

DÁIL ÉIREANN

AN COMHCHOISTE UM GHNÓTHAÍ AN AONTAIS EORPAIGH

JOINT COMMITTEE ON EUROPEAN UNION AFFAIRS

Dé Céadaoin, 24 Bealtaine 2017

Wednesday, 24 May 2017

Tháinig an Comhchoiste le chéile ag 2 p.m.

The Joint Committee met at 2 p.m.

Comhaltaí a bhí i láthair / Members present:

Teachtaí Dála / Deputies	Seanadóirí / Senators
Colm Brophy,	Paul Coghlan,
Bernard J. Durkan,	Terry Leyden,
Seán Haughey,	Neale Richmond.
Martin Kenny,*	
Mattie McGrath,	
Frank O'Rourke.	

* In éagmais / In the absence of Deputy Seán Crowe.

I láthair / In attendance: Deputy Eamon Ryan and Senator Niall Ó Donnghaile.

Teachta / Deputy Michael Healy-Rae sa Chathaoir / in the Chair.

Business of Joint Committee

Chairman: We have received apologies from Mr. Brian Crowley, MEP, Senator Craughwell and Deputy Crowe, who will be ably substituted by Deputy Martin Kenny.

I remind members to ensure their mobile phones are switched off. This is important as not doing so causes serious problems for broadcasting, editorial and sound staff.

Engagement with MEPs

Chairman: I am very proud that we have engagement with our MEPs from the island of Ireland. On behalf of the committee, I warmly welcome all the MEPs who have managed to be here today. This is a very important engagement for us as a committee. We follow all the work of the MEPs in Brussels and Strasbourg and we hear how hard they all work on the very many issues they deal with. In some ways, we mirror that here, so it is important for us to join together periodically. Of course, they are always welcome to join our discussions and meetings but by virtue of their work and the need to be in Brussels and Strasbourg, we realise this is often very challenging. This will be a slightly different engagement in that the MEPs are not witnesses in the traditional sense; rather, it is an open engagement. They are all very much at the coalface of European developments, so we appreciate their willingness to share any views, advice or recommendations they have.

I will go off the script and say to the MEPs that I and the committee are very grateful to them for taking time to be here. I was very glad earlier to be with Ms Mairead McGuinness, MEP, the Ceann Comhairle and our Vice Chairman and to congratulate Ms McGuinness very much on her recent appointment and wish her the best of luck. When we came back from our trip to meet all the MEPs recently, the Senators were quick to put it on the record of the Seanad, and we Deputies to put it on the record of the Dáil, that we are very proud of our MEPs. Whether they be Independent, Fianna Fáil, Fine Gael, Sinn Féin or whatever, we are supportive of the work they do. At this critical time of Brexit, I believe that now more than ever there is a very important focus on the work our MEPs do and the representation they give us on the European stage, so it is great to have them here and I very much appreciate their presence.

Before we proceed with the engagement, I must read out a reminder on privilege. Members are reminded of the long-standing parliamentary practice to the effect that they should not comment on, criticise or make charges against a person outside the Houses or an official, either by name or in such a way as to make him or her identifiable. By virtue of section 17(2)(l) of the Defamation Act 2009, witnesses are protected by absolute privilege in respect of their evidence to the committee. If they are directed by the committee to cease giving evidence on a particular matter and continue to do so, they are entitled thereafter only to qualified privilege in respect of their evidence. They are directed that only evidence connected with the subject matter of these proceedings is to be given and asked to respect the parliamentary practice to the effect that, where possible, they should not criticise or make charges against any person or entity by name or in such a way as to make him, her or it identifiable.

On how we might structure this engagement, six items were suggested by members of the committee and Members of the European Parliament: the relationship between the European Parliament and national parliaments; the White Paper on the future of Europe; the EU budget

and the multi-annual financial framework after 2020; the withdrawal of the United Kingdom from the European Union; amendments to Regulation No. 883/2004 on the co-ordination of the social security systems; and the European pillar of social rights. I propose that we cover these in order and have an open and frank discussion on them. The first item is the relationship between the European Parliament and national parliaments.

Considering the role of Ms Mairead McGuinness, MEP, I invite her to start the discussion. I aim to keep the meeting to approximately one hour and 20 minutes, if possible and within reason.

Ms Mairead McGuinness: I thank the Chairman for allowing me to open the discussion, principally because of my role in the European Parliament, namely, that of Vice President, responsible for relationships with national parliaments. I also thank the committee for its recent engagement. Since the Brexit vote, we have had deeper engagement, not only with colleagues in the Oireachtas but also members of many national parliaments. Perhaps it is something on which we need to build. We always say we could communicate better and meet more often. Today should be more about how we do it rather than the aspiration because committee members and I want to work better with national parliaments.

All of these issues are linked. The first will have an impact on all of the others on the agenda. The future of Europe depends on our having stronger and deeper relationships with national parliaments. We would like to be here more often and perhaps committee members would like to be in Brussels more often too, but it is just not possible. Therefore, we have to find other ways. We have formal structures. I will be with some of my colleagues here in Malta for the national parliaments meeting at the beginning of next week. Committee members come to Brussels. It is the informal engagement we need to deepen. Perhaps we need to consider engagement with specific committees, be they on agriculture, agriculture policy or other matters. Fisheries, for example, will be a significant concern in the Brexit negotiations.

Ironically, Brexit has brought national parliaments closer to the European Parliament because they need to understand our role and we need to understand theirs. Let us build on this and hope we can have a stronger relationship that will work for people. That is why we are here.

Chairman: I thank Ms McGuinness for opening the discussion. I call Mr. Kelly. We will take speakers in groups of three.

Mr. Seán Kelly: Cosúil le mo chomhghleacaithe, tá an-áthas orm bheith leis an coiste inniu. Míle buíochas as ucht an cuireadh agus as ucht dul go dtí Parlaimint na hEorpa cúpla seachtain ó shin. Bhí an-chaidreamh eadrainn agus leanfaidh sé sin ar aghaidh amach anseo.

I agree with Ms McGuinness that Brexit has focused European minds on the future of Europe. Part of the failing that led to Brexit was a lack of true engagement with citizens. Subsequent to the vote, we found out that many of them were googling, “What is the EU?” One of the ways to communicate further with citizens is through national parliaments. If we have closer liaison and discussion, we will obviously have closer relationships with citizens. One cannot bypass national parliaments or regional governments at European level and say one is going to engage with citizens directly.

My next point is on legislation. The more input we have at national parliament level, the better our legislation will be. Many of the proposals we receive have a direct impact on indi-

vidual countries. While we often engage with vested interests and stakeholders, we probably do not have enough direct input from national parliaments. We receive it from the Permanent Representation which does a great job in Europe, but perhaps we should have more discussion at committee level with the elected representatives on how we should proceed. All that would help us to create a Europe that was more connected to its citizens through more engagement with national parliaments. Committee members have made a great start by coming to meet us. We have come to meet them. That has to be positive and we look forward to further engagement.

It might not be the sexiest thing ever to be involved in European affairs because it does not always attract the attention of the media. Nevertheless, it is very important because most of our legislation - 60% - starts at European level. Therefore, we have to communicate properly with the directly elected members of national parliaments. That is a good start. I thank the committee.

Chairman: I thank Mr. Kelly.

Ms Marian Harkin: I will be brief as we do not have much time.

I agree with what Ms McGuinness said: in a way, today should be about how we communicate and what specific channels we can put in place. As Mr. Kelly said, dealing with legislation at European level is not all that high profile, but ultimately it is our work. For example, one of the items on the agenda is the co-ordination of social security, pertaining to Regulation No. 883/2004, which I am shadowing in the main committee for my group. I would welcome very much an opportunity to meet interested Members of the Oireachtas from the relevant committee to discuss this issue. The co-ordination of social security is a very important issue. If we want to discuss it later, I will be happy to do so. For now I am staying with the question of how we communicate.

I was very pleased recently to see a reasoned opinion from both the Dáil and the Seanad on the restructuring directive. They stated it did not comply with the principle of subsidiarity. During the years I have seen many reasoned opinions from other parliaments. I am sure the Oireachtas has issued them in respect of other committees, but the one I saw was one of the first pertaining to mine. It is a sign that this committee is fully and totally engaged at this point of the process, which is before it even comes to the Parliament. It is happening slowly. At one time I was a member of this committee sitting on the other side. I note that there is a huge difference between then and now.

Mr. Kelly talked about citizens. As Members of the European Parliament, one of the things we can and often do is ensure access for citizens to the Commission on various issues. All of us do this regularly on matters that affect citizens and also Members of the Oireachtas. On my way in to the meeting I met Deputy Michael Fitzmaurice and we discussed a certain issue. Mr. Luke “Ming” Flanagan is also involved. It is about the abstraction of water from Lough Talt in County Sligo. Irish Water is linking with the Commission, as are we, to determine whether we can find a solution to a local problem. It happens at different levels.

Senator Terry Leyden: I welcome the delegation, particularly the four representatives from my region. The longest serving is Ms Marian Harkin who was in the old Connacht-Ulster constituency, followed by Ms Mairead McGuinness. Mr. Luke “Ming” Flanagan and Mr. Matt Carthy are new Members. The region is very well represented today and I am very impressed. I also welcome Mr. Seán Kelly who represents the South constituency. Also welcome is Ms

Martina Anderson who is from Derry and represents the North. This is the first time we have engaged with her.

