EUROPEAN AND EXTERNAL RELATIONS COMMITTEE

AGENDA

3rd Meeting, 2004 (Session 2)

Tuesday 3 February 2004

The Committee will meet at 2.00 pm in Committee Room 3.

1. Scottish Executive’s European Strategy: The Committee will discuss this document.

2. Promotion of Scotland Worldwide Inquiry: The Committee will discuss revised proposals for a schedule of witnesses to give oral evidence as part of this Inquiry.

3. Implementation of EC legislation: The Committee will consider proposals from the Scottish Executive to implement EC legislation using section 57 (1) of the Scotland Act, specifically—


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

   Plans for a visit by a delegation from the Committee to attend a meeting of the Network of Regional Parliamentary European Committees, NORPEC (provisionally March 2004)
   Proposal for a visit by Members of the Czech Parliament to Edinburgh (provisionally April 2004)

5. Pre- and post-EU Council scrutiny: The Committee will discuss the agendas and information received from the Scottish Executive on the following meetings of the Council of the EU—

   Forthcoming Councils
   
   ECOFIN Council, 10 February
General Affairs and External Relations Council, 23-24 February
Agriculture and Fisheries Council, 24 February
Justice and Home Affairs Council, 19-20 February

Previous Councils

ECOFIN Council, 20 January 2004

6. Sift of EC/EU documents and draft legislation: The Committee will consider the latest list of EC/EU documents and draft legislative proposals received for this meeting

Stephen Imrie
Clerk to the Committee
Tel: 0131 348 5234
Email: europe@scottish.parliament.uk

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The following papers are attached for this meeting:

**Agenda Item 1**
The Scottish Executive’s European Strategy

**Agenda Item 2**
BRIEFING PAPER: “Promotion of Scotland Inquiry - Revised proposals for a schedule of witnesses to give oral evidence” EU/S2/04/3/1

**Agenda Item 3**

**Agenda Item 4**
Convener’s Report EU/S2/04/3/3

**Agenda Item 5**
BRIEFING PAPER: “Pre- and post-Council of the EU analysis and scrutiny” EU/S2/04/3/4
BRIEFING PAPER: “Correspondence received from Scottish Executive on pre- and post-Council scrutiny conducted in December 2003” EU/S2/04/3/5
BRIEFING PAPER: “Analysis of response times by the Executive’s Departments to Committee correspondence and requests for information” EU/S2/04/3/6

**Agenda Item 6**
Sift of EC/EU documents and draft legislative proposals EU/S2/04/3/7
THE SCOTTISH EXECUTIVE’S
European Strategy

Scottish Executive
Edinburgh 2004
Foreword by the Minister for Finance and Public Services

Europe is of massive importance to Scotland.

The European Union (EU) passes laws and takes decisions in many areas of policy that are devolved to the Scottish Executive and Parliament to implement. These include devolved responsibilities for Agriculture, Fisheries, the Environment, Regional Policy, Health, Justice and Transport. In addition, EU decisions and policies in many areas which are, in the UK terms, wholly or partly reserved to Westminster can also have a major impact on the people of Scotland. Over three-quarters of the work of the Scottish Executive and the Scottish Parliament is, to a greater or lesser extent, influenced by decisions taken in Brussels. So we must continue to ensure that EU decision-making reflects Scotland’s interests.

But we are determined also to play a proactive role in Europe. Over the first Parliament the Scottish Executive substantially raised its profile in the EU. Scotland is now firmly established as a leading legislative region in Europe. In the second Parliament we will build on that success.

Following the May 2003 election, the First Minister established a Ministerial Group on European Strategy with the remit to map out a clear framework for the Executive’s work on EU issues over the next 4 years. This Strategy, approved by Scottish Ministers, sets out that framework. It states our strategic goals for the Executive’s engagement in Europe, outlines our key priorities, and identifies how we plan to set about achieving our goals. The strategy is ambitious and demanding. It applies to the whole Executive, as well as its Agencies and Non-Departmental Public Bodies.

We are determined to seize the many opportunities for improving the lives of the people of Scotland that active engagement in Europe brings. We will promote Scotland, with its new Parliament, as one of the leading regions in the EU, with a thriving and dynamic economy. We will also continue to protect Scottish interests. We will work with our strategic partners in Scotland to achieve the best results for Scotland.

Andy Kerr, MSP
Minister for Finance and Public Services
THE SCOTTISH EXECUTIVE’S EUROPEAN STRATEGY

Introduction

1. This Strategy sets out a framework for the work of the Scottish Executive, and its NDPBs and Agencies, on European Union (EU) issues during the second Scottish Parliament. Specifically, this strategy:-

   • sets out the strategic goals for the Executive’s engagement on EU issues;

   • outlines the EU policy priorities on which Scottish Ministers plan to engage; and

   • identifies the key levers that the Executive plans to use to achieve its goals.

Background

2. In June 2003 the First Minister established a Ministerial Group on European Strategy with a remit to build on the Executive’s achievements in the first Parliament and to set out a strategic framework for handling European issues over the next 4 years. The report of the Group was approved by the Scottish Cabinet and forms the basis of this Strategy.

Strategic Goals for our European Policy

3. This Strategy sets out a proposed framework to guide the work of the Scottish Executive, and its NDPBs and Agencies, on EU issues. It starts from the premise that activity must be focused on growing the Scottish economy as a primary objective. The Executive’s European Strategy must bring – and be seen to bring – tangible economic benefits to Scotland.

4. Over the next four years the Executive’s over-arching goals for its European activity are:-

   (i) to position Scotland as one of the leading legislative regions in the European Union, with a thriving and dynamic economy; and

   (ii) to bring effective influence to bear on the UK Government, EU Member States, regions and institutions on EU policy issues affecting Scotland.

5. The Executive’s EU policy will therefore be focused on:-

   (a) Promoting Scottish policy interests in Europe. As well as working through the UK, Scottish Ministers will continue to seize opportunities to promote, represent and advocate Scotland’s interests directly in Europe. This will be accomplished by working:
♦ Bilaterally, by promoting Scotland’s interests directly with the EU institutions (in particular Scotland’s MEPs, and the European Commission), Member States and Regions; and

♦ Multilaterally, by winning an enhanced role for the legislative regions within the EU, with Scotland at the inner core of an influential group of Regions with Legislative Powers (REGLEG).

(b) **Maximising our influence with the UK Government on EU issues.**

We will work effectively with the UK Government to exert influence in the Council of Ministers. Our aims are to:

♦ Secure a culture of automatic recognition and understanding of Scottish interests on EU issues across the board within the UK Government; and

♦ Add value to the UK effort to shape Europe’s future by reinforcing and forging new links across Europe.

(c) **Enhancing the profile of Scotland in Europe.** Promoting Scotland enhances our profile - as a major regional player with real and growing influence on the EU agenda; contributing to the democratic process in Europe, not just reacting to EU law; a tourist and business destination of choice, and an attractive place in which to live and work. We will also advocate Scotland as a dynamic country in which to invest. Our aims here are to:

♦ Build strong regional ties of economic, political and cultural benefit to Scotland, with EU enlargement offering a unique opportunity to position Scotland and underpin future relationships;

♦ Support and expand business connections with Europe; and

♦ Attract fresh talent and tourists to Scotland.

6. To achieve these objectives the Executive will:

♦ Focus its effort on prioritising and engaging on the key short and medium-term EU issues likely to have a significant impact on people’s lives in Scotland. We will work to seize opportunities and head off threats. To do this we will draw on the annual Commission and 6-monthly Presidency work programmes, and deploy analysis and intelligence from the Scottish Executive EU Office (SEEUO) and the UK Permanent Representation to the EU (UKRep) in Brussels;

♦ Clearly define our desired outcome(s). We recognise limitations in terms of our resources and negotiating flexibility. We will not try to fight too many battles or spread our effort too thinly. We will ensure that EU work is mainstreamed in the Executive’s priorities so that the impacts for Scotland are fully addressed;
♦ Identify the most appropriate and effective strategies for achieving outcomes and delivering positions that reflect Scotland’s interests, including intervening early;

♦ Regularly review progress on specific priorities and as appropriate intervene with Whitehall or in Brussels to meet the Executive’s EU objectives; and

♦ Work closely with the Scottish Parliament on EU issues. The Parliament is engaged in a wide range of EU-related external relations activity, including welcoming visitors from abroad; examining EU policy; and building links and contacts with the EU institutions, other European nations and regions, and European regional organisations. Scottish Ministers will seek to ensure, through joint working with the Parliament, that together we maximise the benefits of our effort for the people of Scotland.

The EU Policy Priorities on which we need to Engage

7. The Scottish Executive Partnership Agreement (Partnership for a Better Scotland 2003) underpins Ministers’ strategic objectives for EU policy throughout the current Parliament. These are the main EU priorities on which the Executive will engage:

(i) Growing Scotland’s Economy: This is central to the Executive’s goal of creating a dynamic, enterprising and sustainable land of opportunity for all. We will also work to secure the long term viability and prosperity of our rural communities. It is critically important that the focus and range of activities of Scottish Enterprise and Scottish Development International reflect Ministers’ strategic European priorities, including securing economic benefits for Scotland from EU Enlargement. Equally, any Executive activity in promoting Scotland in the EU with a view to economic spin-offs should be consistent with the Global Connections Strategy which aims to achieve maximum economic benefit from Scotland’s links with the rest of the world by fostering two-way flows of knowledge and investment, focusing on industry sectors where Scotland has international strengths. The key EU issues are:

(a) Increasing Scottish trade and EU investment in Scotland. The EU’s Lisbon Agenda of economic and social reform - focusing on boosting growth in the EU, creating a more effective economic area, with more and better jobs, modernising the social welfare model and fostering a knowledge-based economy – will be a crucial determining factor in delivering increased trade and investment. We need to make this agenda real for Scotland. The long-term success of the UK Government’s economic policies and the Executive’s Framework for Economic Development in Scotland and Smart Successful Scotland strategies are also critical.
(b) **Increasing tourism from Europe.** With VisitScotland and using the Route Development Fund, we will build on recent successes: the Rosyth – Zeebrugge ferry and several new direct air links to Europe. Mainland Europe presents enormous opportunities for Scottish tourism, particularly in view of the growing trend for short breaks. In view of this trend, VisitScotland will continue to focus on markets with direct routes to Scotland, and these will be targeted with thematic campaigns which will aim to develop business especially outside the peak season. Campaigns will be enhanced by attractive carrier messages, presenting Scotland as accessible and affordable. VisitScotland will continue to work with partners through the Route Development Fund to assess the scope of opportunity for new routes. In doing so, VisitScotland considers the strength of the inbound/outbound potential and partnership opportunities. As new routes into Scotland are announced, VisitScotland will continue to be proactive in working up partnerships and promotions with carriers.

