EUROPEAN AND EXTERNAL RELATIONS COMMITTEE

AGENDA

6th Meeting, 2004 (Session 2)

Tuesday 16 March 2004

The Committee will meet at 2.00 pm in Committee Room 2.

1. Repatriation of European regional development funds and the UK Government’s proposals - an Inquiry into the impact in Scotland: The Committee will hear evidence from—

   Rt. Hon Jim Wallace QC MSP, Deputy First Minister and Minister for Enterprise and Lifelong Learning
   Diane McLafferty and Lynn Henni, European Structural Funds Division, Scottish Executive

2. Promoting Scotland worldwide - an Inquiry into the external relations policy, strategy and activities of the Scottish Executive: The Committee will hear from—

   As a Panel (Academia)

   Dr Alex Wright, University of Dundee
   Professor Michael Keating, University of Aberdeen and the European University Institute, Florence
   Dr Gregg Bucken-Knapp, University of Stirling and the University of Gothenburg, Sweden
   Professor George Blazyca, University of Paisley

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

   Letter received from the Scottish Executive providing an analysis of the medium-term priorities of the European Union and the potential implications to Scotland

   Letter received from the Scottish Executive as a follow-up to the Finance Minister’s recent evidence to the Committee on EU priorities
Visit to the Catalan Parliament as part of a meeting of the Network of Regional Parliamentary European Committees, 8-9 March 2004

Monthly report on the external relations activities in the Scottish Parliament

4. 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

Justice and Home Affairs Council, 30 March 2004

Previous Councils

General Affairs and External Relations Council, 23-24 February 2004
Agriculture and Fisheries Council, 24 February 2004
Education, Youth and Culture Committee, 26 February 2004

5. 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

*******************************************************************************
The following papers are attached for this meeting:

**Agenda Item 1**

BRIEFING PAPER: “Written submissions of evidence for today’s meeting – Regional Development Funds Inquiry”

**Agenda Item 2**

BRIEFING PAPER: “Written submissions of evidence for today’s meeting – Promotion of Scotland Worldwide Inquiry”

**Agenda Item 3**

Convener’s Report, including:
- Letter received from the Scottish Executive providing an analysis of the medium-term priorities of the European Union and the potential implications to Scotland *(to follow)*
- Letter received from the Scottish Executive as a follow-up to the Finance Minister’s recent evidence to the Committee on EU priorities *(available in hard copy only)*

**Agenda Item 4**

BRIEFING PAPER: “Pre- and post-Council of the EU analysis and scrutiny”

BRIEFING PAPER: “Correspondence received from Scottish Executive on pre- and post-Council scrutiny”

**Agenda Item 5**

Sift of EC/EU legislation received for this meeting
EUROPEAN AND EXTERNAL RELATIONS COMMITTEE

BRIEFING PAPER

“Written submissions of evidence for today’s meeting – Regional Development Funds Inquiry”

Introduction

1 This paper contains, in Annex A, the written submissions of evidence (where one has been received) from today’s witnesses. Most submissions received so far for this Inquiry can be seen on the Committee’s homepage within the Parliament’s website:

http://www.scottish.parliament.uk/european/index.htm

Recommendation

2 Members are requested to refer to these witness submissions to assist them in their preparations for the meeting.

Stephen Imrie
Clerk to the European and External Relations Committee
The Scottish Parliament
Tel: 0131 348 5234
Email: europe@scottish.parliament.uk
Scottish Executive

The 3rd Report on Economic and Social Cohesion – Background Note

The 3rd Cohesion Report was published by the European Commission on 18 February. It sets out in detail the progress made in achieving economic and social cohesion across the EU Member States and the Accession Countries. It also outlines the Commission’s vision for the future of the Structural and Cohesion Funds.

Current Structural Funds Programmes cease in 2006 and are worth some £1 billion to Scotland over the 2000-06 period. The Commission will probably publish formal regulation proposals for the next programming period (2007-13) in July. This will be followed by negotiations among Member States (MS) in Council Working Groups. It is hoped that agreement can be reached in the Council of Ministers by the end of 2005 so that new Programmes can be negotiated in 2006.