During the years we have dealt with all sorts of issue such as the Maastricht and Lisbon treaties, but we never thought we would be dealing with Brexit. When I was a Minister of State with responsibility for trade and marketing, we were dealing with the Single European Act. It was a long time ago, but my point is that the British were so engaged and involved that there was no debate and no divisions as such. They have contributed so much to the European Union in the past 30 or 40 years that their exit is quite a blow. We will not go into that matter as the facts are facts and we are where we are.

The European Parliament will play a more important role than ever before as far as Brexit is concerned. Its Members, especially Vice President Mairead McGuinness, are in a particularly good position to link with the other parliaments. Consider the matter of trying to explain our situation, involving trade worth €1.2 billion per week and a 499 km Border with the North. From my experience of attending COSAC meetings which the Chairman has also attended, I believe nobody is particularly concerned about us. When I was in Estonia recently, I was told that there were 70,000 Estonians working in the United Kingdom and that they would not enjoy the free movement arrangement the Irish would have when the negotiations were completed, as if to say, “Don’t cry for me Argentina; you are doing okay.”

There is a long way to go. As I understand, the European Parliament’s decision has to be unanimous, or at least by a majority vote in the European Parliament. We have only so many MEPs. They do all they can, but it is a small number in a big house. Looking down the road, Spain has a veto over Gibraltar. Can someone please explain to me how they could get a veto over Gibraltar when we do not have a veto as far as Northern Ireland is concerned? That surprises me, and perhaps someone could try to extract that somewhere along the line.

Finally, it might be a political point from the witnesses’ point of view, but we will be losing our MEPs from Northern Ireland. Will the British MEPs be redistributed? In that case, we would end up with only a single extra MEP, as I understand it. We have a very strong case of claiming the Northern jurisdiction, and that three MEPs should be elected from our constituency to represent the people of Northern Ireland in the European Parliament in the future.

Deputy Martin Kenny: I welcome everyone here today. It is great to see all the MEPs representing all the parts of the island. On the relationship between the national Parliament and the European Parliament and where all this is ending, in the past year or so Brexit has focused people’s attention on the growth of a very right-wing ideology in many parts of Europe. In many places that ideology is very racist and xenophobic and is throwing up all the things with which we have serious issues. Its growth is based on dissatisfaction among many people in many member states, particularly on the periphery, regarding their economic circumstances, where they see Europe going, and how they consider the European structures as something that are distant from them and not something with which it is easy to engage. I welcome what Ms Harkin said and that there are efforts being made in that regard.

The impression among many people is that Europe is an elite club and not something that ordinary people have either access to or a good relationship with. If we are really serious about doing something around Brexit and all the issues which flow from it, we need to look at that seriously. It is not only the responsibility of the people elected to the European Parliament, but also to the people elected to all the other parliaments, to try to ensure the direction in which all this is going is arrested and brought back so that people will once again feel that the European

institutions are for them. Would the witnesses agree that we need to have a greater level of accountability, transparency and supervision of all the European policies that flow to places like this committee from Europe? We regularly have to scrutinise various directives and information that come from Europe and the nub of the issue is the attempt, particularly by France and Germany and the bigger countries and how they seem to come together, to do deals on the future of Europe and then dictate to other countries what will happen. I would like the MEPs' views on this aspect.

Senator Neale Richmond: I welcome the MEPs. It is rare for some of them to get back to Dublin or Ireland on a Wednesday, but green weeks are made for things such as this and it is great to have everyone here.

On the level of engagement between the Oireachtas and the European Parliament, this is the second time we have met this year following our trip to Brussels. There have been various other opportunities either within our own political families or otherwise, but we do not meet enough. We need a lot more engagement not only with this committee, but all the sectoral committees shadowing the work the MEPs are doing in their committees. Do the MEPs have any thoughts or solutions as to how we might better achieve that? Previously, this committee would have met on a Thursday to try to facilitate those returning, but that is not feasible either. We also tried the dial-in mechanism once or twice. Could we see how we might work more closely, as Deputy Martin Kenny said, on directives or legislation not on a party basis, but on a committee or representational basis? Similarly, this would apply if they are working on reports or opinions which are coming into the European Parliament and which we will then have to scrutinise. How can we work together and occasionally put on the green jersey, to use that horrible phrase?

It will become really apparent with the ECJ ruling, issued two weeks ago, regarding upcoming trade deals. We have had fairly feisty exchanges in this committee over CETA and TTIP. We have disagreed and that is fine, but we all agreed that there was not the necessary level of scrutiny of those trade deals. From those of us of my political background, as a keen supporter, we are constantly fighting a battle but those who oppose those deals are saying that we do not discuss them enough. How can we ensure that those deals are discussed in order to identify potential problems or issues or to sell them? This is a responsibility that national parliaments will have to adopt and it sums up the crossroads that the EU is at now. For so long, support was taken for granted, yet in this country we have seen in our referendums that we do not have a great history in that regard. We see in its ultimate conclusion, Brexit, that people have lost faith in the European institutions, although some of them never had faith in the first place, or it was taken for granted. Aside from the obvious core positives, when people think of Europe, they think only of endless directives or myths about straight bananas and ridiculous things like that. The level of disengagement is extremely worrying.

I spoke about the Oireachtas, the European Parliament and hopefully the Assembly working more closely together, where possible, in the future, but also within national parliaments. The Council of Europe, on which Senator Leyden still sits, has delegates from national parliaments and in the history of the European Parliament, there were delegates from the Oireachtas until the dual mandate was abolished in 2007. We very rarely get to meet our counterparts in other EU parliaments. We have had a lot of engagement with people from the House of Commons and the House of Lords in recent months for obvious reasons but, bar the occasional visit from the big countries, by which I mean Germany and France, which are sending delegations here - they are very welcome and it is perhaps eye-opening - how can the European Parliament fill that gap through national parliamentarians from the soon-to-be 27 member states engaging either

within their political families or none, depending on where they belong? We need to know what EU affairs committees are doing in Spain, Estonia or Croatia to see how we can act. There is co-ordination at European Parliament level and a history there, but we will have to have greater engagement. National parliamentarians are required to engage under the Lisbon treaty and the recent CETA dealings, but how do we facilitate that? Do the MEPs have any suggestions on how we might bring about that greater co-operation?

Senator Niall Ó Donnghaile: It is great to see the MEPs here today. Normally when I am at committees such as this or discussing these matters in the Seanad, I am one of the few who voted to remain but it is good to see a fellow-remainer here in Martina Anderson, MEP, today. I recently travelled to Brussels with a delegation from Border Communities Against Brexit and we met most of the MEPs. Unfortunately Luke “Ming” Flanagan, MEP, was tied up on that day so it is good that we can engage with him this afternoon. I was in the Seanad for a debate earlier so I am slightly late and I apologise.

In the course of all our engagements on the issue of Brexit, the Good Friday Agreement must have primacy. I have serious concerns on the nature of what the European Union’s constitutional affairs committee referred to as an alteration of the Good Friday Agreement as a result of Brexit. I have raised this in the Seanad and at the Seanad’s Brexit committee with a range of people who have come in to present to us. I have deep reservations about such a unilateral move, and the legality and political intent of that undermining and alteration of the Good Friday Agreement, which is the result of a vote taken by people of this State to endorse its structures and its all-Ireland and east-west strands. Do the witnesses have a view on that statement by the committee? What is the outworking of that and what can MEPs continue to do to ensure that unilateral and unwanted alteration of the Agreement’s structures does not take place?

What is becoming increasingly apparent regardless of the nuanced views on Brexit and its complexities is the growing consensus that there are two ways to mitigate against a hard Brexit. A blind man on a galloping horse could see that we are in for a hard Brexit. That is the political and ideological trajectory of the Tory party in England. As mandated by the Dáil, one of the ways to mitigate against it is a special designated status. What engagements have the MEPs had on that proposal? How has it been received? What would it look, taste and smell like for people living across the island?

The second way to mitigate against a hard and unwanted Brexit is the natural outworking of the Good Friday Agreement, that is, a poll on Irish reunification. In some of my dialogue and engagement in Brussels recently, that featured in discussions with colleagues from across the EU and the political spectrum. It is a perfectly legitimate democratic aspiration and we should not be sitting back waiting for it to happen. Rather, we should modestly or, indeed, proactively work to try to bring it about.

What struck me about the North’s 56% vote to remain was that it came from all shades of political, traditional and cultural backgrounds. The recent attainment of a guarantee that Ireland in its entirety will be returned to the EU if and when we reunify the country will add considerable food for thought for people. If the witnesses could refer to these matters, it would be useful for us.

Ms Martina Anderson: Táim iontach sásta bheith os comhair an choiste inniu. I am delighted to be present. This is the first time that I have had an opportunity to present to the committee. As members know, Brexit negotiations formally commence on 19 June, 11 days after the election. It is important that we get a clear and, where possible, united view among

everyone here not just among MEPs or committee members, but across all political parties in Leinster House.

Brexit is incompatible with the Good Friday Agreement. Of that there is no doubt, and we must all be clear on that point. Consider the strands of the Agreement. For instance, the Assembly does not have the power to establish its own laws. That is incompatible with EU law. Of the six North-South implementation bodies over areas of co-operation, take the Food Safety Promotion Board as an example. How do we deal with the prospect of having two different regulatory standards on this island? That is where the damage will begin.

The British Government is driving towards a hard Brexit, which means a hard border and hardship for the people of this island, particularly in the North. We have had benign soundbites about there being no hard border, but we must ensure that, as the European Parliament's resolution stated, there is no hardening of the Border.