(c) **Structural Funds.** Much of the Structural Funds budget in the next period (2007–13) will inevitably go to the new, rather than the old, Member States. Formal proposals on the post-2006 period are expected from the European Commission in spring 2004, with negotiations continuing to 2006. Securing the most advantageous outcome for Scotland will be a high priority throughout this period.

(d) **Transport.** Although much of EU transport policy is, in UK terms, reserved, EU transport measures have the potential to have a significant impact on Scotland. We will work to ensure that Scotland’s interests are safeguarded. The expected proposals for a charging framework for infrastructure use, further work to develop the Trans European Networks and the legislative framework for slot allocation at airports are also likely to affect Scotland.

(e) **Fisheries policy.** Work will continue on implementing reform of the Common Fisheries Policy. In particular, we will continue to play a lead role in moves to decentralise decision-making away from Brussels by means of Regional Advisory Councils, as a first step towards effective regional management of fisheries. A priority for the period ahead will be to secure recovery plans for depleted whitefish stocks which reflect Scottish objectives: to deliver sustainable fisheries for the long term while avoiding excessive economic disruption of the industry.

(f) **Agricultural reform.** The June 2003 reform of the Common Agricultural Policy represents a success story of our EU engagement achieved by working in partnership with Whitehall. The reform package agreed contains flexibilities below Member State level. This provides significant opportunities to achieve our objectives for Scottish agriculture as set out in *A Forward Strategy for Scottish Agriculture*. The main challenge for Scotland is to use these opportunities, following extensive consultation, to benefit Scottish agriculture and rural areas more generally.
(ii) **Delivering excellent public services.** New EU legislation on the award of public contracts for goods, works and services will be a priority during this period. The new public procurement Directive makes significant changes to the current rules and we will seek to ensure that implementation in Scotland is consistent with Best Value and that Scottish public bodies receive appropriate support in adapting to these changes. We will also seek to ensure that proposed EU initiatives on Services of General Economic Interest support Scottish Ministers’ policies on public services.

(iii) **Supporting Stronger, Safer Communities.** The key EU drivers here are:

(a) **Justice and Home Affairs (JHA) policy.** A fast growing area of EU action is in the field of Justice and Home Affairs, promoting cross-border co-operation on matters directly affecting devolved policy areas such as co-operation against serious crime, civil judicial co-operation, drugs policy and police co-operation. The Minister for Justice will work to ensure that EU JHA legislation is compatible with the principles of Scots criminal and civil law and that Scotland does not become a haven for criminals. She will also work to increase the exchange of best practice with EU partners on areas such as tackling youth crime and cross-border access to justice.

(b) **The Environment.** EU environmental legislation needs to be implemented in Scotland by the Executive. New obligations will continue to be proposed by the Commission in the context of the Sixth Environmental Action Programme. We will work closely with the Commission, UK Government and MEPs to ensure that Scottish views and circumstances are taken fully into account.

(iv) **Developing a Confident, Democratic Scotland.** An outward-looking, confident country must engage effectively with others to achieve its goals. The key EU issues here are:

(a) **Follow-up to the Intergovernmental Conference (IGC).** Ongoing work following the IGC will in part determine the extent to which legislative regions like Scotland will have influence in the new institutional structure of an enlarged Europe. We will make the most of this opportunity to ensure that Scotland’s interests are fully taken into account and to re-energise democracy in the EU more widely. Our priorities will be to ensure the maximum use by Scotland of the new opportunities offered to us by the new EU Governance provisions, such as the new commitment to wide pre-legislative consultation and extended impact assessments of draft legislation; and to work towards early agreement on other proposals from the Future of Europe Convention for reinforcing the subsidiarity principle. These are all developments that the Executive was in the lead in pressing for. The challenge now is to use them for the benefit of the people of Scotland. Our Presidency of REGLEG offers an immediate opportunity to influence positively the development of such helpful innovations.
Expanding the role of Scotland in Europe. We will build on the last 4 years and our rise in influence as a key EU regional player, particularly through our membership of the Committee of the Regions, our work with our MEPs and our leading role in REGLEG. We will develop our co-operation agreements with Catalonia, Tuscany, North Rhine-Westphalia and Bavaria and consider entering into further partnerships where they are likely to deliver benefits for Scotland.

Key Mechanisms for Delivering our Top Priorities

8. There are many levers available to help the Executive achieve its priority objectives. We will focus our effort on securing our priorities. We will maintain a consistent view of which activities are the most important, which we should prioritise, who should carry them out, and the resources which should be devoted to each. We will also put in place robust procedures for ex-post evaluation and analysis, to ascertain whether the correct choices have in fact been made.

9. The key mechanisms to achieve our priorities are grouped into 3 categories: working with Europe and Brussels; the UK; and Scotland.

10. Working with Europe and Brussels. We will work closely with the UK and represent our interests to the institutions and Member States of the EU. In taking this forward we will not overlook the opportunities afforded for influencing EU policies by inviting representatives of the EU institutions and other Member States to visit Scotland to discuss issues of mutual interest.

(a) Working with Scottish MEPs. The European Parliament already has in many areas powers of co-decision over EU legislation comparable to those of Member States in the Council. These co-decision powers are likely to be extended into new areas in the future. We will continue to work with Scotland’s MEPs in pursuit of Scotland’s interests. This will include a series of 6-monthly meetings to consider the priorities of Scottish Ministers.

(b) EU and Bilateral meetings. At EU and international meetings we will exploit opportunities to engage with other Member State delegations and use bilaterals to support our objectives.

(c) Engagement with the Commission. We will seize opportunities to influence the process from the very start by meeting directly with Commission officials and Commissioners. We will also respond to, and engage fully with, the new EU consultation and Impact Assessment processes.

(d) Building political and economic links. The Executive’s European Links Strategy – building strong and mutually beneficial links with other regions and countries in the EU – is central to the delivery of economic, trade, political and cultural benefits to Scotland. The 4 existing formal Co-operation Agreements (with Catalonia, Tuscany, North Rhine-Westphalia
and Bavaria) have already helped to promote Scotland in Europe, build political alliances and develop networks to deliver practical projects of benefit to Scotland. We will ensure that there is greater co-ordination of the various formal and informal activities and a clearer fit with Executive policies, in particular with Partnership Agreement priorities in terms of economic development, public service delivery and cultural dynamism. We will ensure that the new links that we forge with the Nordic countries (building on the Nordic-Scottish Action Plan) and Accession States fit with our political, economic and cultural objectives.

(c) Committee of the Regions (CoR), the Council of Local and Regional Authorities of Europe (CLRAE), and Conference of Peripheral and Maritime Regions (CPMR). We will ensure that our membership of these bodies provides clear longer-term potential for building alliances with European regional and local authorities. We will seek to prepare those CoR Opinions that help us to secure our EU policy objectives, and use our membership of CPMR to promote our interests.

(f) REGLEG (the European Group of Regions with Legislative Powers). The First Minister’s presidency (from November 2003 – November 2004) provides an important opportunity for Scotland to play a key role on the EU stage. It will allow us to build allies for Scotland’s interests among the leading legislative regions of the EU. Our REGLEG activity is principally about advancing Scotland’s position as a major legislative region in Europe. Our REGLEG role complements and reinforces the UK position. We will build on the Presidency to consolidate the position of the legislative regions in the follow-up to the IGC, through a proactive REGLEG programme.

(g) Scottish Executive EU Office (SEEUO). The Executive’s Brussels office in Scotland House is a crucial asset. It will present Scottish views directly to the EU institutions and provide crucial and early intelligence to secure Scotland’s interests. Specifically, it will seek to influence EU decision-making on dossiers of importance to Scotland, working in collaboration with Departments and UKRep, and advise on opportunities for being more proactive in Brussels by, for example, suggesting policy initiatives where Scotland has innovative ideas to offer. The SEEUO will report to Ministers on EU intelligence and the delivery of the Executive’s European strategy in Brussels, and liaise with secondees from the Executive working in the EU institutions.

11. Working with the UK

(a) Whitehall. We will improve the understanding and appreciation of Scottish views in Whitehall. We will build on the recognition that Scottish Ministers can bring added value to negotiations. We will increase contact and liaison with UK counterparts – at Ministerial and official level - and maintain this throughout the duration of negotiations. We will also report back on meetings attended in Europe and with Whitehall counterparts to secure a co-ordinated approach to Whitehall on EU matters across the
Executive. We will use the new EU Impact Assessment and consultation processes to present our views on the detail of EU proposals to Whitehall Departments.

(b) **Joint Ministerial Committee (Europe) (JMC(E)).** JMC(E) is an important forum for formal discussion by UK and Devolved Administration Ministers of strategic EU issues. As from December 2003 it incorporates the Ministerial European Coordination Committee (MINECOR) which deals with presentational aspects of EU policy. We will use JMC(E) meetings to further strengthen links with Whitehall Ministers and to maximise influence on the UK line on EU issues of importance to us.

(c) **EU Council meetings.** The first priority is to influence the UK’s negotiating position. Ministerial attendance at Councils will take place where there is a Scottish policy issue to pursue.

(d) **Devolved Administrations.** We will collaborate closely on EU issues with the Welsh Assembly and the Northern Ireland Assembly (when it is reconstituted) to increase our influence on negotiations in Brussels.

(e) **UK Presidency of the EU.** We will work closely with the UK Government to ensure the Scottish Executive and Scotland play a full role during the UK Presidency, from July – December 2005.

12. **Working within Scotland**

(a) In the **Scottish Executive:**

(i) **Mainstreaming EU policy.** We will ensure that EU business is mainstreamed in the work of Departments and policy Divisions in the Executive, and in the Executive’s NDPBs and Agencies. We will also improve co-ordination to exchange information, best practice and to ensure a common approach on EU business.

(ii) **Tracking EU issues.** We will ensure that Departments track those EU initiatives that are coming up in the Commission, European Parliament and Council that could affect Scotland (directly or indirectly), and assign priorities. We will also monitor the transposition and implementation of EU obligations.

(iii) **Consular Corps.** We will increase our engagement with EU Consular Missions in Scotland to inform other Member States about Scotland in general and Executive positions in particular. Focused and well-timed interventions with the Corps have the potential to achieve influence on European initiatives affecting Scotland.
(b) In the Parliament:

(i) **Mainstreaming EU policy.** We will support and encourage mainstreaming in the Parliament to ensure that EU business is appropriately scrutinised by the members of subject Committees which have an European element to their work.

