Convener:** That concludes our evidence with you this morning, minister. We thank you for coming along and wish you well in your endeavours.

10:55

*Meeting suspended.*

10:56

*On resuming—*

## Scottish Government Reports

**The Convener:** Agenda item 3 is on a series of reports from the Scottish Government on horizon 2020, the one-plus-two language learning policy, the transposition of EU directives and the European structural and investment funds. Do members have any comments or questions?

**Willie Coffey:** The last page of the letter on the European structural and investment funds touches on an issue that committee members have raised over a period—having a summary of the money that comes from the European Union to various projects in Scotland. I found the letter a wee bit tricky to get to grips with. Is it possible to have the information summarised in a tabular format, so that we can see the different categories and amounts? That would make it a lot easier to understand.

**The Convener:** We can ask the Scottish Government to do that.

The only other issue that I will draw members' attention to concerns the same letter. The last sentence on the first page says:

“the Commission will review this, consider the findings reported in the 2015 Annual Control Report and undertake an audit visit to the Scottish Government to allow them to conclude on whether to lift the suspension. I will update the Committee once we know the position. This will be in mid-February.”

I suggest that we contact the Scottish Government to ask it for an update. Are members happy to do that?

*Members indicated agreement.*

**Jamie McGrigor:** On the horizon 2020 funding for the UK, I noticed that Wales gets 2.5 per cent and Scotland gets only 1.65 per cent. Why is that? Wales has a smaller population than Scotland has.

**The Convener:** We can interrogate that figure and find out the answer. Are members happy to note the reports, pending the information that we have agreed to request?

*Members indicated agreement.*



## “Brussels Bulletin”

10:58

**The Convener:** Item 4 is on the “Brussels Bulletin”. Do members have any comments or questions for clarification?

**Anne McTaggart:** Page 7 of the bulletin has a section on equal opportunities. Under the gender equality item, it says:

“Some MEPs have seen this as a ‘downgraded’ document, which restricts the duration of proposed action”.

We send the bulletin to other committees, do we not?

**The Convener:** We do.

**Anne McTaggart:** So the Equal Opportunities Committee will have access to that information.

**The Convener:** We can inform that committee specifically about that section and the report to which you referred.

**Anne McTaggart:** Brilliant—that would be great.

**The Convener:** We have shared specific information with committees on a number of occasions, so I am happy to do that. Is there anything else?

**Roderick Campbell:** I will highlight a couple of matters. I was pleased to note that

“the European Parliament adopted a resolution on the ... review of the ... Biodiversity Strategy, calling in particular for better implementation ... and financing of the Birds and Habitats Directives”.

The resolution also called on the European Commission

“not to revise the Nature Directives.”

That is a positive move and I am pleased that that has been addressed at the European level.

I noticed also that MEPs debated sexual harassment and violence against women and that they called for an EU directive on combating violence against women. That certainly seems to be worth looking at.

**Jamie McGrigor:** The agricultural policy priorities under the Netherlands presidency include

“Sharing Member States’ experiences on the most recent Common Agricultural Policy ... reform”.

Convergence, which has been mentioned, is an issue. Another issue is that CAP reform has generally been disastrous for Scottish farmers so far. The reasons for that should be explained. If we are to share experiences, that experience should be shared.

**The Convener:** We will have the Dutch ambassador in front of us next week, when we could have a conversation about all the points that you have raised.

**Willie Coffey:** Page 8 of the bulletin refers to a data protection issue—an agreement between the EU and the US on data transfers, data protection and privacy. It is not entirely clear to me what kind of data is being referred to and what the protections are. The bulletin mentions “three-step dispute resolution”, which all sounds horribly familiar from the debates that have arisen from the transatlantic trade and investment partnership.

At a previous committee meeting, we heard that there are concerns in Europe about data security issues and that it is thought to be unprepared for that. With that in mind, I would appreciate further information about exactly what is meant here and what the implications are.

**The Convener:** We can get that for you. Are we happy to draw the “Brussels Bulletin” to the attention of all the committees of the Parliament, with a specific reference to the Equal Opportunities Committee?

**Members indicated agreement.**

11:02

*Meeting continued in private until 11:28.*



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