Senator Leyden mentioned our relatively small number of MEPs, yet we were able to secure 516 MEPs' support for the preservation of the Good Friday Agreement in all of its parts. That means something - that there would be no hardening of the Border and the unique and special circumstances. We have been on a diplomatic offensive since before the vote.

I will give the committee an insight into the negotiations. I am working closely with the steering committee in the European Parliament and other MEPs have relationships with some of its members. We have been able to insert into the negotiations the issues of transparency, strengthening the reference in the Council guidelines to rights and standards and the requirement that nothing undermine the objective and commitment of the Good Friday Agreement. Regarding a point that Senator Ó Donnghaile raised, this competes and conflicts with a report from the European Parliament's Committee on Constitutional Affairs, AFCO, which asserted that Brexit required an alteration to the Good Friday Agreement. That is a no-go area.

Senator Niall Ó Donnghaile: Hear, hear.

Ms Martina Anderson: Those of us who went through what happened will not allow the Agreement to be re-opened, renegotiated, reworked or rewritten in any way. We know the damage and danger of doing that and where it would take us.

The committee members are probably aware of the key priorities, given that they have been outlined: citizenship and people; finance; and Ireland. Much focus and attention are being given to the situation in Ireland. Europe is very aware of the peace process, including the political process and the Good Friday Agreement. It has contributed to peace funding via PEACE I, II, III and IV. We all have particular views on Europe and the need for Europe and we critics engage with the EU. It needs reform and there are differences in opinion as to how that reform should proceed. Today, however, I will focus primarily on the implications of Brexit.

The negotiations will follow a four-week cycle or rhythm. The first week will be the preparation stage, which will involve the European Parliament. The second week will be an exchange of documents between the EU and the British Government. The third week will entail four or five days of intensive negotiation and the fourth week will see a debriefing, which will involve the European Parliament again. The European Parliament will bookend every four-week period.

There is a clustering of committees. The first round of negotiations, which will deal primarily with citizens' rights, will involve the employment committee, the Committee on Civil Lib-

erties, Justice and Home Affairs, LIBE, of which I am a member, and the Committee on Legal Affairs, JURI. Like Senator Ó Donnghaile, I have an Irish passport. I do not have a British passport. In fact, I have two Irish passports because I have been afforded the opportunity to have a diplomatic passport by the Irish Government. I speak on behalf of more than 500,000 in the North who have Irish passports. Therefore, we are EU citizens and the issue of reciprocal rights must be addressed in the context of preserving and protecting the rights of those in the North.

There must be public debate. We got the issue of transparency included in the negotiations, so we must advance the public debate when the negotiations formally commence until 19 June. If there are to be four strands of focus in the negotiations and one of those is the Good Friday Agreement in all of its parts, we call on the Irish Government to ensure that there is no hardening of the Border. We hear nonsense about a “frictionless” border, whatever that means, and other terminology. We cannot have a hardening of the Border.

The EU refers to the need to protect the integrity of the Single Market. Obviously, it does not want cheap and unregulated produce coming from Britain. Britain is not self-sufficient in terms of food, so the concern is that Britain will engage in trade deals to import cheap food that will not meet the same regulatory standards. Therefore, the whole island of Ireland will need to be protected.

We must consider where the Border can and should be located. The South will need mitigation measures, including financial support. If a border is erected, it should be in the Irish Sea, not on the island of Ireland. As Senator Ó Donnghaile and others have touched on, if the Good Friday Agreement is to count for anything, the principle of consent needs to be considered. We were guaranteed in the Agreement that the constitutional position of the island and of the North would not change unless we gave our consent. That was a big pill for republicans - who believe that the country and the people are sovereign - to swallow but we swallowed it in the context of the support for the Agreement. We did not consent to Brexit. This will be the biggest constitutional change to happen in Ireland since partition. We need to engage and talk about how to take forward the choice that has been given to us and outlined in the Agreement through a unity poll because it is clear with each passing day that an increasing number of people are talking about what form and shape the new Ireland would take. We need to engage those who have concerns about that. We would like the Government to adopt the position of the Dáil to seek special designated status for the North within the EU. The majority voted for that and the majority of political parties in the Assembly are anti-Brexit. We need to ensure that becomes the Government's position. I could talk for Ireland on this issue and I appreciate the opportunity to engage with the committee.

Chairman: I call Mr. Luke “Ming” Flanagan, MEP, and we will try to move the agenda on to the White Paper on the Future of Europe and the withdrawal of the United Kingdom from the European Union.

Mr. Luke ‘Ming’ Flanagan: I thank the committee for inviting us. The pleasure is all mine. The more often we do this, the better. Senator Richmond asked a good question about what we can do to improve this co-ordination, and he answered it by saying green week is the perfect week to do it. We need to find the time and we should meet between four and eight times a year. Currently, I am covering files on land use, land-use change and forestry, which will impact on the number of forests grown in Leitrim in order that people can intensify in Tipperary. We need to have a debate. I am shadowing a file on fertilisers that could lead to a change to the nitrates directive, which could solve our problems with spreading slurry based on the calendar rather

than when it is or is not raining. All that is going on. I am also drafting a document on whistle-blowing in the environmental sector for the environment committee. That needs to be brought to this committee in order that we can have an exchange of views and in order that MEPs can show what they are doing. It would ensure MEPs are trying hard and are doing what the people of Ireland want us to do, rather than simply taking decisions in the dark. There is a danger of that unless we engage more with the committee. We have the time to do it because of these green weeks and we have to find the time to do it.

As many speakers have said, we have engaged more with the EU and spoken more about it since the Brexit referendum. Connected to the relationship with the European Parliament and national parliaments is the fact that our national broadcaster, to which we are forced to pay a licence fee, which would be fine if it carried out its mandate, does not show what happens in the European Parliament except for a time at which people arrive home from the pub when they are drunk or just before they go to bed. The European Union and what happens in its institutions is vitally important to us. It is a sick joke that RTE will not broadcast coverage of them at a time everyone can watch it. If 12 midnight is prime time for current affairs, why are “Prime Time” and other current affairs programmes not on then? They are not because nobody would watch them. If a politician’s goal is to make people fond of the European Union and its institutions, hiding what we do has proven to be a major success. There was 88% support for the EU in the most recent poll. Why would RTE want to show what MEPs are doing and talk about the EU? If we talked about the EU, people might be a little more sceptical and questioning of it. I suggest that in the immediate aftermath of the Famine, people in Ireland knew more about what was happening in the House of Commons than they do about what is happening in the European Parliament now. I have visited schools over the past number of years where I have spoken to educated people. They do not have a clue about what we do or what the Parliament is about. They do a brilliant job teaching children but very few of them know anything about this topic. Two years ago, I was asked by a businessman whether I was still the Mayor of Roscommon. Perhaps that is my fault. However, we need to get people to engage. We need to stop hiding the EU and the European Parliament and put them on national television. We also need to come in and out of this committee room. I need to hear the opinions of members on proposals such as LULUCF. Most people do not know what that is.

Last year, we celebrated 100 years since the seed was planted that grew into this State and what that meant. The European Parliament is currently planting a seed. We are deciding what seed we will plant and what fertiliser to put on it as we discuss the White Paper on the Future of Europe. Have members heard about it? If not, they should google it and there will be a few hits from around the world. The *Longford Leader* and the *Roscommon People* are in the top ten. This is about our future and where Europe will be in 2025. No one is talking about that and it is as though that does not matter but the committee needs to discuss its consequences. We are not going to carry on as we are because that is not working. The second outcome is nothing but the Single Market. Many countries might like that but others will not. The third is those who want to do more should do more, the fourth is do less more efficiently and the fifth is to do much more together. This debate has been going on since 1 March. There is meant to be a series of debates on the future of Europe. Where is it? Nobody is able to tell me. It is important that we talk about this because doing much more together, according to the document, means full engagement with NATO. I would prefer to go with the third option. We need a debate in the Oireachtas and on our airwaves about what the other political parties’ preferred options are because we do not know. I have done a tour of all the local radio stations - there is no chance the national stations would want to talk about it - and each of them said they would ask their local politicians their opinion on the White Paper. I have heard nothing since. I would love to

know those opinions and that is why it is important to engage. It was important to engage last year to celebrate the centenary but it is even more important to engage now to make sure we do not sleepwalk into a united states of Europe if that is not something we wish to do. Some people were called conspiracy theorists when they came out with this in the past but it is down in black and white in the White Paper and we need to talk about it.

From the point of view of our budgets, it will mean we will be in the same position I was in as a member of Roscommon County Council. Ireland will get a block grant, centrally decided and we will have to take it or leave it. Perhaps the majority of people will think that is a wonderful idea but we do not know because we have not consulted them. I have asked a series of people where this dialogue will take place. I asked Commissioner Hogan at the launch of the White Paper and he suggested that the MEPs, including me, do it. I asked the Minister of State with responsibility for European affairs and he reckoned that it would be a divisive process. That was not really very hopeful. Last week I asked Jean-Claude Juncker where the process was but he could not tell me. Two days later, in the plenary in the European Parliament, I asked Donald Tusk. We are a country with 88% support for the EU and one would imagine we would be only delighted to do this. What did Donald Tusk say? He did not answer the question. All of this is going on now and we definitely need to know about it. The best way to know about it is for us to come in here more often and engage with the committee.