(ii) **Making a reality of subsidiarity.** We will work closely with the Parliament to develop procedures that would allow Scotland to derive maximum benefit from the subsidiarity arrangements contained in the Convention’s proposed EU Constitutional Treaty.

(iii) **Debates.** We will be proactive and exploit opportunities to debate EU policies and developments likely to have a crucial bearing on Scotland.

(iv) **EMILE.** We will work closely and effectively with the European Elected Members’ Information Liaison and Exchange group (EMILE), including with Scotland’s MEPs, with a view to fostering a “team Scotland” approach to EU opportunities and threats.

**Targets and Milestones**

13. It is difficult to quantify or measure the direct benefits of our engagement with the EU – especially the intangible benefits in terms of increased influence on key EU policies affecting Scotland. To measure the benefits of our engagement with the EU over the course of this Parliament, we will identify key activities and develop a monitoring and evaluation framework.

14. For **Strategic Goal 1** - positioning Scotland as one of the leading legislative regions in the EU, with a thriving and dynamic economy:

- We shall ensure that the Global Connections Strategy and our European priorities are properly aligned;

- Through our Fresh Talent initiative and the activities of VisitScotland, we will actively promote Scotland as a place in which to live and work and to visit;

- Through our European links and networks, including those of the UK Government, we will promote Scotland to EU businesses and administrations as a country to do business with; and

- Through our Co-operation Agreements and the further links that we forge with other countries and Accession States, we will seek to secure tangible political and economic benefits for Scotland.
15. **Strategic Goal 2** is to bring effective influence to bear on the UK Government, EU Member States, regions and institutions on all EU policy issues affecting Scotland. For this goal:

- We will employ the mechanisms outlined in the Strategy, including where relevant the preparation of Impact Assessments, to:
  
  (a) Work with the UK Government and REGLEG partners to ensure that the Convention’s proposals for greater regional involvement in the EU are implemented through the Governance programme where possible, or taken forward in the follow-up to the IGC;

  (b) Promote an effective regional policy in Europe, and communicate clearly the Scottish interest in the debate about Structural Funds reform;

  (c) Make effective use of the enhanced flexibilities under the new Common Agricultural Policy regime coming into force in 2005 to make Scottish agriculture more competitive and sustainable;

  (d) Establish Regional Advisory Committees successfully covering key Scottish fisheries in the North Sea and West of Scotland as a first step towards effective regional management within the framework of the Common Fisheries Policy. Negotiate a cod recovery plan which delivers conservation objectives, whilst respecting the need to retain economic viability in the Scottish whitefish fleet;

  (e) Engage with the Commission to deliver lifeline ferry services which meet Scotland’s unique needs; and

  (f) Ensure that Scottish interests, including respect for the basic principles of Scots criminal and civil law, are properly reflected in the development of new EU legislative proposals in the field of JHA, and to promote the exchange best practice with EU partners in areas such as youth crime, cross border access to justice and action to tackle drugs.

**Conclusion**

16. It is difficult to exaggerate how important an influence the EU is on the lives of the people of Scotland. We need to ensure that we take full advantage of the many opportunities offered by the EU. We want to promote Scotland, with our new Parliament, as one of the leading regions in the European Union, with a thriving and dynamic economy. We also need to ensure that, when necessary, Scottish interests are vigorously protected.

17. This paper has set out the strategy for the Scottish Executive – and its Agencies and NDPBs – to achieve these goals. We shall achieve the best results for the people of Scotland if other Scottish organisations, whether public or private, join with us in a collaborative effort to secure Scotland's interests.

Scottish Executive
External Relations Division
January 2004
“Promotion of Scotland Inquiry - Revised proposals for a schedule of witnesses to give oral evidence”

Introduction

1. The Committee has agreed in principle to a proposed set of witnesses during its previous meeting, following all the written evidence received to date (see Annex A for listing). This follows an earlier agreement on the terms of reference for the Inquiry. These agreed terms of reference focussed on the following areas:

- Definition and implementation of a coherent, co-ordinated and resourced strategy for external relations
- Success of efforts to develop government-to-government links with the European Union and internationally
- Analysis of the efforts to co-ordinate the Scottish Executive’s role in the EU decision-making process (including inter- and intra-UK processes) and in the implementation of obligations
- Success of efforts to promote Scotland abroad, including through tourism, economic development, trade, education links, culture and heritage and the attraction of a new populace to Scotland. This will include an analysis of the successes of other nations/regions in these areas
- Success of Tartan Day and its future development, in particular the plans of the Scottish Executive for future involvement and resource allocation. This will include an analysis of the wider Scottish-North American links.

2. At the previous meeting, the Committee indicated its support for the use of ‘theme based’ panels of witnesses (e.g. arts, business etc.) and also not to ask witnesses to make long opening statements (if at all) as part of their evidence, given that the Committee would already be receipt of written evidence.

3. This would enable the Committee to hear perhaps from two panels of witnesses per meeting. The Committee should be reminded that whilst it is important to balance volume of witnesses with time available, it is also important to consider
the founding principles of the Parliament which promote openness, accessibility and the sharing of power. Furthermore, the use of oral in addition to written evidence enables the Committee to delve further into the detail of a person's views.

Recommendation

4. The following is a proposal for a schedule of witnesses to give oral evidence to the Committee. The Committee is invited to agree to the schedule and to task the Convener and Clerk with inviting the proposed witnesses, subject to their availability.

Proposed Schedule

5. It is likely that the first meeting where witnesses will be no earlier than March 2, 2004.

Meeting 1 – Theme: Promoting Scotland through trade, business and economic development

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<td>(1) Scottish Enterprise, including Scottish Development International, and also Highlands and Islands Enterprise</td>
<td>(1) Standard Life</td>
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<td>(2) Federation of Small Businesses (Scotland)</td>
<td>(2) Lloyds TSB Scotland</td>
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<td>(3) Scottish Textile Forum</td>
<td>(3) MJM International</td>
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<td>(4) Scottish Council for Development and Industry</td>
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Meeting 2 – Theme: Promoting Scotland through the arts, culture, sport, tourism and heritage

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<td>(1) Pete Irvine, Unique Events*</td>
<td>(1) Eventscotland</td>
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<td>(2) Geoff Ellis, DF Concerts**</td>
<td>(2) Lothian and Borders Enterprise***</td>
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<td>(3) Hans Rissman, Chief Executive of the Edinburgh International Conference Centre</td>
<td>(3) VisitScotland</td>
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<td>(4) Peter de Savary, owner of Skibo Castle</td>
<td>(4) Representative of The Robert Burns Federation</td>
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* Responsible for organisation of New Year celebrations in Edinburgh
** Promoter of “T in the Park” Music Event, Glasgow
*** Involved in MTV Europe Awards

NB. An option would be to try to merge panels for Meeting 2 and 3 into one meeting.
Meeting 3 – Theme: Promoting Scotland through the arts, culture, sport, tourism and heritage

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<td>(1) Scottish Arts Council</td>
<td>(1) Sportscotland</td>
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<td>(2) Scottishscreen</td>
<td>(2) Scottish Football Association</td>
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<td>(3) Dundee Rep Theatre</td>
<td>(3) Scottish Rugby Union</td>
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<td>(4) Royal Scottish National Orchestra</td>
<td>(4) Scottish sporting ‘ambassadors’ (e.g. involved in promotion of golf, etc.)*</td>
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<td>(5) Comunn na Gàidhlig</td>
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* Particularly those who have a role and a publicly supported function for promotional type activities.

Meeting 4 – Theme: Promoting Scotland through food and drink & Theme: academia

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<tr>
<td>(1) Member/Company of the Scotch Whisky Association</td>
<td>(1) Dr Alex Wright, University of Dundee</td>
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<tr>
<td>(2) Member/Company of the Scottish Food and Drink Federation</td>
<td>(2) Professor Michael Keating, University of Aberdeen/European University Institute of Florence</td>
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<tr>
<td>(3) Member/Company of the Quality Meat Scotland</td>
<td>(3) Professor James Mitchell, University of Strathclyde</td>
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<td>(4) Member/Company of the Scottish Quality Salmon</td>
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Meeting 5 – Theme: International Links

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<td>(1) Network of International Development Organisations in Scotland</td>
<td>(1) Flemish Trade Representative, UK</td>
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<td>(2) Oxfam (Scotland)</td>
<td>(2) French Consul General*</td>
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<td>(3) British Council (Scotland)</td>
<td>(3) Czech Consul General*</td>
</tr>
</tbody>
</table>

* It may be that it would be more appropriate to ask, for example, for a Political Counsellor/Trade Attaché from the embassy if the line of questioning to a Consul (often honorary) would be inappropriate.

**NB.** Additional evidence will be collected from any fact-finding visits, which will include meetings with a wider range of locally based organisations.
Meeting 6 – Theme: North American links

<table>
<thead>
<tr>
<th>Panel 1</th>
<th>Panel 2</th>
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</thead>
<tbody>
<tr>
<td>(1) US Consul General*</td>
<td>(1) Susan Stewart, First Secretary, Scottish</td>
</tr>
<tr>
<td>(2) Representative of the Canadian High Commission to the UK</td>
<td>Affairs, British Embassy, Washington DC</td>
</tr>
<tr>
<td>(3) Scottish North American Business Council</td>
<td>(2) Director, Northern Irish Executive Office,</td>
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<tr>
<td>(3) Alan Bain, American-Scottish Foundation</td>
<td></td>
</tr>
</tbody>
</table>

NB. (all possibly through videoconference or alternatively during any proposed US visit, which would remove the need for this panel)

* It may be that it would be more appropriate to ask, for example, for a Political Counsellor/Trade Attaché from the UK based embassy if the line of questioning to a Consul (often honorary) would be inappropriate.

NB. Additional evidence will be collected from any fact-finding visits, which will include meetings with a wider range of locally based organisations.

Meeting 7: Theme: Government Initiatives

In this area, the Committee may wish to agree to the following sets of witnesses:

- CoSLA or group of local authorities
- Jack McConnell MSP, First Minister (for his personal role as President of the Regions with Legislative Power, a key plank of the Executive’s European Strategy)
- Andy Kerr MSP (European and external relations issues, including on European strategy and proposed new external relations strategy)
- Jim Wallace MSP (Enterprise, trade issues)
- Frank McAteer MSP (Tourism, arts/cultural etc. issues)
- Foreign and Commonwealth Office (to learn how the FCO promotes Scotland overseas as part of the UK’s overall strategy/activities in this area)¹

NB. Whilst it may be desirable to have the ministers in one panel, it may be that more than one panel/meeting will be required (depending on availability, protocol etc.)