The Structural Funds will be reformed post enlargement to support the development needs of the new MS, most of which are significantly poorer than existing Members. The Commission proposes that EU regional policy should be provided under 3 strands:

- 78% of the budget would be allocated to the convergence strand for the poorest regions across all MS. This would include the Cohesion Fund, Objective 1 funding (for regions with a GDP/capita under 75% of the EU25 average) and compensation funding for ‘statistically affected’ regions, which would have qualified for Objective 1 in the absence of enlargement (i.e. with a GDP/capita under 75% of EU15 average).

- 18% of the budget would be allocated to the competitiveness strand to replace the current Objectives 2 and 3 and would be based on themes, with all non-Objective 1 regions being eligible. This strand would also include ‘phasing in’ funding for current Objective 1 regions with a GDP/capita now above 75% of the EU15 average.

- 4% of the budget would be allocated to the cooperation strand. This would build on the current Interreg Community Initiative which promotes cross-border, transnational and inter-regional projects with regions in other MS.

Under this model, the Highlands and Islands would receive compensation funding as a ‘statistically affected’ region, assuming a continuing low GDP relative to the EU15 average for 2002 and 2003. The Commission is expected to propose that statistical effect regions receive funding at of 66% of full Objective 1 level averaged over the funding period. However this level of funding is likely to be opposed by some MS – especially net contributors.

The rest of Scotland would qualify for the new Objective 2 (the competitiveness strand) and the UK would decide where Objective 2 funding would be targeted. It is not yet clear how allocations to England, Scotland, Wales and Northern Ireland would be determined – the Commission plans to allocate funding on the basis of population, but there may be some weighting according to e.g. GDP and population density. Under a thematic menu approach proposed by the Commission, Objective 2 funding would be split equally with 50% for the...
European Social Fund, targeting skills and training, and 50% for the European Regional Development Fund, targeting accessibility, innovation and environment/prevention of risks.

An Analytical Working Group of the Scottish European Structural Funds Forum, which includes economists from partner organisations, is analysing the implications of the 3rd Cohesion Report and will consider Scotland’s likely Structural Funds receipts under the scenario outlined by the Commission.

The UK Government proposes an EU Framework, which would involve Structural Funds only being provided in the poorest MS, with other MS funding their own regional policy (known as renationalisation). There has been little support from other MS (except other net contributors to the EU budget - the Netherlands, Sweden, Denmark and to some extent Germany).

At the same time as Scotland faces reform of the Structural Funds, there may also be changes in scope to fund national regional interventions, such as Regional Selective Assistance (RSA), under proposed amendments to the Regional Aid Guidelines for 2007–13. This clearly is of critical importance to the future of regional policy in Scotland, and we are discussing this with the Department for Trade and Industry.
Scottish European Structural Funds Forum (Chaired by Executive Ministers)

NB. The document below is the submission made by this Forum to the UK Government’s Consultation on its proposed framework for regional development post-2006.

Summary

1. The enlargement of the European Union in 2004 to include ten new Member States, mainly in Central and Eastern Europe, necessitates a reappraisal of EU regional policy. Due to the challenges which most new Member States face in ensuring cohesion and sustainable economic growth, and achieving convergence with the rest of the EU, it is vital that a significant share of future Structural and Cohesion Funds goes to the poorest regions in these new Member States.

2. The Scottish European Structural Funds Forum (“the Forum”) welcomes the UK Government consultation paper and its strong commitment both to regional policy and to a continuing important role for the EU in regional policy. The Forum also expresses its support for the UK Government’s commitment to engaging with the Commission on the potential for reform of the State Aid regime. The consultation is timely in the context of the debate about the future of EU regional policy and presents a focus for Scottish partners to consider how future regional policy should best serve not only the interests of Scotland but also the overarching social and economic cohesion objectives of the EU. Scotland has consistently and enthusiastically supported the European ideals of open markets, cohesion and solidarity. The discussion stimulated by the consultation paper has allowed the Forum to identify key principles for future regional policy in Scotland. These are listed at the end of this paper. While all Forum members support these principles, there are differing strengths of opinion on the specific proposals within the consultation paper and these will be reflected in members’ individual responses.