Maybe someone can tell me where this process will take place because it will go back to the European Parliament by September. It will have discussed it with us at that stage. In its own words, it will have “harvested” our opinions, which sounds like something from that sci-fi, “V”, but, by September, it will not be doing that anymore. Tick, tock, we have three months left. It is time we engaged.

I am a sceptic, I ask questions and I am proud to say that. I want to work with our European neighbours but I would like people to engage in what that means. What does it mean when 88% say they are in favour of the EU? Does it mean they want their children to end up in a European army? Does it mean they do not want budgets? What does it mean? We need to know that because it is kind of important.

Chairman: I now call the MEP, Mr. Matt Carthy.

Mr. Matt Carthy: Gabhaim buíochas leis an Cheann Comhairle agus an choiste as ucht an deis a thabhairt dom labhairt anseo inniú. I thank the committee for the invitation. I agree, without repeating what has been said, that this is an important engagement that should be repeated as often as possible.

We are in a big, arguably defining moment in the European Union. At some point in the not-too-distant future, there will be treaty change and that treaty will, more than likely, have to be put to the Irish people. I hope when it comes to that point, we will have a national conversation that deals with the content and direction of that treaty and that we can make an informed decision, but we need to start that conversation before the referendum is called and the treaty is effectively locked down because we know what will happen on that occasion. We will be told we need to vote “Yes” for jobs and either we support this treaty or we leave the EU, and we will have conversations around that.

There has been a difficulty and we need to acknowledge that the EU is in a challenging period. The most welcome political development of the past year or so was the fact that only 35% of the French people voted for a fascist. However, the citizens of Europe are ringing alarm bells

and we need to listen to and engage with them.

If one looks at where the problems in which the EU finds itself arise, I would go back to the European Union constitution agreed by European leaders and put to electorates. The electorates in France and The Netherlands rejected it. That was the moment the EU could have woken up and realised it needed to change direction. Instead, it came up with a formula by which it could effectively agree the same constitution but rework it in such a way that it would not have to be put to electorates. The formula it found was the Lisbon treaty, which was a convoluted series of amendments to existing treaties. It achieved its goal and managed to avoid having to go to electorates, except, as the committee will be aware, in our case. The Irish people voted, not once but twice, and people had their own positions in relation to it. Sinn Féin is the only party in this country that can say hand on heart that it accepted the democratic decision in every referendum that has been put because we accepted the democratic decision of the Nice treaty on the first occasion and even though we lost on the second occasion, we accepted that, and likewise, with the Lisbon treaty.

There was a promise given by David Cameron, when he first became leader of the Tory Party, that he would put the Lisbon treaty to a referendum in Britain but because of pressure from the European institutions, he back-tracked on that. We would be in a much better situation today had he upheld that promise and the people of Britain had that referendum because we would not have the Lisbon treaty, but more than likely, we would not have Brexit either.

Something the committee needs to be aware of when we talk about this important engagement is the fact we are a really small delegation in the European Parliament. There are 14 MEPs from the island of Ireland. There are, to put it in context, 24 UKIP MEPs. It is incredibly difficult for us to remain on top, in so far as we would like, of every development coming through the European Parliament and we need to recognise that. There are 14 Irish MEPs out of 751. When one puts it in context, the Germans have 97. Almost one in seven MEPs is German. Arguably, because of its population, it could be entitled to even more but one can see the difficulty of smaller countries asserting themselves in the European Parliament.

Luke 'Ming' Flanagan is correct on this point. Not a single Irish journalist concentrates on European Parliament activities. I am sure there are times when Members of the Oireachtas, as elected representatives, become frustrated that the good work they are doing on committees, in the Seanad and in the Dáil is not getting picked up. Imagine a scenario where there was not a single journalist based here and where the only time one showed up was when a foreign speaker visited or something along those lines. The media in Ireland have a role to play to ensure we engage with people. The Government, and I accept MEPs as well, have a responsibility.

I visit schools, and during Green Week, we usually spend a lot of time visiting schools. When I ask students if there are aspects of the EU they do not like, they will always name four or five decisions the EU has made they do not like. In many cases, they are surprised when I tell them that, as much as they have every right not to like those decisions, it is not entirely Europe's fault because for every one of those decisions, an Irish Minister has sat at the Council table and signed off on it and usually his or her predecessor then points his or her finger at Europe. We need to ensure there is a connection between what is happening at European Parliament level and at Council level and how Irish representatives are responding.

I am pleased Senator Richmond mentioned the CETA trade deal. It is a big deal. I am very critical of the deal, what it entails and how it can be managed. Many Irish people will be surprised to hear that deal is currently being provisionally applied - in other words, it is be-

ing implemented prior to national parliaments having a vote on it, and our Minister accepted and signed up to that deal, despite the fact the only conversation or vote that was taken in the Oireachtas was a decision by the Seanad to call on her not to do that. There has not been a debate or a vote in the Dáil, despite the fact the Minister and the Taoiseach have been all over the world selling this deal that they have no democratic mandate from the Oireachtas to do. It is a problem on which we and the committee need to work together to resolve.

Brexit is the biggest challenge we face as a country. Notwithstanding all I have said in terms of a critical analysis of the EU and why it needs to change, the prospect of having one part of our country in the EU and another part outside it will be politically, economically and socially destabilising and could have serious consequences. The Irish Government is not doing enough to address it. Going back to the issue of media engagement with European institutions, there was a torrent of positive media on the Irish Government's position with regard to the Council position on Brexit. It is not strong enough. It is not as strong as the European Parliament's position which, in itself, we would like to be stronger. Many will say the Irish Government had a diplomatic coup because it got what it asked for in the negotiations. It did not ask for enough. It has not been putting forward a strong enough position that will defend the rights of the people in the North who voted to remain and defend the rights of the entire island, whether it be our economy or our political institutions that are under threat as a result of Brexit.

We need to up our game. That means we need the MEPs from across this island as well as committees, such as this one, engaging with each other and engaging with the Government, and putting pressure on the Government to ensure it accepts the majority decision of the Dáil by demanding special designated status, and to go forward at a European level and demand above and beyond what is currently on offer. The latter is not going to address the needs and wants of people not only in the Border region but also across the island.

Senator Paul Coughlan: The witnesses are very welcome. Naturally, Brexit is dominating all our thinking and will continue to do so because it looks like we will continue to have this volatility and uncertainty. The UK will be a full member for the next three years and perhaps there will need to be a transition beyond that. This means that the UK will have its full complement of MEPs. Could the witnesses tell us what will happen after that date, be it 2019 or whenever else? When do the witnesses believe the negotiations about the so-called seamless border we want will get serious? Nobody wants a hard Border. Are we not being led to believe that until the UK decides how much it will contribute to the budget for the next number of years, no serious negotiations will start? Perhaps that will not start until some time later this year after the German elections. I would like to hear our guests' comments on that. There seems to be huge uncertainty beyond natural uncertainty and we are not even approaching the starting point. They are the serious matters for us.

Deputy Seán Haughey: I thank the MEPs for their presence and for their work in putting the Irish case to their colleagues in the European Parliament. They have done great work so far but, obviously, have a lot more work to do given the fact that the final deal or deals must be agreed by the European Parliament. Taking up the point made by Mr. Luke 'Ming' Flanagan, MEP, the Commission published the White Paper on 1 March. As Mr. Flanagan rightly said, five options are being considered. I understand that there are to be six reflection papers on all sorts of issues, including developing the social dimension of Europe, deepening the economic and monetary union on the basis of the five presidents' reflection paper on harnessing globalisation of June 2015, the future of Europe's defence and the future of EU finances. Is there any sign of those reflection papers being published given the timeline the witnesses outlined to us?

In respect of the option of a multi-speed Europe or those who want to do more - option 3 - it seems that Germany, France, Italy and Spain are pursuing that particular agenda, which must sound alarm bells for us. Such a multi-speed Europe could involve increased co-operation on defence matters, co-operation on security and justice matters and closer co-operation on taxation and social matters. We need to have a debate in this country about the future of Europe. Obviously, this has come to a head with the Brexit vote and the widespread realisation that many people are alienated from the EU. As a result, this debate is very timely. It seems that it might be in Ireland's interests to have a multi-speed Europe because there would be some things we would not like relating to the other member states pressing ahead but perhaps this will lead to us being left behind. The Union started off as a partnership of equal member states. Will we move away from that? There is also the option of further integration of the EU. I do not think there would be much support among the Irish public for further integration of the EU. I think Mr. Carthy said there would be treaty change. I would not like to sell a referendum to the Irish people on further integration.

I agree that this is a debate in which we need to engage. This committee needs to discuss that in the coming weeks. It is on our agenda. Can the witnesses give us a flavour of the views in the European Parliament across the political groupings - not necessarily their personal views? What is the general trend with regard to where we are heading?

Deputy Bernard J. Durkan: I welcome our visitors and thank them for their contributions. We value the opportunity to have a one-to-one discussion with our European colleagues. I do not accept the negativity associated with the Brexit negotiations. The Government has long since established the priority relating to the Good Friday Agreement and all that goes with it, such as the necessity of ensuring that no border will arise during the course of these discussions that was not there before and the need to ensure the continuation of the Single Market and the customs union on the island of Ireland. I do not accept that we have a weakened position or that any stone has been left unturned. I believe the opposite is the case. Independent commentators have repeatedly stated that the Irish MEPs and the Government, Ministers, ambassadors and the diplomatic corps have been exceptional in the way they have driven Ireland's case in the context of Brexit. That is the first thing we need to establish. People can have their own independent opinions but that is a fact.