6. The Committee may also find it useful, in advance of hearing from Scottish ministers, to have either an evidence taking session from officials in the main Executive departments/divisions or an informal briefing. This would help develop a better understanding of the work of the Executive prior to discussions with ministers. If the Committee is so minded, the Clerk will arrange.

Richard Lochhead MSP
Convener

¹ Written evidence is expected from the FCO and this body was highlighted in the original terms of reference agreed to by the Committee as a key stakeholder in this area.
LIST OF WRITTEN EVIDENCE SUBMISSIONS (at 27 January 2003)

Alison M. Duncan, USA
American-Scottish Foundation
Anne Robertson Kennedy
Assemblée Nationale, Québec
Association for Scottish Literary Studies
Bill Miller MEP
British Council (Scotland)
Caledonia Centre for Social Development, Switzerland
Caledonian Foundation USA, Inc.
Christian Aid
Citymoves Dancespace, Aberdeen
Clan Cameron Australia – New South Wales
Clan Cameron, New Zealand
Comunn na Gàidhlig
Convention of Scottish Local Authorities
David Roberts Associates
Director, International Relations and Protocol, State of Washington, USA
Dr Alex Wright, Dundee University
Dr Michael Newton
Dundee Rep Theatre
Edinburgh City Council
Eric Balish
Executive Director, Virginia Economic Development Partnership, USA
Foreign and Commonwealth Office (expected soon)
Fife Council
Glasgow City Council (Officer Working Group)
Governor, State of California, USA
Governor, State of Hawaii, USA
Governor, State of Montana, USA
Governor, State of South Carolina, USA
Governor, State of Vermont, USA
Harry McAlister, USA
Highland Sales, USA
Highlands and Islands Enterprise
Indiana Department of Commerce, USA
Jill Scharrf, United States
Jimm Meloy, United States
Kenneth Kirkwood
Lloyds TSB Scotland
Mr John Purvis MEP
National Library of Scotland
Network of International Development Organisations in Scotland
New York Caledonian Club Inc., USA
Office of International Trade and Investment, Commonwealth of Massachusetts, USA
One World Centre, Dundee
Oxfam
Pagoda Public Relations
Professor Michael Keating
Royal Scottish National Orchestra
Royal Society of Edinburgh
Scotch Whisky Association
Scotland the Brand
Scottish Arts Council
Scottish Chambers of Commerce
Scottish Council for Development and Industry
Scottish Enterprise
Scottish Executive
Scottish Food and Drink Federation (expected soon)
Scottish Heritage USA
Scottish Language Dictionaries
Scottish Natural Heritage
Scottish Poetry Library
Scottish Trades Union Congress
Speaker, Legislative Assembly, Manitoba, Canada
St Andrew's Society of Ottawa, Canada
Standard Life
Struan Stevenson MEP
Tartan TV
The Lord Sempill
Thomas A. Lukaszuk MLA, Legislative Assembly of Alberta, Canada
Universities Scotland
VisitBritain
VisitScotland
West of Scotland Development Education Centre
Western Isles Council (Comhairle nan Eilean Siar)
EUROPEAN AND EXTERNAL RELATIONS
COMMITTEE

BRIEFING PAPER


Introduction

1. One of the Committee’s core roles is to consider and report to Parliament on the transposition and implementation of EC/EU law in Scotland. Following agreement of the Committee, this is a role currently being reviewed with a paper expected from the Clerk shortly.

2. In the interim, the Committee continues to monitor the transposition and implementation of EC/EU law in Scotland according to two criteria:

   - The Executive’s performance in adhering to the timetables and deadlines for the transposition and implementation of our Community obligations.
   - The Executive’s reasoning behind a recourse to section 57 (1) of the Scotland Act. This section is the power that enables Westminster to implement EC obligations in a devolved area on an UK- or GB-wide basis.

3. It is in respect to this role for the Committee and in particular its historic interest in the amount of times section 57 (1) is used and the reasons why, that the Executive has written to the Committee with regards to two pieces of Community legislation.


4. Annexes A and B respectively set out details provided by the Executive on these pieces of Community legislation and the Executive’s reasoning behind a recourse to implementation UK-wide through section 57 (1) of the Scotland Act.
Recommendation

5. The Committee is asked whether it considers that the Executive has provided sufficient explanation and justification as to why in its view it is necessary to implement these regulations UK- or GB-wide and not have recourse to specific Scottish legislation. The Committee may also wish to ask the Executive to confirm that it initiated the recourse to section 57 (1). Finally, the Committee may wish to seek views from stakeholders on the merits of UK- or GB-wide legislation in these areas.

6. The Committee may wish to recall that its predecessor had no objection in principle to a recourse to section 57 (1) – i.e. to use UK- or GB-wide legislation in devolved areas – provided that there were no specific Scottish interests that need to be accommodated and which may therefore need the legislation to be made separately in Scotland.

Richard Lochhead MSP
Convener
Tel: 0131 348 5234
Email: europe@scottish.parliament.uk
LETTER FROM THE SCOTTISH EXECUTIVE, DATED 15 JANUARY 2004

END OF LIFE VEHICLES DIRECTIVE – FINAL IMPLEMENTATION

POSSIBLE USE OF SECTION 57 OF THE SCOTLAND ACT

I am writing to keep the Committee informed about developments on the transposition of the End of Life Vehicles (ELVs) Directive 2000/53/EC in Scotland.

The majority of the ELV Directive has been transposed by the End-of-Life Vehicles Regulations 2003 (SI 2003/2635), and the End-of-Life Vehicles (Storage and Treatment) (Scotland) Regulations 2003 (SSI 2003/593). Regarding SI 2003/2635, this is a UK Government SI which extends in large part to Scotland. In this respect the Executive asked the UK Government to transpose a number of elements of the Directive in Scotland in exercise of section 57 of the Scotland Act 1998. That was because the measures transposing the Directive were a mix of reserved and devolved matters and we wanted to avoid unnecessarily complex overlapping, and possibly, conflicting legislation.

We are now aiming to transpose the remaining requirements of the Directive. These are:-

- placing an obligation on producers (i.e. vehicle manufacturers and professional importers) to provide for free takeback of all ELVs from 1 January 2007 (currently, free takeback is available only to vehicles sold after 1 July 2002);

- requiring producers to ensure that a network of treatment facilities is in place to take back and deal with ELVs; and

- requiring producers to ensure that contracted dismantlers achieve the Directive’s recycling targets and placing a requirement on non-contracted dismantlers to achieve the targets at their own hand.

An implementation model has now been prepared by the UK Government and devolved administrations. Its salient points are:-

- producers must register with whichever of SEPA, the Environment Agency or Northern Ireland Environment and Heritage Service is the Agency for their registered place of business;

- producers must declare responsibility for the marques which they have placed on the market;

- the relevant Agency will be empowered to ascribe undeclared vehicles to a producer;

- producers must establish and operate a system for the free take-back and treatment of their vehicles when they become ELVs, the handover or delivery points of which must be reasonably local to last owners (an average of 10 miles is the distance being mooted);
producers need not set up treatment facilities at their own hand – they may establish their treatment and disposal networks by contracting with operators authorised by the relevant Agency to treat and dispose of ELVs;

the take-back system will have to be approved by the relevant Agency;

producers to ensure that treatment facilities with whom they contract to dispose of ELVs meet the relevant recovery and recycling target applicable to the ELV, and declare so through submission of a certificate of compliance;

treatment facilities not under contract to a producer to meet the targets at their own responsibility;

provision for the Minister or Agency to enter into formal agreement with producers or their trade associations so as to achieve one or more of the Directive’s objectives (viz, prevention of waste from vehicles; reuse, recycling and recovery of components and improving the environmental performance of operators involved in the life cycle of a motor vehicle);

provision for appeals and offences.

It can be seen that the implementation model is heavily producer responsibility-oriented and, therefore, devolved. The only exceptions are the provision for Ministerial/producer agreement (since achieving the Directive’s objectives in respect of ELVs concerns the design and/or construction of the vehicle in the first place) and the offence and appeal provisions (which will be dependant on whether the parent provision is devolved or not).

Although these proposals deal with devolved matters, it is expected that these Regulations will have little, if any, application in Scotland. They require car manufacturers and professional importers to take certain steps and to be responsible to the Agency in the country of its company registration for meeting its obligations. However, there are no car manufacturers in Scotland and (subject to final confirmation at the time of writing) no importers/distributors of any size based here either. Consequently, even a best-case application of the proposals in Scotland is unlikely to exceed nominal levels of activity. What there will be is likely to be limited to ensuring that uncontracted treatment facilities, should any dismantlers chose that option, are achieving the recovery targets.

For that reason, I believe there is a case for relying on section 57(1) of the Scotland Act 1998 and ask the UK Government to extend the application of its implementing Regulations to Scotland. That is my first reaction and I shall, of course, consider matters further as the proposals are developed and in light of the response to the consultation. In the meantime, if the Committee has any views I shall be pleased to hear them.

Consultation on the proposals will be undertaken jointly by the UK Government and the devolved administrations. We currently expect it to commence in late January or early February.

ROSS FINNIE
LETTER FROM THE SCOTTISH EXECUTIVE, DATED 19 DECEMBER, 2003

THE GREENHOUSE GAS EMISSIONS TRADING SCHEME REGULATIONS 2003

I am writing to inform you that the above-named UK Regulations, which are due to come into force on 31 December 2003, have today been laid in the House of Commons, and I enclose a copy for your reference. [NB. Copy available from Clerks on request]


The EU Emissions Trading Directive (ETD) is a key element of the EU climate change strategy to reduce greenhouse gas emissions and to meet its Kyoto obligations. The EU has a Kyoto target to reduce emissions of greenhouse gases by 8% below 1990 levels over the period 2008-2012 and the UK share of this is a 12.5% reduction. Emissions trading is particularly suited to the emissions of greenhouse gases as they have the same effect wherever they are emitted. Trading allows Governments to regulate the amount of emissions produced in aggregate by setting an overall emissions cap but gives organisations the flexibility of determining how and where the emissions reductions will be achieved.

The objective of the Directive is to secure protection of the environment which is a devolved matter. However, crucial elements of the Directive, such as developing a National Allocation Plan (which will state the total quantity of allowances to be issued in the UK for a given period) and the allocation and issue of allowances (Articles 9 and 11 of the Directive refer) are not separately exercisable in Scotland as the Directive requires one National Allocation Plan for each Member State. As a result, the Directive could not have been transposed in its entirety through Scottish regulations and the Scottish Ministers would have been unable to set an emissions cap for Scotland independently of the UK.

