EUROPEAN AND EXTERNAL RELATIONS COMMITTEE

AGENDA

1st Meeting, 2004 (Session 2)

Wednesday 7 January 2004

The Committee will meet no earlier than 6.30 pm in Committee Room 1.

1. Progress with the development of the EU’s draft constitutional treaty: The Committee will hear evidence from—

Dr. Denis MacShane MP, Minister for Europe, Foreign and Commonwealth Office

2. Convener’s Report: The Convener will update the Committee on the—

Letter received from the Scottish Executive on its policy towards the use of tripartite contracts and agreements between the EC, the member states and regional and local authorities.

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The following papers are attached for this meeting:

*Agenda Item 1*

There are no papers for this Item

*Agenda Item 2*

Convener’s Report
CONVENER’S REPORT

1. Letter received from the Scottish Executive on its policy towards the use of tripartite contracts and agreements between the EC, the member states and regional and local authorities. Members will recall at a previous meeting agreeing to seek further information from the Scottish Executive on this issue. A letter has now been received (set out in Annex A). The Convener now recommends that:

The Committee welcomes this clarification, further welcomes the Executive’s efforts to encourage the European Commission to enter into such agreements and contracts and is encouraged that the Executive has stated its desire to take the lead on such issues.

Richard Lochhead MSP
Convener
18 December 2003
Thank you for your letter of 4 December asking me about the Executive’s policy on tripartite contracts.

Our position remains that set out in the paper on Europe and the Regions which Peter Hain submitted in February 2003, on behalf of the UK Government and Devolved Administrations in Scotland and Wales, to the Convention on the Future of Europe. The Scottish Executive supports the Commission’s proposals to work with Member States and regional and local authorities to find flexible ways to develop and implement policy. We remain keen to find ways to deliver the benefits associated with European legislation in ways that are sensitive to local needs and which minimise bureaucracy.

As you will know, the Commission’s policy was set out in COM (2002) 709 : “A framework for target-based tripartite contracts and agreements between the community, the states and regional and local authorities.” It distinguishes between “tripartite contracts” – dealing with the direct application of binding secondary Community law (regulations, directives or decisions) and “tripartite agreements” outside a binding Community framework. It states that in the first instance the Commission will launch pilots only on target-based tripartite agreements, and only after evaluating these consider the possibility of contracts. In general no additional Community financing will be offered. While contracts appear more difficult from the Commission’s perspective, they should also offer more attractions from a Scottish viewpoint.

Our latest information, following a meeting that Tavish Scott recently had with the Commission, confirmed that only three agreements are being piloted in Birmingham, Lille and Pescara, and that all these are on the topic of sustainable urban transport systems. They will not be evaluated until later in 2004.

While the possibility of further pilot agreements in 2004 was not necessarily ruled out, the Commission has still to take a final view on its approach during 2004, when of course the new Commission comes in. It does seem unlikely at this stage that there could be a pilot of a contract before 2005 at the earliest. We shall continue to track progress on this policy and encourage the Commission to develop it.

The Executive therefore continues to favour flexible approaches to the implementation of EU legislation. The Commission’s policy is at a very early stage, however, and we shall need to await its development before committing the Executive to any tripartite work. However, should the pilots be successful and, as we hope, lead on to tripartite contracts which might offer better ways of developing and implementing EU legislation, we would be keen to work with the Commission to use these arrangements in appropriate policy areas. As Jack McConnell said in his recent speech to mark his assumption of the Presidency of
REGLEG, Scotland is keen to show how joint working with the Commission and Devolved Administrations such as ours can deliver better legislation and implementation.