I have been a supporter of the European concept since 1973. I have campaigned in favour of every referendum held on Europe and have spoken on public platforms during each campaign so I am committed to the concept of Europe for a reason that is quite simple to everybody. This country has developed beyond belief within the EU. Ireland has become a major player. We have shown what we can do. We can achieve heights we never thought possible. Ireland can now be regarded as a major player on the European scene to such an extent that in the aftermath of the economic crisis we experienced, we have led the field in the context of recovery. Of course, there were huge sacrifices by the Irish people but we proved what we were capable of doing when given the chance.

That is the point relating to the future of Europe as well. Of course, there are changes but we need to be careful not to go down the road of ensuring that every country in the EU will impose its own will on the Union because the bigger the country, the more its will is imposed. We need to bring what we have committed and what is advantageous and complementary to the concept of Europe to the table of discussions in Europe as it is now emerging and will emerge in the future. We have the opportunity to discuss all directives in committees and they have all been discussed in committees from time to time. Each lead Department has a sub-committee

that discusses all directives coming from Europe. Sometimes we are successful and sometimes we are not but the point to remember is that it is all very fine for people to blame Europe when it suits them and that is what happens. This is why there is an antipathy towards Europe. It suits some people at national level in all member states to blame the Europeans and say they are the cause of problems. We should remember that it was not the EU that put up the barriers and barbed wire to greet the refugees a year and a half ago. It was a well-known fact that it was individual member states that put the barriers and the razor wire to greet the refugees coming across the borders. We should separate the blanket blame of Europe for an identification of where difficulties arise, what caused them and how we can resolve them.

Ireland is not leaving the EU. It is a fully paid-up and committed member of the Union and that is what we must establish. It is within the capacity of the British Government to negotiate a situation that allows us to do the things the Taoiseach, various Ministers and Opposition Members have already set out, that is, retain what we have had relating to the all-island trading situation, including the customs union. It is possible for the British Government to agree to that. That is a matter for it. They are the people who are leaving the Union. It is also possible and a natural progression within the European Union that we will be in a position to trade with the UK afterwards, along with all the other member states. We are part of that group no matter which way we turn. It is quite a strong position to be in. Far from being negative and pessimistic about the future, we have a great deal to play for. It is all to play for. In fact, we can come very well out of the debate which is now taking place and which will ultimately take place with our European colleagues. I have no doubt that we will be successful.

Chairman: To provide members with a time check, we have 25 minutes left.

Ms Marian Harkin: I want to respond to some of the issues raised. I go back to the very first thing that Ms Mairead McGuinness asked today, namely “How?”. We can talk all day, but at the end of the day how do we sit down and have an interaction that is meaningful and which will have an impact on my role or that of any of the other MEPs on legislation? I think Ms McGuinness was also there when we had a dial-up one day from the Parliament. I am not talking about the opinion stuff, but when someone is in charge of or shadowing a legislative dossier that impacts here, there should be a connection set up with a sectoral committee. It might be the person who initiates that or someone else. I might want to initiate it for example. I am shadowing the accessibility Act, which is legislative, and 883, which is a hugely important document. Who do I contact? I am a bit like Henry Kissinger who asked “Who do I call if I want to call Europe?”. Who do I contact to get feedback from a relevant committee on that issue? That is the first question.

I will not talk about Brexit because a great deal has been said. I agree with everything that has been said. I do not want to be party political, but if one were to rely on the newspapers, one would think the only people who worked on this were from the Government. I accept that they did a great deal of good work. Equally, however, a lot of people in the Parliament put huge effort into this to ensure that Parliament’s resolution was as positive as it is. That is never recognised. People think we are a talking shop in the Parliament and that we do not do a great deal more. I will not get into that debate. We have heard enough about it.

I agree with Ming that we need to discuss the White Paper because it is out there. Deputy Haughey asked about some of the reflection papers. The one on globalisation was discussed the week before last in the Parliament and I spoke on it. Indeed, I raised the issue of the trade deals and the recent judgment from the ECJ which did not make a judgment on the rights and wrongs in relation to these investment courts. That has yet to come. Thankfully, the Belgian

Parliament sent that to the ECJ. The court said that all member states had to agree individually to the inclusion of the investor court in any trade deal. That is an issue the committee will be discussing here.

To finish with the White Paper, it requires discussion. It must be a reasonable discussion in which we look at all of the options. People will have various options but within the next year or two we could be on that road. We may not be, but we could be. The Oireachtas needs to discuss it as well. They have also come forward with a lot of policies under the social pillar. To mention one or two, they came forward with a work-life balance directive which, for the first time ever, proposed a carer's leave directive and paternity leave. That is the package under the social pillar, of which there are five different aspects. That is ongoing and being debated at length in the Parliament. I am not sure, however, whether people are aware of it.

Deputy Martin Kenny referred to the EU as an elite club. I have been an MEP for 13 years and as I sit here I wonder if this is my fault. Am I not doing enough to tell people what happens at European level? Am I not meeting enough people and going to enough schools? Am I failing to engage? Without blowing my own trumpet, and I presume it is the same for everyone here, I could not do more than I do. Is there a democratic deficit and do people see it as an elite club or is it just a phrase people use? All MEPs engage extensively nationally and throughout their constituencies. There are only 11 of us, however. If we are going to say that, we have to be able to say what more needs to be done to bridge the gap.

Ms Mairead McGuinness: I will be general rather than answer in detail as too many questions have been raised. I am with Ms Harkin about the use of terms like "elite club". None of us regards ourselves as part of an elite. We are elected by people on the ground. We fight to get elected. It is important to say that we represent part of the institutions so there is sometimes that view.

People are talking about the future of Europe in Ireland. One of the scenarios that is not in the paper is disintegration. People should not underestimate disintegration which can happen by accident or design. Brexit has been a wake-up call and it is making people understand where Europe works as well as charging us with the responsibility to fix those things which are not working. It is an opportunity. People I meet are talking about Europe. My colleagues mentioned visits to schools. I was at a school in Kiltimagh yesterday which had references on the walls to the First and Second World Wars. We are forgetting the history of Europe. Sometimes people say it is boring and that we should forget the past. The day we forget the past is the day we will rue. If we do not remember our roots, which are in peace, we will not have a future. Indeed, the peace process in Northern Ireland was assisted greatly by the European Union. I am always happy to go to a school. The children talk about conflict and war and then we talk about what Europe has done to build peace.

The White Paper is not about picking an option and running with it, it is about opening a debate. That debate happens everywhere. I do not know if it should be structured. Certainly, I am having meetings about it all the time. Others are doing that also. It will not be a case of picking three or four. It will be pieces of each. The first question we have to answer is whether we believe the concept of Europe is worth defending, protecting and fixing. If we do that, we can work towards solutions, taking into account that other countries might have different views. We can work together to find a solution that moves us, hopefully, in a more positive direction.

I was in Letterkenny and Martina Anderson was also there. We had a very important meeting on Monday where we spoke to stakeholders about Brexit. The fishing sector is one about

which I am very concerned because there could be war at sea, apart from the trouble we will have on land. The real tragedy and sadness I have around Brexit is that the people of Northern Ireland do not have an assembly. An assembly would be a good way for the political voices to be heard. We face a UK election in which the issue of Brexit and its impact on the island of Ireland is not sufficiently or at all being addressed. I am happy that I can articulate the concerns of stakeholders from Northern Ireland and not just listen to them on a Monday but reflect them with Michel Barnier and my colleagues in the EPP. Elmar Brok sits on the Sherpa committee of the Brexit negotiators. He came to the Border region and he really saw. Seeing is believing. He also travelled into Northern Ireland and met community groups. He reflected very strongly his concern about the great fears in Northern Ireland of Brexit.

While we are here today to worry about the difficulties, people should not underestimate the progress we have made and our capacity and responsibility as politicians to find solutions. Regarding Brexit, we have to put our fingers in our ears until after the UK has its election in the hope that some of what I hear or read on Twitter will be tempered when the negotiations begin. It will require both sides to go into the room with less emotion than perhaps currently exists.

I suggest that I can address some of the individual concerns separately through email or through another conversation.

Chairman: Yes, thank you. Deputy Frank O'Rourke is next.

Deputy Frank O'Rourke: I thank the MEPs for coming before the committee today. I will touch on some points briefly because I realise we are conscious of time. There is a major discussion around engagement and meeting. Surely it is not beyond possibility to get a timetable to match Oireachtas Members, including Senators and Deputies, with MEPs to enable them to meet up on a more frequent basis. I was elected in 2016. I am not aware of any regular or frequent meetings to exchange views.

Perhaps the reason Brexit has happened is because many people have felt in general terms a disconnect between national and European politicians. Many may take the view that much of the policy and legislation is being given to them in a dictatorial way rather than their having an input into how it affects them. That is important because when we meet people on the street on a weekly or daily basis, they say their issue is that they are not being listened to and that some of the policies and legislation that come through are not reflective of their views or of how they affect people. There is an understanding that there is a major disconnect between Europe in different countries, including Ireland, as well as between the various stakeholders, including businesses and private individuals. We need to consider how that can be resolved and dealt with before it becomes a greater issue than it is at the moment.

One outcome from Brexit is that it has brought this problem into focus. I have a suggestion for when the various policies that MEPs are involved in or shadowing are being drawn up and which affect Ireland. I suggest that process could be linked into the appropriate Department at national level. From there it could be sent to the various committees to get feedback.