In light of this the Scottish Ministers took the decision, in concert with the UK Government, to implement the Directive in an undifferentiated manner across the UK through UK legislation, using section 57 of the Scotland Act, as this offered the most efficient and sensible approach. A single set of Regulations reduces the uncertainty and complexity of the emissions trading scheme for participating organisations. In addition, as Scotland is working in partnership with the UK to meet international climate change commitments there were no distinct advantages in implementing the EU ETD separately in Scotland.

A vital consideration in adopting this approach was that the Scottish Ministers should retain responsibility for the exercise of their devolved functions. Therefore, where devolved functions are separately exercisable in Scotland reference is made in the Regulations to the “appropriate authority” which, in relation to an installation (other than an offshore
installation, meaning one covered by the oil and gas reservation in the Scotland Act) situated in Scotland, will be the Scottish Ministers. Depending on the circumstances, the Scottish Ministers may also be able to exercise functions as the “responsible authority” (regulation 11 refers). Where devolved functions are not separately exercisable in or as regards Scotland, the regulations provide that, except in exceptional circumstances, the Secretary of State will exercise powers relating to installations in Scotland only with the agreement of the Scottish Ministers (regulations 18, 19 and 21 refer). Similarly, the role of the Scottish Environment Protection Agency as the “regulator” in Scotland is clearly expressed.

Further information in relation to the EU Emissions Trading Directive, and the scheme that it introduces, is available on the Executive’s climate change website at www.scotland.gov.uk/climatechange.

I have written in similar terms to the Environment and Rural Development committee.

ROSS FINNIE
CONVENER’S REPORT

1. Plans for a visit by a delegation from the Committee to attend a meeting of the Network of Regional Parliamentary European Committees, NORPEC (provisionally early March 2004). Members will be aware that this Committee has endorsed continued membership and development of NORPEC along with its founding partners. Since this endorsement, the Convener and the clerks have been taking the Network forward.

As noted by the Committee at its meeting on 16 December, a full meeting of NORPEC is being finalised. This will take place at the Catalan Parliament and involve its newly formed European Union Committee (Comissió Permanent de Legislatura sobre la Unió Europea). This has a new Chair, Hon. Mr. Josep Maria Carbonell i Abelló (PSC-CpC, Socialist Group).

The purpose of the inaugural meeting of NORPEC will be to develop further the Network’s work programme, finalise details of a conference to be held in the autumn in Edinburgh and to agree possible new entrants to the Network. The Convener now recommends that:

Members note these developments and ask the Clerk to finalise travel dates as soon as possible, now that the necessary approvals for travel have been given.

2. Proposal for a visit by Members of the Czech Parliament to Edinburgh (provisionally April 2004). Correspondence has been received from the Honorary Czech Consul General indicating that a delegation from the Committee’s counterpart in the Czech Parliament (European Integration Committee) is keen to visit Scotland, perhaps in April 2004. The Convener now recommends that:

Given this Committee’s previous ties with the Czech Committee, the Executive’s agreement with the Czech Republic on regional development and the agreement to look at ways of promoting enlargement more generally in Scotland, that the Committee agrees to host this visit and task the Convener and Clerk with making the necessary arrangements.

Richard Lochhead MSP
Convener
28 January 2004
Introduction

1 One of the core scrutiny tasks that the European and External Relations Committee conducts is the analysis of information received from the Scottish Executive on meetings of the various Council of the EU formations (formerly known as the Council of Ministers).

2 Two types of information are shared with the Committee under the agreement between the previous Committee and the Executive. First, a few weeks in advance of a Council meeting, the Committee is provided with an annotated agenda of the Council. This sets out the nature of the agenda and the Executive’s views on the items in question where it has a competence. The Executive’s views tend to be italicised so as to stand out for the reader. Members should be aware that often the agenda is a ‘best guess’ and second, the views provided are designed not to prejudice the UK’s negotiating position whilst still providing sufficient information for Members to have an understanding of the subject.

3 Second, following the meeting of the Council, within a few weeks, the Executive provides the Committee with a post-Council report, detailing attendance and the discussions that took place.

4 These two types of information give rise to the shorthand terminology of ‘pre- and post-Council scrutiny’ for this particular task of the Committee. In scrutinising the material, the Committee has a range of options:
   - note the material having placed it into the public domain for others to use
   - ask for more written information from the Executive
   - invite the relevant minister to attend the next committee meeting for further discussions

5 The nature of the scrutiny to be undertaken by Members should be focusing on two distinct areas. As a first priority, the Committee should aim to focus on the Council agenda items that make reference to early,
formative discussions (e.g. on Green Papers, White Papers, Commission Communications, orientation debates etc.) in the Council. This is an indication that the decision-making process for these agenda items in the Council is at an early stage. It is here that the Committee might best influence the minister's thinking early on.

6  **As a second priority, to be used perhaps only occasionally, the Committee may choose to focus upon agenda items nearing final decisions.**

7  In a new development for session two of the Parliament, the relevant sectoral information is being sent directly by the relevant minister to other subject committees. This means, for example, that in addition to this Committee receiving fisheries information, the Environment and Rural Development Committee is simultaneously in receipt of the same information.

8  What this means for this Committee is that any further dialogue with the Executive is best done in co-ordination and co-operation with the dialogue that another committee may choose to undertake. Members should note that such as system does not preclude the European and External Relations Committee from engaging with all the material and information received. On occasions, it may be that an issue is pressing, but a subject committee has no time in which to deal with it and therefore this Committee may tackle the issue. This system requires good communication between conveners and between clerks, and close co-operation between the clerks and officials in the Executive.

This paper

9  Based on experience from session one of the Parliament, these papers are best sub-divided into two sections. **Annex A** contains a summary table, with the Convener’s recommendation(s) for each Council agenda/report. **Annex B** contains the full information provided by the Executive for each of the Councils being considered at today’s meeting.

Action requested

10  **Members are requested to consider the recommendations set out in the table in Annex A in light of the information provided by the Executive, set out in Annex B.**

Richard Lochhead MSP  
Convener  
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### SUMMARY TABLE OF CONVENER’S RECOMMENDATIONS

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<th>Did Executive meet deadline for sending information?</th>
<th>Notes and recommendation</th>
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<td><strong>Pre-Council scrutiny</strong></td>
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<tr>
<td>ECOFIN Council, 10 February</td>
<td>Yes</td>
<td>Welcome information provided</td>
</tr>
<tr>
<td>General Affairs and External Relations Council, 23-24 February</td>
<td>Yes</td>
<td>Welcome information provided and note that the Committee has already asked the Executive for an analysis of the Council's Annual Operational Programme for 2004.</td>
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<tr>
<td>Agriculture and Fisheries Council, 24 February</td>
<td>Due 03.03.04</td>
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<td>Justice and Home Affairs Council, 19-20 February</td>
<td>Due 30.01.04</td>
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<td><strong>Post-Council scrutiny</strong></td>
<td></td>
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<tr>
<td>ECOFIN Council, 20 January 2004</td>
<td>Yes</td>
<td>Welcome information provided</td>
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1. Commission report on the Lisbon Strategy (Spring Report)

The Lisbon strategy is a major priority for the Irish Presidency and at the Spring European Council on 25/26 March 2004 this strategy will be reviewed. It is Ireland's intention to focus the agenda on a limited number of key priorities. These centre on the themes of growth and dynamism in an enlarged Union.

The priorities proposed by Ireland, in its pre-Presidency paper for the Spring European Council, entitled “Europeans working together for growth and dynamism in the enlarged Europe” are the following:

- Promoting growth-oriented economic policies: priority will be attached to encouraging investment in physical and human capital, including research and development, while seeking to maintain macroeconomic stability and to continue the structural reform of product, capital and labour markets.
- Fostering competitiveness as the key to generating and maintaining growth and employment: work in this area will centre on ensuring that the impact of new Community policies is assessed appropriately and that significant progress is made on the internal market for services.
- Delivering more and better employment: we intend to focus on implementing the employment guidelines, for which the recommendations of the Employment Taskforce are of particular relevance. Particular challenges in this area include promoting effective adaptation to change by workers and companies, especially through social dialogue and prioritising life long learning and gender equality in the workforce.
- Ensuring sustainable growth: priority will be attached to advancing the Environmental Technologies Action Plan.

2. Annual report by the EPC on structural reforms in 2004

Ongoing structural reform is a central feature of the EU’s agenda. Sustained progress is essential if the ambitious goals set in Lisbon are to be achieved.

In accordance with its statutes, the Economic Policy Committee has a duty to report each year on the progress that the Union has made. The annual report is underpinned by a peer review of structural reform in the product, capital and labour markets of each Member State.

3. Broad Economic Policy Guidelines (BEPGs)

The yearly BEPGs concentrate on the contribution that economic policies can make to achieve the EU’s strategic Lisbon goal. The Lisbon agenda has seen notable successes, like the creation of five million jobs and agreement on the opening up of energy markets and on a
Community patent. However much more needs to be done to further boost employment, productivity and business dynamism. Interim target dates are less than two years away. The BEPGs make both general and country-specific recommendations.

The 2004 BEPGs can be expected to be adopted in April 2004.

4. Stability and Growth Pact

Examination of updated stability and convergence programmes.
General Affairs and External Relations Council, 23-24 February

Session on General Affairs

1. Council’s Annual Operational Programme (public debate)

The Irish and Dutch Presidencies which will hold office in 2004 have set out a joint operational programme to set out and organise the work of the Council for 2004. The purpose of the programme is to provide continuity and set out challenges which must be addressed in 2004 and build on the work of the Greek and Italian Presidencies during 2003. The Council will pursue its legislative programme working closely with the European Parliament and taking into consideration the Commission’s Legislative Work Programme. As part of the effort to bring the EU closer to its citizens, the Irish and Dutch Presidencies will carry out the work of the Council in as transparent a manner as possible.

2. Progress of work in other Council configurations

The Council will discuss a report from the Presidency on work underway in the Council’s other configurations, covering meetings held since the last report on 8-9 December.

3. (Poss.) Follow up to the December European Council

The Council will discuss the main issues arising from the 12-13 December European Council. The main issues due to be discussed at that meeting were:

- Economic Growth
- Strengthening the EU’s area of freedom, security and justice
- EU enlargement
- Cyprus
- External Relations, Common Foreign and Security Policy and European Security and Defence Policy.