There is no doubt that legislation is coming from Europe as it has done before. It has affected people across all sectors of the community in many ways. Europe has been positive, but negatives have been attached to it as well. Some of that has happened and people feel it at different levels. Politicians have had no input in that regard. That is an issue and it cannot be beyond the bounds of possibility. We should not be scratching our heads too much or wondering how we can communicate and engage better. That is something that we should consider and

it should be possible to fix it easily enough.

I am keen to hear the views of the MEPs present and the views of their fellow MEPs. What is their view on the Irish position and special circumstances or status applying to us, given all the issues we know about? There is no point in me outlining them again. What is the view on protecting our interests as a small isolated island with a small population that depends heavily on exports? With that in mind, what discussions are happening regarding exports to the UK? It is a market on which we are heavily dependent. The same applies to exports via the UK. I know from being involved in the small and medium-sized business sector that this is a major problem. What discussions or supports are engaged, when this is happening at European level, to consolidate the Irish position and to ensure that it does not negatively impact on us, if at all? That is important especially in the food and agriculture sectors and everything that goes with them.

We are talking about Europe and the future of Europe. Many countries might start to think that it is trendy to leave Europe based on what happened in the United Kingdom. There is anecdotal evidence suggesting that if a referendum was put to people in other EU countries, they would consider leaving the EU. Bearing that in mind, what is being done at European level to ensure that Europe is seen as a positive thing and seen as coming back to engage with national governments and the people they are representing to ensure that it is all-inclusive and reflective? That piece of the jigsaw has been disconnected in recent years.

Senator Niall Ó Donnghaile: I want to refer back quickly to some of the comments made by Deputy Durkan. If we are committed to an engagement here, we should not be putting the word of so-called independent experts in front of what he brandishes as individual opinions of MEPs here. As Ms McGuinness has said, rightly, all MEPs come with a vast mandate in their own right. When MEPs are raising legitimate concerns we should not simply dismiss them and put independent experts, nameless as they are, ahead of them. In that spirit, I wish to reference the comments of my colleague, Deputy Martin Kenny. I do not share the view that when he was referring to an elite club he had MEPs in mind. I believe it was those elements of the structures that do not necessarily have the mandate that Ms McGuinness and her colleagues have. That is the concern for us.

Reference was made to the absence of the Northern Ireland Assembly. I would love to see it. We could have the assembly up-and-running tomorrow if the political will existed to fulfil outstanding agreements. I do not believe it is too much to ask that those agreements are implemented. However, we are not going to get into a political discussion on that. The point I wanted to make was that when we had the Assembly, the British Government put little stake in the views of it. As the British Government has absolutely no support for the expressed democratic mandate of the people in the North, why would it listen to the Assembly? It certainly did not listen when the Assembly was up and functioning.

We have talked about the arrangements of the Good Friday Agreement and other issues of a cross-Border nature. The elephant in the room is any manifestation of a hard border. For me, the question is the exploitation of the re-emergence of a hard border by people who are opposed to the peace process. We know that the Irish Government is scoping out sites for customs checks. It has conceded as much on the floor of both Houses. This comes back to the point Ms Martina Anderson made earlier about the platitudes and plámás around no return to a hard border, borders of the past and frictionless borders. What engagement have MEPs had thus far to ensure that from a European perspective there is no return to a border? If there is a return to a border, then surely that is a definitive, clear and physical alteration and undermining of the

integrity and sanctity of the Good Friday Agreement.

Mr. Seán Kelly: I thank the committee members for all the contributions and thoughts. MEPs, the Irish Government and Irish civil society have done a great job thus far in ensuring that the concerns of Ireland are taken into account. This is reflected in the position of the European Parliament and the position of the Council. Michel Barnier is a member of the EPP. This process started when I, as leader of the Fine Gael delegation, wrote to Mr. Barnier and asked him to meet all Irish MEPs. He did so and we have been engaging as a group ever since. That is important.

The Irish position is now one of the three major points. The other two are easy enough and are controversial because they involve the rights of European Union citizens and United Kingdom citizens. Our concern relates to the Border. There is recognition of it. As Ms McGuinness has said, we have done a good deal of work and we brought them to the Border. Michel Barnier went to see the Border. This is where we need to keep up the flow of discussion.

Ms Anderson and others have mentioned transparency. As the negotiations go through, we have to see how things are progressing to ensure that the commitments in place now are honoured. That will be a task for us. That is where we need to relate to the committee and that aspect will be important.

Senator Coghlan referred to the big issue, which is the question of the exit bill for the British. That is going to produce a major dispute. There was a dispute on the question in the European Parliament last week. Essentially, the view of the European Union is that a commitment is in place and the programmes and projects and so on are under way. These have to be funded and they will certainly be funded until the end of the multi-annual financial framework. Last week, Michel Barnier put it to the British people that when a person goes to a restaurant, before he leaves, he settles the bill. That is where it is. There is going to be a lot of discussion on that. Unless the British change their attitude, it will be difficult. At the moment, they are playing to their electorate but if they change, it will be possible to do these things.

I am the only Irish member of the International Trade Committee of the Parliament, INTA. I am totally in favour of trade deals and we have benefited more than any other country from the Canadian deal on account of having a lot of interaction with Canada. The European Court of Justice made a decision last week on the Singapore agreement, which will apply to future agreements and to CETA. The ruling states that most of the deal comes under European competence but that the dispute resolution system, the ISDS, has to be negotiated and agreed by all Parliaments. This will help rather than hinder the situation.

Deputy Durkan spoke about blaming Europe. Unfortunately, one of the worst culprits is our EPP colleague, Mr. Orbán, the Prime Minister of Hungary, and I said as much at a meeting of the EPP group last week. I criticised his populist approach and his blaming of Brussels for this and that and I am hopeful that the message will get through. As the Deputy pointed out, such people are part of the decision-making process and in Mr. Orbán's case this is as a Prime Minister and in the European Parliament.

Marian Harkin asked who we could speak to about our files. I am involved in the climate file and am dealing with renewable energy, the energy performance of buildings and energy efficiency. I could talk to Deputy Eamon Ryan and his colleagues but I need to speak to more members. Engagement at national parliament level is important. All the lobbyists come to us. They have vested interests and that is okay but we need politicians in national parliaments, and

not just the Greens, to give us a broader view.

Ms Martina Anderson: Senators Leyden and Coghlan referred to representation. The negotiations are scheduled to end in March 2019. Under the current allocation, this will mean no more MEPs in the North. However, the first phase of the negotiations is about acquired rights as Irish citizens and, under Article 9 of the treaty, we should receive equal attention, while Article 10 states that we should be directly represented. We would argue that the Irish Government should get additional seats, and not just the one to which Senator Leyden referred, and that these should be on a range of bodies. As Deputy Durkan said, there is sometimes a blame game but all of us have heard horrendous news today, about something which is happening day by day at the moment. Some 30 people - men, women, little boys and girls - have drowned in the Mediterranean because member states want to keep them out rather than keep them safe. The support the Parliament has given to Frontex in this area and the role the latter has played are alarming and shocking. The Mediterranean has, to quote Pope Francis, turned into a “floating cemetery”. It is Europe’s sinking shame. Shame on all of us who witness it but do nothing about it.

Senator Coghlan spoke about the negotiations. The British Government wants the negotiations to take place in secret but transparency is important. Deputy Martin Kenny referred to elites and Deputy O’Rourke mentioned the disconnect between the EU and its people. The Commission has too much power. It has the power of initiative but it is not an elected body, it is not like the Council and it does not represent the people. There is a list of reforms that need to be made. The Europe citizens’ initiative was referenced by Matt Carthy and there was a finding last week of the European Court of Justice in this area. State-aid rules need also to be looked at.

Let there be no doubt about one thing: we want an assembly in the North. We need an assembly predicated on good governance based on respect, equality and integrity. The late Martin McGuinness confounded the naysayers ten years ago by establishing the Executive with the late Ian Paisley. It was Martin McGuinness who called time on the *status quo* and said that there would be no return to it. Deputies and Senators will agree that an assembly needs to be built on good governance based on respect, integrity and rights.

Deputy O’Rourke also asked about how a special status was being discussed and engaged on. A united Ireland would be a solution to Europe’s Brexit problem, as well as being a solution for this island. That is evident for many of those who have engaged with us. My colleagues, Lynn Boylan and Liadh Ní Riada, and I have engaged with hundreds of MEPs about the circumstances of the North, on ensuring that the Good Friday Agreement is protected and preserved in all of its parts and in the context of making sure that there will be no hardening of the Border. It is understood that mitigation is required for the island as regards trade with Britain and Irish unity seems to many people to be the obvious solution. It is a no-brainer. We all have to play a part in taking this forward. I call on the Irish Government to reach out to and engage with the Protestant and unionist-loyalist community who have concerns about their identity being protected in an all-island structure. We need a Green Paper on Irish unity, or something like that, from the Government to guarantee that their rights and entitlements would be respected and upheld and that what happened to the nationalist-republican community in the North will never be foisted on them.

Mr. Matt Carthy: Deputy Durkan proved my point on media engagement by referring to the analysis of the Taoiseach’s and the Government’s performance in the Council negotiations. This analysis was largely written by people who had not been in Brussels for the past 12 months, let alone engaged with the negotiations. The lead piece in *The Irish Times* was written

by its London correspondent. We need an engaged media and people who will hold us all to account as MEPs and Government representatives.

I agree with everything Deputy Martin Kenny said. Elites can be elected. An elite is a disengaged political class and comprises people who deliberately or negligently ignore what citizens are asking them to do. At European level, notwithstanding everything Seán Kelly and others have said, there is a big problem in this regard. The EU engagement with trade agendas in the recent past has been the best example of that, where it has gone out of its way to ignore, misinform and, in some cases, block any debate in regard to what trade deals will mean for vulnerable sectors such as the agricultural sector or domestic indigenous SMEs and what the real output will be. As we have from the start, we are asking for an open conversation on the net impacts of trade deals. For example, the EU-Canada Comprehensive Economic and Trade Agreement, CETA, has led to an additional 50,000 tonnes of Canadian beef entering the EU market. No one can tell what impact that will have on the Irish beef market because nobody has bothered to find out. Nobody has carried out an analysis of what it will mean, yet Ireland has signed up to it. Regardless of the Deputy's position on the matter, there should be a public debate about it. There is a very good chance that the provision of an EU investor court system for resolving disputes between investors and states will be put to a referendum. As I said earlier, I do not want such a referendum to take place in a vacuum where the only option is to accept it or Ireland will leave the EU. We need to have a conversation about whether Ireland wants to be part of this type of scenario.

Deputy O'Rourke asked two questions which are crucial in regard to how we move forward. The first addressed the position of MEPs and other European leaders regarding our concerns about Brexit. Although I am usually very critical, I admit that there is an openness at European level to addressing the issues that we have raised. The EU has more understanding than the British Government of the implications of Brexit for the island of Ireland and the Border, in particular. Our colleagues in the British Parliament do not comprehend our discussion in terms of the dangers of a hard Border. Perhaps the understanding of the EU on this issue is because it has more awareness of what land borders mean and the challenges and hindrances they can create. On the evidence of people to whom we have spoken, there is no resistance at European level to a formula that allows the North to remain part of the Single Market and the customs union, to draw down EU funding and continue to have rights in terms of European Parliament elections. The only places from which resistance to such solutions will come are this country or our neighbours across the water. We must ensure that, if there is resistance, it does not come from Irish political leaders. People need to work together.

Deputy O'Rourke also asked about the prospect of other countries leaving the EU. In the short term, there is no prospect of any other country leaving the European Union. That is probably primarily influenced by the apparent mess that the British Government is making of its exit. In the short term, no electorate would leave the EU, even if given an option to do so. That is mainly due to a threat and fear of what leaving the EU would entail as opposed to a sense of ownership and belonging to the EU. That is not a good foundation on which to move a political project forward. As I said earlier, unless the EU moves towards a situation where citizens across Europe want to belong to and feel they have ownership of the EU project, it is a foundation built on quicksand and does not have a future that we would like. All witnesses and members here today accept the EU is an important concept and has an important role to play in the future of this country and other EU member states. If we do not engage with European leaders to ensure they begin to engage with citizens and national parliaments in a way they should have been doing and should do, I fear what the future prospects may be.

Ms Mairead McGuinness: On the issue of the media, I refer colleagues to an excellent analysis of the Canadian beef agreement by a journalist at the *Irish Farmers' Journal*, Phelim O'Neill, whom I know only through his work. The article indicates that the price of beef is higher in Canada than in Ireland and there would currently be little interest in pursuing the agreement. Sometimes, details such as that make a difference.

Deputy Martin Kenny: I will be brief as I have already spoken. The issue of the Border has arisen in regard to Brexit. The Border is approximately 500 km long. The constituency I represent stretches along it for almost 100 km, from Belturbet to Pettigo. I am, therefore, acutely aware of the impact that closing roads, putting up checkpoints and so on would have. It is agreed that is not wanted. The British Prime Minister, Theresa May, has said that nobody wants to return to the Borders of the past. It is understood that the EU wants to protect the Single Market and the integrity of that market. All members of the committee want that also. However, there is a discrepancy because one can have one or the other but it is very difficult to have both. One cannot have a free and open border and at the same time protect the integrity of the market. That issue needs to be understood. Britain's position so far has been that it wants to leave the customs union and so on. If it does so, that will cause serious problems for people on the island of Ireland. There is recognition of that across Europe. That situation would be resolved by the island of Ireland having special status.

I was glad to hear Ms McGuinness mention the fishing issue. The issue of Irish territorial waters is important. Our fishing industry, which is one of the most vocal industries about getting a raw deal from Europe, is extremely concerned that if British territorial waters are taken out of the EU, where will the boats currently fishing there go if not into Irish waters? We need to negotiate what Ireland's position will be after Brexit.

No one at this meeting is opposed to trade deals. They are always good. However, for whom are they good? People are concerned by the secondary and tertiary effects which trade deals have on other industries and which may not be evident on the surface. We must be careful that vulnerable industries in peripheral countries such as Ireland will not be negatively affected by trade deals. No one is saying there should not be trade deals. There should be. However, we must ensure there is protection for industries in Ireland and other places on Europe's periphery where trade deals could have negative effects.

Deputy Colm Brophy: My apologies for not being able to attend part of today's meeting. It is fascinating when members of Sinn Féin speak in regard to trade deals because there is the obvious problem of being in favour of trade deals and simultaneously in favour of protectionism. I found Mr. Carthy's contribution very interesting. People who have a problem with trade deals only look at the inward, not the outward. The outward is the benefit. Ireland is a small island. Trade deals are of great benefit to it.

Mr. Matt Carthy: I merely asked for a debate on the issue.

Deputy Colm Brophy: If Mr. Carthy will allow me to respond, he can then reply with the permission of the Chairman. Trade deals and our involvement in the EU are the real opportunity for an island such as Ireland. Economic growth on this island in terms of jobs, people and small, vulnerable businesses could not be sustained without comprehensive trade deals which allow us to have a disproportionately large export sector compared to that we would have without trade deals and certainly compared to that we would have were we outside the EU. Facts are important. One can speak of how the EU is built and whether its citizens want to remain as citizens. The establishment of the European Union was probably the best peace

agreement ever signed. People should remember that before it is put at risk. Most EU citizens wish to remain in the EU. When they really think about it, the people of Europe, not just political elites, want to remain members of the EU. All polls conducted in Ireland on this issue indicate that the majority of people on the island of Ireland are very positive towards the EU. It is worth bearing in mind that while problems may exist, and I appreciate that certain political parties have historical problems with the EU and its institutions, the real threat which Ireland faces is that people discussing Brexit fail to recognise that Ireland is stronger with its European partners. It is not us setting up ideological divides. It is not us trying to have a go at Europe on the side while talking about endorsing it at the centre. We need to be integral, with our European partners, in negotiating a solution with the UK.

Unfortunately, the UK has chosen to leave. I think it is the worst decision that Britain has ever made, as a country. I would be much happier if it had chosen to remain, and I campaigned for Britain to remain. We have all lost by the UK leaving. We and our EU partners must negotiate a deal, which I believe is possible. After the UK general election is over I believe a mindset will develop, over the next two years, within British politics that will be better disposed to recognising the fact that even if Britain cannot remain within the EU it can do a deal with the EU that benefits both sides.

Senator Niall Ó Donnghaile: Deputy Brophy was not present for the earlier part of the meeting.

Deputy Colm Brophy: I acknowledged that at the start of the meeting. The Senator's snideness is unnecessary.

Senator Niall Ó Donnghaile: The Deputy has changed his mind. He asked us not to snipe and then he sniped the whole way through his contribution.

Deputy Bernard J. Durkan: I apologise for having to leave the room for a minute. I would like to address a couple of points that have arisen.

Members across the room have given the impression that somehow the Irish Government or Irish politicians are not committed to doing what is necessary in the present climate. Please be assured that they are. The Taoiseach has repeatedly laid the groundwork. The constant chipping away, criticism and undermining of the ability of Irish institutions to carry the day is not a good thing. All of the political parties in this House, as far as I am aware, sing off the same hymn sheet.

Let me explain trade deals. In 1989, the GDP *per capita* in this country was half that of the countries in the European Free Trade Association, EFTA, which was half that of the United States. The only country in the European Union that came close to our GDP was Luxembourg. Since then, Ireland has reached the position of being on par with all of the leaders in the European Union, which did not happen overnight or without the commitment of the European Union and the Irish people. It is a fact of life now and is a major achievement.

I have been amazed by some of the things alluded to by Sinn Féin's MEP, Mr. Matt Carthy. I heard a reference in the House, not so long ago, to the effect that the policy was akin to Tory policy. I heard that we would move away from the European Union concept altogether and return to free trade agreement. That is Tory policy and is what they want. That is why the Tories are leaving the European Union. The Tory party is committed to that policy. Who wins in that situation? The bigger country always wins. That is why we have trade deals. They

protect smaller countries. Trade deals also provide collegiality in terms of the need to address the issues that arise and they deal with them, accordingly. If one country falls out then all of the countries fall out, which makes a huge difference.

I want to mention the possibility of protectionism. As the Chairman and everyone else seated around this table knows as well as I do, protectionism is not the answer because of who wins. The bigger country wins. The bigger economic bloc always wins.

I compliment Ms Martina Anderson on one thing. There is an urgent need to have an Assembly in Northern Ireland. It would be hugely beneficial to what we in this part of the island are trying to do. It would be hugely beneficial to the outcome of the negotiations that are taking place.

I have one reservation. We tend to blame the European Commission for lots of things. We can sack the European Commission but we cannot sack the European Parliament if it does something wrong. I mean no disrespect to anybody seated around the table, but the European Parliament occasionally goes off on a tangent from time to time and produces reports that are not in our interest, although I shall not go into it in too much detail. I believe that we should work with what we have. We have an agenda to chart the agreement that this part of the island needs to ensure the future of the island of Ireland, as we have already repeatedly stated. We are not watering that down. We are not taking advice from anyone on how to do so because we know what to do.