4. Financial Perspective – Commission Communication

This has been dropped from the agenda

Session on External Relations

This section relates to reserved issues

1. Georgia
2. Middle East Peace Process
3. (Poss.) Iran – follow up to SG/HR Solana visit
4. Afghanistan (preparation of International Conference)
5. Orientation debate on the effectiveness of external actions
6. Western Balkans (including situation in Serbia and Montenegro following elections in Serbia)
7. WTO Doha Development Agenda: progress in the negotiations
8. (Poss.) ESDP (follow up to SFOR)

 Possible "A" Items

This section relates to reserved issues

– EU Security Strategy
– Conflict Prevention Priorities
– Colombia
– Establishment of EU position for the Cooperation Council with Uzbekistan
– Review of progress in implementing December 2002 conclusions on human rights and democratisation in third countries
– Relations with Russia: Presidency workplan on the implementation of the Common Strategy
– Relations with Ukraine: Presidency workplan on the implementation of the Common Strategy

In the margins of the Council

This section relates to reserved issues

– Cooperation Council with Uzbekistan
– Serbia and Montenegro - Troika
Agriculture and Fisheries Council, 24 February

Awaiting information from the Executive
Justice and Home Affairs Council, 19-20 February

Awaiting information from the Executive

UK Participant: Gordon Brown (Chancellor of the Exchequer)

ITEMS APPROVED WITHOUT DEBATE

ECOFIN
-Taxation: Directive concerning common system of VAT

EXTERNAL RELATIONS
-China: Memorandum of Understanding about visas etc for tourist groups from China
-Industrial cooperation with Malta: transitional agreement on conformity assessment covering a large number of sectors

EUROPEAN SECURITY AND DEFENCE POLICY
-Security procedures for exchange of classified information: agreement with Switzerland

EUROPEAN ECONOMIC AREA
-Telecommunication services: establishment of European Regulators Group and Radio Spectrum Policy Group

COMPETITIVENESS
-Regulation of Mergers

ENVIRONMENT
-Environmental liability: public deliberation

INTERNAL MARKET
-Technical harmonisation of speed limitation devices: public deliberation

AVIATION
-Safety of third-country aircraft using Community airports: public deliberation

INDUSTRY
-Laboratory practices and tests on chemical substances-Codification of EU rules: Public deliberation

APPOINTMENTS
-Committee of the Regions

ITEMS DEBATED

PRESIDENCY AND COMMISSION WORK PROGRAMMES
The Council welcomed the work programmes which focus on the Lisbon Agenda for the first 3 months and on Enlargement for the final 3 months.

IMPLEMENTATION OF THE STABILITY AND GROWTH PACT
The Council agreed Opinions on the updated Stability and Convergence Programme for Denmark, Austria, Finland and Sweden.

KOK REPORT ON CREATING MORE EMPLOYMENT IN THE EU
The Council welcomed a note from the Economic Policy Committee about the Kok Report. The EPC note suggested that policy priorities should be:
- increasing flexibility of labour markets
- reconsidering the concept of job security so that it includes building people’s ability to remain and progress in work, and is not unduly focused on remaining in a job for life
- further tax and benefit reform to improve incentives to work.
VAT-REDUCED RATES
Discussion focused on the need to avoid distortions to the internal market and the possibility of applying the principle of subsidiarity to reduced VAT rates. This item will be discussed further at a future meeting.

INTERNATIONAL ACCOUNTING STANDARDS
The Council was briefed about the difficult discussions that were underway on financial instruments standards.

TOBACCO TAXATION
The Council discussed the links between tobacco taxation and smuggling, fraud, and cross-border consumption. The Council will receive a Commission report on these issues in 2006.

LAMFALUSSY COMMITTEES
The Council agreed that the Committee of European Securities Regulators (CESR) will be located in Paris, the Committee of European Banking Supervisors (CEBS) in London, and the Committee of European Insurance and Occupational Pensions Supervisors (CEIOPS) in Frankfurt.
Introduction

1 At various meetings in late 2003, the Committee asked for further information on a variety of subjects following its analysis of material on pre-Council of the EU annotated agendas. On behalf of the Committee, the Convener sent letters to various ministers in the Scottish Executive seeking more information. Copies of these letters for which replies were outstanding are attached as Annex A. Where replies have now been received, these are set out next to the appropriate letter from the Committee.

Action requested

2 Members are requested to consider the letters and the responses set out in Annex A.

Richard Lochhead MSP
Convener
Tel: 0131 348 5234
Email: europe@scottish.parliament.uk
LETTER SENT TO THE SCOTTISH EXECUTIVE BY THE CONVENOR (DATED 29 SEPTEMBER)

TO JIM WALLACE MSP, DEPUTY FIRST MINISTER AND MINISTER FOR ENTERPRISE AND LIFELONG LEARNING

Following the recent meeting of the Committee, it was agreed that further information be sought on various items relating to the information you kindly provided on the Council of the EU agendas. This request was originally sent to Ross Finnie MSP, but it would appear that the matter is more a competence of your department.

Transport and Telecommunications Council

1. To ask the Scottish Executive to share with parliamentary committees the material collated on the EU experience of the roll out of 3G telecommunications systems and the siting of masts.

As these information requests are to do with the scrutiny of EC/EU legislation, it is my view that they are not covered by the usual timescales set out in the relevant concordat. I would be grateful therefore if you could arrange to provide this material in time for the Committee’s meeting of the 4 November*. If this is not possible, could I be informed as to the reasons for the delay and your suggested solutions, which would enable responses to be received from one meeting of the Committee to the next.

NB. *this was subsequently extended to 1 December due to mis-posting by the clerk of the initial request to the incorrect minister.

EXECUTIVE’S RESPONSE

Awaiting response from the Executive
LETTER SENT TO THE SCOTTISH EXECUTIVE BY THE CONVENOR (DATED 5 NOVEMBER)

TO ROSS FINNIE MSP, MINISTER FOR ENVIRONMENT AND RURAL DEVELOPMENT

Following the recent meeting of the Committee, it was agreed that further information be sought on various items relating to the information you kindly provided on the Council of the EU agendas.

Agriculture and Fisheries Council

1. To ask the Scottish Executive why no annotated notes were provided on the Fisheries aspects on this agenda, setting out the Executive’s initial view of the Council agenda item. This prevented the Committee from understanding the nature of the agenda items and the Executive’s view.

2. To ask the Scottish Executive for a statement on its position vis-à-vis the establishment of Regional Advisory Councils and whether these will, as agreed by a previous Committee, have now or in the fullness of time delegated decision-making powers and be inclusive of all stakeholders.

3. To ask the Scottish Executive for a view on whether it is possible and whether it will seek a financial contribution to the new build within the Scottish fishery protection fleet under the proposed scheme amending the financial contribution by the Community to Member States’ expenditure incurred in implementing the control, inspection and surveillance systems applicable to the CFP. Additionally, could such a contribution be sought to assist with the contribution made by the Scottish fishery protection fleet in the North East Atlantic?

4. To note developments relating to the discussions on animal welfare during transportation and to ask that the post-Council report sets out the discussions on this agenda item in full, including the views put forward by the UK delegation at the Council and any decisions taken.

As these information requests are to do with the scrutiny of EC/EU legislation, it is my view that they are not covered by the usual timescales set out in the relevant concordat. In this respect, if possible, may we have a reply in time for the next meeting of the Committee. To this extent, a response by Monday 1 December would be greatly appreciated.

EXECUTIVE’S RESPONSE

Awaiting response from the Executive
LETTER SENT TO THE SCOTTISH EXECUTIVE BY THE CONVENOR (DATED 20 NOVEMBER)

TO JIM WALLACE MSP, DEPUTY FIRST MINISTER AND MINISTER FOR ENTERPRISE AND LIFELONG LEARNING

Re. Economic and Finance Council (ECOFIN), 24-25 November

Following the recent meeting of the Committee, it was agreed that I write to you to ask for more information in relation to the Investment Services Directive (ISD). I agree with you that the ISD is of significant importance to Scotland given that it aims to revise and update the 1995 directive, which established the legal framework governing firms and markets conducting specific types of investment business within the EU, and ensured their ability to operate across borders.

In your report to the Committee, you note that political agreement on the Directive was achieved at the last ECOFIN, but unfortunately the UK’s blocking minority on mandatory quote disclosure rules fell apart here. May I ask you to provide some further information that explains how this occurred, what implications this may have for the Scottish financial industry and what options are open to the Executive and the UK Government to ensure the best possible outcome to Scotland during the conclusion of any outstanding negotiations. I would be grateful if this information could be supplied by 12 December.

I shall endeavour to copy this letter and your response to Alasdair Morgan MSP, Convener of the Enterprise and Culture Committee, for his interest.

EXECUTIVE’S RESPONSE

Awaiting response from the Executive
LETTER SENT TO THE SCOTTISH EXECUTIVE BY THE CONVENOR (DATED 9 DECEMBER)

TO ANDY KERR MSP, LETTER TO THE FINANCE MINISTER

Re. ECOFIN, 4 November

Following the recent meeting of the Committee, it was agreed that further information be sought on various items relating to the information you kindly provided on the Council of the EU agendas.

We read with interest your note on the report produced by the EU’s Economic Policy Committee (EPC) on the impact of ageing populations on public finances which shows that large demographic changes with significant budgetary effects will take place in coming decades even if there is some uncertainty as to the precise scale of their impact. In your comments you state that the Scottish Executive is aware of the challenge demographic change poses to the sustainability of public service delivery. You also note that while the UK is relatively well-positioned to meet this challenge (compared to other EU countries), the Executive remains alert to the problems of population decline, ageing, and changing population density across Scotland. Can you give details of any research published or planned by the Executive into this subject matter.

As these information requests are to do with the scrutiny of EC/EU legislation, it is my view that they are not covered by the usual timescales set out in the relevant concordat. In this respect, if possible, may we have a reply in time for an early meeting of the Committee next year. To this extent, a response by Monday 19 January would be greatly appreciated. I shall endeavour to copy this letter and your response to the Convener of the Parliament’s Finance Committee for his interest.
EXECUTIVE’S RESPONSE FROM ANDY KERR MSP

Dear Richard

Thank you for your letter of 9th December regarding research on the impact of demographic trends.

As you will be aware, Treasury published an update of its Long-term Public Finance Report together with the Pre-Budget Report on 10 December. This report assesses UK long-term fiscal sustainability and comes to the conclusion that both the Chancellor’s golden rule and the sustainable investment rule will be satisfied in the long run (confirming last year’s findings).

International comparisons provided in the report show that the UK’s long-term fiscal position appears relatively strong, compared to other developed countries facing challenges from ageing populations, including many EU countries and the USA. Since we are part of the UK’s fiscal framework this Treasury report is our primary source of analysis as regards fiscal sustainability.

Furthermore, Scottish Enterprise has provided research on migration patterns, and a preliminary analysis on attracting high-skilled labour to Scotland and retaining it here (references see below). Beyond that, the Scottish Executive is undertaking further analysis on the impact of Scotland’s demographic trends on our policies.

References:

Findlay, A, Harrison, R.T., Houston, D and Mason, C.M. (2003) An Investigation of Migration Patterns in Relation to the Scottish Economy

LETTER SENT TO THE SCOTTISH EXECUTIVE BY THE CONVENOR (DATED 9 DECEMBER)

TO CATHY JAMIESON MSP, LETTER TO THE JUSTICE MINISTER

Re. Justice and Home Affairs Council, 6 November

Following the recent meeting of the Committee, it was agreed that further information be sought on various items relating to the information you kindly provided on the Council of the EU agendas.

We read with interest your note on the JHA Council’s discussion vis-à-vis the Proposal for a Council Directive on Compensation to Crime Victims. We note that the Directive would require each Member State to establish a state compensation scheme conforming to certain common minimum standards as regards eligibility and the scope and amount of compensation to be awarded. We also noted that agreement on this Directive has been delayed until 2004. We agreed to ask whether there were any implications for the Scottish legal system of this proposed Directive and whether you have any concerns.

As these information requests are to do with the scrutiny of EC/EU legislation, it is my view that they are not covered by the usual timescales set out in the relevant concordat. In this respect, if possible, may we have a reply in time for an early meeting of the Committee next year. To this extent, a response by Monday 19 January would be greatly appreciated. I shall endeavour to copy this letter and your response to the Conveners of the Parliament’s two Justice Committees for their interest.
EXECUTIVE’S RESPONSE FROM CATHY JAMIESON MSP

NB. Copies of the UK Explanatory Memoranda referred to are available from the Clerk on request

Dear Richard

Re. JUSTICE AND HOME AFFAIRS COUNCIL, 6 NOVEMBER

Thank you for your letter of 9 December seeking further information regarding the ‘Proposal for a Council Directive on Compensation to Victims of Crime’. This Proposal is currently under discussion by the Justice and Home Affairs Council. You have asked for my views on the implications for Scotland.

By way of background, the current Criminal Injuries Compensation Scheme (CICS) is probably the most generous of its kind in Europe. The CICS is a GB-wide scheme operating in Scotland, England and Wales. It is administered by the Criminal Injuries Compensation Authority and Appeals Panel, both bodies being designated cross-border public authorities. The CICS is reserved and the Home Secretary has overall responsibility, although he is required to consult Scottish Ministers on any changes to the Scheme.

The legal base for the draft Directive has been uncertain from the outset. The legal base cited originally was Article 308 of the Treaty establishing the European Community. However, the UK has never been convinced that such a legal base was satisfactory, while other member states have said expressly that it is not. Further work by the Commission’s and the JHA Council’s legal services have failed to resolve the matter, which therefore remains in abeyance. Discussions on the draft have, therefore continued in the meantime on a ‘without prejudice’ basis until the situation is clarified.

Along with the Home Office, we will continue to play an active role in the continuing negotiations on the Directive to ensure that the UK’s interests are taken into account. I have also enclosed for the Committee’s information an Explanatory Memorandum submitted by the Home Office on the proposals last July. Paragraphs 8-11 describe the Legal and Procedural issues governing the Directive and the subsequent impact on UK law. As this is a GB scheme, I do not expect any substantially different considerations to apply in Scotland.

I trust that the Committee finds this reply helpful and informative.
LETTER SENT TO THE SCOTTISH EXECUTIVE BY THE CONVENOR (DATED 9 DECEMBER)

TO JIM WALLACE MSP, LETTER TO DEPUTY FIRST MINISTER AND MINISTER FOR ENTERPRISE AND LIFELONG LEARNING

Re. Competitiveness Council, 10-11 November

Following the recent meeting of the Committee, it was agreed that further information be sought on various items relating to the information you kindly provided on the Council of the EU agendas.

We noted with interest the statement in relation to the REACH Chemicals regulatory proposal that the EU’s Permanent Representative Committee had agreed to set up an ad hoc Working Party on Chemicals with a broad mandate to examine the proposal in all its aspects. We would be grateful if you could provide further details of its membership and indicate whether there will be any Scottish representation on this Working Party, given the importance of the chemicals industry to Scotland.

As these information requests are to do with the scrutiny of EC/EU legislation, it is my view that they are not covered by the usual timescales set out in the relevant concordat. In this respect, if possible, may we have a reply in time for an early meeting of the Committee next year. To this extent, a response by Monday 19 January would be greatly appreciated. I shall endeavour to copy this letter and your response to Alasdair Morgan MSP, Convener of the Enterprise and Culture Committee, for his interest.
EXECUTIVE’S RESPONSE FROM JIM WALLACE MSP

Re. ad hoc Working Party on Chemicals

Thank you for your letter of 9 December requesting information on the ad hoc Working Party on Chemicals which has been set up by the EU’s Permanent Representative Committee.

The Committee is composed of Member State representatives. By its nature, the membership of the ad hoc group is not tightly defined, and it has met only once so far, but the expectation is that there will be a mix of officials from Environment, Economics and Labour/Worker Protection Ministries and their corresponding Permanent Representation colleagues. The interests of Scotland are represented at the ad hoc group through DEFRA, with whom we liaise closely.

I hope this information is helpful.
EU/S2/04/3/6

EUROPEAN AND EXTERNAL RELATIONS
COMMITTEE

BRIEFING PAPER

“Analysis of response times by the Executive’s Departments to Committee correspondence and requests for information”

Introduction

1 At previous meetings of the Committee, Members have commented on response times by Executive departments to the requests for information by the Committee. Specifically, these requests have been for: (i) annotated agendas before the relevant Council of Ministers meetings, (ii) post-Council reports thereafter, and (iii) responses to letters issued by the Committee asking for more detail on items raised when considering these agendas or reports.

2 At the Committee’s meeting of 16 December 2003, the Committee agreed with the suggestion proposed by the Deputy Convener that an analysis be provided identifying in percentage terms performance in relation to response times across Executive departments. This is provided below.

Recommendation

3 Members are requested to consider the material below and discuss any follow-up necessary.

Analysis

4 The following table has been produced as a result of a review of correspondence between the Committee and the Executive over the period September to December 2003.

5 In this period, the Clerks have analysed the numbers of Council agendas, post-Council reports and Executive response letters that were due to have been received for the Committee meetings held between these dates.

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1 Official Report, 16 December 2003, Column 301.
It is important to note that these figures are as accurate as possible as, at that stage, the Clerks had not yet been asked to keep a running total of response times. This is now done as a matter of routine. Nevertheless, the figures are broadly accurate.

The figures below are presented on a department-by-department basis. It should be noted that some departments are responsible for providing the Committee with information from more than one Council of Ministers formation (e.g. Environment and Rural Affairs Department provides information to the Committee for both Agriculture/Fisheries Council and Environment Councils).

<table>
<thead>
<tr>
<th>Department</th>
<th>Total number of agendas, reports or letters requested</th>
<th>Number delivered to date requested</th>
<th>Number delayed beyond date requested</th>
</tr>
</thead>
<tbody>
<tr>
<td>Corporate Services</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Development Department</td>
<td>0</td>
<td>0</td>
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<tr>
<td>Education Department</td>
<td>4</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Enterprise, Transport and Lifelong Learning</td>
<td>24</td>
<td>17</td>
<td>7</td>
</tr>
<tr>
<td>Affairs Department</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Environment and Rural Affairs Department</td>
<td>22</td>
<td>11</td>
<td>11</td>
</tr>
<tr>
<td>Finance and Central Services Department</td>
<td>16</td>
<td>12</td>
<td>4*</td>
</tr>
<tr>
<td>Health Department</td>
<td>3</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>Justice Department</td>
<td>10</td>
<td>9</td>
<td>1</td>
</tr>
<tr>
<td><strong>Total across all departments</strong></td>
<td><strong>79</strong></td>
<td><strong>53</strong></td>
<td><strong>26</strong></td>
</tr>
</tbody>
</table>

* Members may wish to be aware that at one stage, a key member of staff was unavailable due to long-term sickness absence

A closer analysis indicates that initially, pre-Council annotated agendas were the main area where information did not reach the Committee to the timeframes agreed. More recently, this situation has improved. However, in the last few months it has been the area of Executive replies to letters issued by the Committee seeking clarification on Council agenda items that has been the main area for delay.

Richard Lochhead MSP
Convener

This is despite the agreement between the Clerks and the Executive’s Committee Liaison Officers that such correspondence should specify either: (i) a two week response time (where considered urgent by the Committee, as this allows consideration of any response to take place at the next meeting of the Committee) or (ii) a four week response time (where considered less urgent and which then enables a consideration at the next but one Committee meeting). Almost all requests for information have been in the latter category, i.e. four weeks.
Background
This document contains the list of EC/EU documents received by the European and External Relations Committee for this meeting, classified according to which committee(s) the particular document is most relevant too. The document is sent by the European and External Relations Committee to each of the Scottish Parliament’s committees for their attention.

Table of Contents

Note
As a new feature, this list of recent legislative proposals and developments in the EU contains a preface to the Committee Relevancy lists. This preface highlights certain documents considered of ‘Special Importance’ by the European and External Relations Committee, along with a short explanatory note of why they have been highlighted as such.