Finally, I am always irked when people say “we will get the best deal that we can”. That is a sign of defeatism before one starts. Who enters negotiations with a mindset to get the best deal that one can? Immediately one’s opponent will say: “We will limit the best deal that you will get from here on in.” I firmly believe that the world is our oyster. I believe that we can get a better deal than we had before, without a shadow of a doubt. We hope that a reconstituted Assembly in Northern Ireland is established as quickly as possible with a view to ensuring that we have the assistance that we need in this part of the island to achieve our goals.

Chairman: I call Deputy Eamon Ryan to make a brief comment because we have run over time.

Deputy Eamon Ryan: I watched proceedings on a screen upstairs. I wish to mention one concern, on behalf of the Green Party. I disagree with Deputy Durkan’s belief because there are differing views. Ireland is really concerned about Brexit. The visit by Michel Barnier here two weeks ago deepened my concern. I firmly believe a clear message has been given that the free movement of people on our island would be accommodated but there will be no flexibility on the European side in the trade of goods and services. That leaves us all in an incredibly difficult situation.

I do not agree with the Tories on anything. David Davis, the Tory Brexit negotiator, has said that the European Union is assisting us with the sequence. I do not believe that is right for us as a country. We have been told that the Irish Border issues will be examined first. One cannot resolve that unless one knows the wider trade issue in terms of goods and services. Perhaps the people issues will be dealt with first but the key critical issues, such as Irish agriculture, will not be dealt with.

I urge our European parliamentarians, on our behalf, to tell their European colleagues that Ireland does not have to insist on a two-tier process. Why should we not start negotiations on

some areas where we can get agreement, such as energy policy, climate and environmental standards, that are not part of the complex trade arrangements? We should start with some points of agreement. I believe that we are increasingly heading towards a crash-out Brexit process where we get no transitional deal. Ireland will be the worst affected in that regard. The Irish Government must go the European Council meeting on 22 June, presumably we will have a new Taoiseach by then, and start saying to our European colleagues that they must break away from this and that we will only negotiate on two strands. First, we have a very short timeline. Second, it risks a crash-out process. Third, it does not address the fundamental Irish issues on how we deal in trades and services. From what I heard Michel Barnier say, he will not allow any movement on this matter. The customs border will be the customs boarder if the UK is not in the customs union. That is a real concern of mine. We need to change strategy and policy in the sequencing of the talks. The UK will have to give up on everything because it does not have a negotiating position. It is not as if I am saying we should yield to the UK. Why must we stick to the issue of sequencing? David Davis has said that it will be the row of the summer. If so, then Ireland should say: "Come on, step back from the cliff edge. The cliff edge does not suit us."

Ms Mairead McGuinness: The European Parliament, Council and the Commission supports sequencing. The Deputy has missed the following piece. It has been mentioned that if sufficient progress is made on the three issues we will look at the transition plus the trade agreement. It is not as if one must be finished before negotiations begin on the other. A more nuanced approach must be adopted.

The European Parliament would like to debate the new trading partnership by October of this year. We cannot let the UK off the hook. It opted out of the European Union, which will have a clear impact on us. We cannot say to the UK that we will sort everything out in its direction. I have had frank discussions with David Davis on this issue and know that he understands the EU's perspective. I do not share the entire optimism of Deputy Durkan right now nor Deputy Ryan's pessimism. I believe that if all of us, as elected representatives, and the UK look to the rights and needs of citizens first we will work through all of the structural issues to formulate a deal that works for people, business and communities. That is what we are paid to do.

Mr. Matt Carthy: Obviously people misheard what I said. I have a very clear position on the CETA, TTIP and other deals, as well as on investor state dispute settlement because I believe it to be extremely dangerous. What I said was that we should have a frank and open debate on what exactly these deals mean and make a judgment call on what they mean for Ireland and let people make up their minds. My position was reinforced when people jumped up and seized on the very notion that we should even have a debate on these questions as if, somehow, all of a sudden we were opposed to free trade or in favour of protectionism. I said nothing of the sort and neither has any representative of Sinn Féin. The concept that because one supports the European Union one cannot be critical of what it does is exactly the one that led us into the difficulties with An Garda Síochána, whereby because we support its work we cannot question or criticise any particular element of that work. We know the mess we are in in that regard. Frankly, this is on a much lower scale than some of the fundamental deficiencies with the democratic accountability of the European Union. If those of us who support it do not stand up and demand that these inefficiencies, as well as its ineffectiveness and, frankly, unaccountability, be addressed, we are doomed to see huge fundamental failures.

Let me state when Sinn Féin MEPs are most comfortable at European Parliament level. We are most comfortable when we are able to adopt a single position with the Irish Government, the

permanent representatives and our fellow Irish MEPs and we go into the European Parliament to battle with a united voice for Ireland. However, we do not ignore failures on the part of the Government and-or our colleagues when we believe they are taking positions that could be to the detriment of the people who elected us and will make no apologies for doing so.

Deputy Bernard J. Durkan: Welcome aboard.

Mr. Luke ‘Ming’ Flanagan: I reassure Deputy Bernard J. Durkan that there will be elections in May 2019 and that he will have an opportunity to rehire or fire us. A little like the Commission, we can be got rid of, too, and the Deputy will have plenty of opportunities to do so.

I am a little worried that we have been designated as a special case because the last time the European institutions designated us as a special case we ended up with a debt of tens of billions of euro. Some would like to say it disappeared into thin air, but it did not. As a result of our being designated as a special case, in the past two years we borrowed €6 billion. On what did we spend it? We spent it on nothing. We eviscerated it and got rid of it. We, therefore, need to be wary about being granted special case status. If a dog on my estate bites a child, it will be lucky to get a second chance. We have been more than bitten; we have been devoured. Therefore, we need to be wary.

Deputy Frank O’Rourke asked about the position of other MEPs. I presume he meant their position on the future of Europe. A particular MEP, Guy Verhofstadt, the lead negotiator on behalf of the European Parliament, is quite clear. Option No. 5 would not go far enough for him. He wants to sit down beside people to tell them what they should be eating for dinner. That is the sort of European Union he wants and that is where it is inclined to go. At our group meeting Jean-Claude Juncker was clear enough on where he wanted it to go, as is Emmanuel Macron. They all want to move towards further integration. People might think this is wonderful, but we have to have a debate on the issue.

I tried to establish when the discussion on the future of Europe would take place by asking Commissioner Phil Hogan, Jean-Claude Juncker, Donald Tusk and the Minister of State with responsibility for European affairs, but each and every one of them could not tell me much about it. We were promised that, to encourage debate, the European Commission, together with the European Parliament and interested member states, would host a series of debates on the future of Europe in European cities and regions to engage with national parliaments, local and regional authorities and civil society at large. Having attempted to establish when and where these debates will take place, I am on the verge of giving up because no one who should know about them seems to know anything about them. Whether people are in favour of option one, two, three, four or five, we have to have this discussion. I have to have it because my children will be living in the European Union and I want it to be the best possible. If we are not going to discuss the issue, if we are going to be afraid of and run away from it, I can only conclude it will not be good for us. It terrifies me that even a country such as ours which supposedly is 88% in favour of EU membership is afraid to discuss it. If we are that much in favour of it, we should not only not be afraid to discuss it, but we should also hear what the dates of the meetings are, as opposed to hearing from the Vice President of the European Parliament that nothing really will happen and that people will hold their own private meetings. The debate needs to be held in public, not in the dark.

Do not mix up correlation and causation. One would swear that if we had not joined the European Union in 1973, the iPhone would never have been invented and that we would still be driving around in 20 diesel tractors. No, we would not. Things would have changed. It

should be remembered that we had peace before what happened in Nice. Next time someone says there have been no wars on the continent of Europe, tell him or her to have a little respect for the people who lived in the former Yugoslavia. I think we can call what took place a war. God knows, there was enough blood spilled.

Ms Mairead McGuinness: For the purposes of clarification, the meetings to which I referred were not held in private. They were open meetings at which we had great discussions on many things, including the future of Europe. I suggest the committee write to the Commission office in Dublin to find out exactly, as requested by an MEP colleague, about the consultation process. The information should not be closed off. If meetings are being held, we should note the dates. Speaking for myself, I will continue to do what I normally do, which is to engage in public.

Chairman: The head of the Commission will come before the committee at its next meeting when we will be able to ask the question directly.

I thank all of the MEPs very much for attending. The session has been very informative. I am very sorry that we have gone over time, but that is the fault of everyone. We have to accept collective responsibility. I wanted everybody to have his or her say, but, at the same time, we cannot stay until 8 p.m. because I am very conscious that the MEPs have given up their time during what is a green week. It is, however, good to use it to come before the committee, but they have other calls on their time. I thank them again very much for coming before the committee and we will look at further engagement with them. There is no point in having technology if one is not going to use it. It does not have to be a green week for MEPs to come before the committee. We have video conferencing facilities which we could use to see if it would work and be a success. If it was a disaster, fine, but we would need to do it only once to see if it was sensible and practical. It is like changing the traffic flow in a town. It would be worth trying for a while to see how we would get on. If we were to get on well with it, we could continue to use it.

The joint committee went into private session at 4.10 p.m. and adjourned at 4.15 p.m. until 2 p.m. on Wednesday, 21 June 2017.