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<thead>
<tr>
<th>Committee</th>
<th>Page Number</th>
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</thead>
<tbody>
<tr>
<td>Communities</td>
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<tr>
<td>Enterprise and Culture</td>
<td>2</td>
</tr>
<tr>
<td>Environment and Rural Development</td>
<td>3-5</td>
</tr>
<tr>
<td>Equal Opportunities</td>
<td>6</td>
</tr>
<tr>
<td>Finance</td>
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<tr>
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<td>8</td>
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<tr>
<td>Justice</td>
<td>9-10</td>
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<tr>
<td>Local Government and Transport</td>
<td>11</td>
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<tr>
<td>Other</td>
<td>12-15</td>
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</tbody>
</table>
## Documents of Special Importance

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<thead>
<tr>
<th>Subject Committee</th>
<th>SP Ref</th>
<th>EU Ref</th>
<th>Document Title</th>
<th>Explanatory Note</th>
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<tbody>
<tr>
<td>Communities</td>
<td>699</td>
<td>COM (2003) 773</td>
<td>Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions - Joint report on social inclusion summarising the results of the examination of the National Action Plans for Social Inclusion (2003-2005)</td>
<td>May be of interest to this Committee and worth noting. The report will form the basis for the Joint Council/Commission report on social inclusion to be presented to the Spring European Council of 2004. It assesses progress made towards meeting the Lisbon objective for poverty reduction and maps out the policy agenda for the future EU social inclusion process in a context which is set to change radically. Explanatory Memoranda to follow</td>
</tr>
<tr>
<td>Communities</td>
<td>709</td>
<td>COM (2003) 829</td>
<td>Communication from the Commission to the Council and the European Parliament - The World Summit on Sustainable Development one year on: implementing our commitments</td>
<td>May be of interest to this Committee. The report examines the implementation of the main targets of the Johannesburg World Summit on Sustainable Development and contains an updated list of the countries which have reported to the Commission. The report also includes an overview of the Agenda 21 action programmes of the countries which have not yet submitted reports. Explanatory Memoranda to follow</td>
</tr>
<tr>
<td>Enterprise and Culture (to include Lifelong Learning, Tourism)</td>
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<tr>
<td>Enterprise and Culture (to include Lifelong Learning, Tourism, Equal Opportunities, Health (to include community care))</td>
<td>720</td>
<td>COM (2003) 843 final</td>
<td>Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions concerning the re-examination of Directive 93/104/EC concerning certain aspects of the organisation of working time</td>
<td>Of interest to this Committee. Examines Directive 93/104/EC which stated minimum requirements with regard to working time and ensuring a better level of safety and health protection for workers. Specifically the maximum working week opt out clauses are examined. Explanatory Memorandum to follow.</td>
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### Committee Relevancy: Next Meeting 03-Feb-2004

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<tr>
<th>Committee</th>
<th>SP Ref</th>
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<tbody>
<tr>
<td>Communities</td>
<td>700</td>
<td>16241/03 ADD 1</td>
<td>Commission Staff Working Paper - Draft Joint Inclusion Report - Statistical Annex</td>
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<tr>
<td></td>
<td>707</td>
<td>COM(2003) 840</td>
<td>Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions establishing the guidelines for the second round of the Community Initiative EQUAL concerning transnational cooperation to promote new means of combating all forms of discrimination and inequalities in connection with the labour market - “Free movement of good ideas”</td>
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<tr>
<td></td>
<td>708</td>
<td>COM(2003) 842</td>
<td>Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions on Modernising Social Protection for More and Better Jobs: a comprehensive approach contributing to making work pay</td>
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<th>Committee</th>
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<tbody>
<tr>
<td>Enterprise and Culture (to include Lifelong Learning, Tourism)</td>
<td>691</td>
<td>COM(2003) 805 f</td>
<td>Proposal for a Council Regulation amending regulation (EC) No 2505/96 opening and providing for the administration of autonomous Community tariff quotas for certain agricultural and industrial products</td>
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<td></td>
<td>707</td>
<td>COM(2003) 840</td>
<td>Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions establishing the guidelines for the second round of the Community Initiative EQUAL concerning transnational cooperation to promote new means of combating all forms of discrimination and inequalities in connection with the labour market - &quot;Free movement of good ideas&quot;</td>
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<tr>
<td></td>
<td>694</td>
<td>COM(2003 738)</td>
<td>Opinion of the Commission pursuant to Article 251 (2), third subparagraph, point (c) of the EC Treaty on the European Parliament's amendments to the Council's Common Position regarding the position of the European Parliament adopted in second reading concerning a Regulation of the European Parliament and of the Council concerning monitoring of forests and environmental interactions in the Community (Forest Focus)</td>
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<tr>
<td></td>
<td>696</td>
<td>16191/03</td>
<td>Proposal for a Framework Decision to strengthen the criminal law framework for the enforcement of the law against ship-source pollution</td>
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<tr>
<td></td>
<td>701</td>
<td>5142/04</td>
<td>Report from the Commission to the European Parliament and the Council on the use of interspecific vine varieties suitable for the production of quality wines produced in specified regions</td>
</tr>
<tr>
<td></td>
<td>706</td>
<td>COM(2003) 817</td>
<td>Proposal for a Council Regulation establishing a Community programme on the conservation, characterisation, collection and utilisation of genetic resources in agriculture</td>
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<tbody>
<tr>
<td>736</td>
<td>COM(2003) 819 f</td>
<td>Proposal for a Council Regulation establishing measures for the recovery of the sole stocks in the Western Channel and the Bay of Biscay</td>
<td></td>
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<tr>
<td>739</td>
<td>COM(2003) 830 f</td>
<td>Communication from the Commission on guidance to assist Member States in the implementation of the criteria list in Annex III to Directive 2003/87/EC establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC, and on the circumstances under which force majeure is demonstrated</td>
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<tr>
<td>Equal Opportunities</td>
<td>707</td>
<td>COM(2003) 840</td>
<td>Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions establishing the guidelines for the second round of the Community Initiative EQUAL concerning transnational cooperation to promote new means of combating all forms of discrimination and inequalities in connection with the labour market - &quot;Free movement of good ideas&quot;</td>
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<td>Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions on Modernising Social Protection for More and Better Jobs: a comprehensive approach contributing to making work pay</td>
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</table>
Sift of EC/EU legislative proposals and other documents

**Committee Relevancy: Next Meeting 03-Feb-2004**

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<tr>
<td></td>
<td>713</td>
<td>COM(2003) 821 f</td>
<td>Communication from the Commission to the European Parliament and the Council - The implementation by the EC of the &quot;Bonn Guidelines&quot; on access to genetic resources and benefit-sharing under the Convention on Biological Diversity</td>
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<tr>
<td></td>
<td>718</td>
<td>COM(2003) 839 f</td>
<td>Commission communication on parallel imports of proprietary medicinal products for which marketing authorisations have already been granted.</td>
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<tr>
<td>Committee</td>
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<td></td>
<td>726</td>
<td>ENFOPOL 1</td>
<td>Initiative of the United Kingdom with a view to the adoption of a Council Decision amending Decision 2000/820/JHA establishing a European Police College (CEPOL)</td>
</tr>
<tr>
<td></td>
<td>734</td>
<td>COM(2003) 827 f</td>
<td>Proposal for a Council Decision conferring jurisdiction on the Court of Justice in disputes relating to the Community patent</td>
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<tr>
<td></td>
<td>738</td>
<td>COM(2003) 828 f</td>
<td>Proposal for a Council Decision establishing the Community Patent Court and concerning appeals before the Court of First Instance</td>
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</table>

27 January 2004
## Committee Relevancy: Next Meeting 03-Feb-2004

<table>
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<tr>
<th>Committee</th>
<th>SP Ref</th>
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<th>Document Title</th>
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<tbody>
<tr>
<td>746</td>
<td>15738/03</td>
<td>Draft Council Decision amending Article 35 of the Rules of Procedure of the Court of First Instance with regard to the language of proceedings, with a view to the new division of jurisdiction in direct actions and the enlargement of the Union.</td>
<td></td>
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<tr>
<td>747</td>
<td>15738/03 COR 1</td>
<td>Draft Council Decision amending Article 35 of the Rules of Procedure of the Court of First Instance with regard to the language of proceedings, with a view to the new division of jurisdiction in direct actions and the enlargement of the Union.</td>
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<tr>
<td>748</td>
<td>15739/03</td>
<td>Draft amendment to Article 10 of the Rules of Procedure of the Court of First Instance concerning the Grand Chamber</td>
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<tbody>
<tr>
<td></td>
<td>727</td>
<td>5183/04</td>
<td>Initiative of the Kingdom of Spain with a view to adopting a Council Directive on the obligation of carriers to communicate passenger data</td>
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## Committee Relevancy: Next Meeting 03-Feb-2004

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<td>684</td>
<td>COM(2003) 784 f</td>
<td>Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions: &quot;The future of European regulatory audiovisual policy&quot;</td>
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<td>686</td>
<td>15870/03</td>
<td>Council Decision on downgrading Annex 5 to the Common Consular Instructions and the corresponding Annex 14b to the Common Manual and on declassifying Annexes 9 and 10 to the Common Consular Instructions and the corresponding Annexes 6b and 6c to the Common Manual</td>
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<td>692</td>
<td>FIN 576</td>
<td>Report on the financial statements of the European Monitoring Centre on Racism and Xenophobia for the financial year 2002</td>
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<td>698</td>
<td>16277/03</td>
<td>Proposal for a Council Decision concerning the signing of the Memorandum of Understanding between the European Community and the National Tourism Administration of the People's Republic of China on visa and related issues concerning tourist groups from the People's Republic of China (ADS). Proposal for a Council Decision concerning the conclusion of the Memorandum of Understanding between the European Community and the National Tourism Administration of the People's Republic of China on visa and related issues concerning tourist groups from the People's Republic of China (ADS)</td>
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<td>Proposal for a Council Decision on the signature and provisional application of an administrative arrangement in the form of an exchange of letters between the European Community and the Swiss Confederation concerning the transitional points system applicable to heavy goods vehicles travelling through Austria - Proposal for a Council Decision on the conclusion of an administrative arrangement in the form of an exchange of letters between the European Community and the Swiss Confederation concerning the transitional points system applicable to heavy goods vehicles travelling through Austria</td>
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<td>Proposal for a Council Decision on the signature and provisional application of an Agreement in the form of an exchange of letters between the European Community and the Republic of Croatia concerning the transitional points system applicable to heavy goods vehicles travelling through Austria from 1 January 2004 to 30 April 2004 - Proposal for a Council Decision on the conclusion of an Agreement in the form of an exchange of letters between the European Community and the Republic of Croatia concerning the transitional points system applicable to heavy goods vehicles travelling through Austria from 1 January 2004 to 30 April 2004</td>
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<td>Proposal for a Council Direction on the signature and provisional application of an Agreement in the form of an exchange of letters between the European Community and the Former Republic of Macedonia concerning the transitional points system applicable to heavy goods vehicles travelling through Austria - Proposal for a Council Decision on the conclusion of an Agreement in the form of an exchange of letters between the European Community and the Former Republic of Macedonia concerning the transitional points system applicable to heavy goods vehicles travelling through Austria</td>
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<td>716</td>
<td>COM(2003) 759 f</td>
<td>Proposal for a Council Decision on the position to be taken by the Community in the Association Council established by the Europe Agreement between the European Communities and their Member States, of the one part, and the Republic of Hungary, of the other part, concerning the improvement of the trade arrangements for processed agricultural products provided for in Protocol 3 of the Europe Agreement between the European Community and the Republic of Hungary</td>
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<td>719</td>
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<td>Communication from the Commission to the Council concerning the opening of consultations with the Togolese Republic under Article 96 of the Cotonou Agreement</td>
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<td>728</td>
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<td>Proposal for a Council Decision on the position to be taken by the Community in the Association Council established by the Europe Agreement between the European Communities and their Member States, of the one part, and the Czech Republic, of the other part, concerning the improvement of the trade arrangements for processed agricultural products provided for in Protocol 3 of the Europe Agreement between the European Community and the Czech Republic.</td>
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