Introduction

3. The focus of the UK consultation paper is on a proposed funding model that would devolve responsibility for regional policy to Scotland. In considering the document, the Forum has built on the UK proposal of an EU Framework. The Forum strongly recommends that the UK Government continues, not only to reaffirm its commitment to regional policy, both at the EU and national level, but also takes tangible steps to demonstrate this commitment in order to influence future EU regional policy.

4. We think this can best be achieved by:

- at the EU level, developing the principles of regional policy;
- at national level, by firming up the commitment to future national regional policy and ensuring sufficient funding is made available;
- working closely with Commission officials on state aid reform.

5. The Forum would welcome the opportunity to work with UK Government officials to develop these issues.
The rationale for regional policy

6. The reduction of regional disparities through long-term application of economic development measures has been an important feature of public policy in Scotland since the establishment of the former Highlands & Islands Development Board (HIDB) in 1965 and the then Scottish Development Agency (SDA) ten years later. The success in turning round the economic and demographic decline of the Highlands and Islands since that time has, for example, stemmed from the consistent pursuit of regional policy objectives. Equally, the more urban parts of the country have benefited steadily from successful stimulation of economic development on both a geographical and sectoral basis.

7. For more than 25 years, Scotland has benefited significantly from Structural Funds, which have contributed to economic development and job creation in many areas acknowledged as lagging behind or suffering from structural decline. The Structural Funds, together with Regional Selective Assistance, have ensured a strong focus on the role of regional policy in Scotland and its impact on improving competitiveness. The Forum is clear that regional disparities within Scotland remain and require continuing intervention to tackle variations in level of prosperity, economic strength, unemployment and out-migration.

8. It is important to emphasise the need for regional development policies at three levels: EU, UK and Scotland.

9. At the EU level, there are three key objectives.
   - To support the Lisbon Agenda of global competitiveness and economic growth, as well as the Gothenburg Council commitments to sustainable development. European Commission figures show that much of EU GDP growth is generated by a small number of regions in the core of the EU. There are significant variations in GDP per hour worked (i.e. productivity) across Member States, and even more significant differences between the EU15 and accession countries. The evidence suggests that there has been only modest convergence in the productivity rates of EU countries in the last 10 years. Achieving the goals of the Lisbon Agenda will require not only an acceleration of structural reforms but also improvements in the competitiveness and growth performance of regions outside the core (e.g. with respect to regional labour markets, innovation systems, etc.).
   - To promote the economic and social cohesion of the EU. The Structural and Cohesion Funds have made a significant contribution both to convergence between Member States and to reducing the gap between the richest and poorest regions of the EU15. As a result of enlargement, economic and social disparities will increase considerably requiring sustained, large-scale support focused on the poorer Member States to achieve convergence.
   - To demonstrate solidarity between richer and poorer parts of the EU, to make the EU visible to the citizen.

10. At the UK level, an active and long-term regional policy is needed to address regional imbalances across the country. As in the EU, improving the UK’s rate of economic growth depends on narrowing the gaps in competitiveness between the territories and regions of the UK. Overall Scotland’s average productivity is similar to that of the UK as a whole, but the picture is much less reassuring when productivity is compared for smaller areas (NUTS III).
There is a huge range of productivity between NUTS III areas within Scotland, which includes the area with the lowest productivity in the UK. However, sub-national strategies need to operate within a UK ‘spatial framework’, which can bring coherence from a regional policy perspective to the many UK Government policies that impact upon economic development in Scotland.

11. At Scotland level, regional policy is needed to address problems of structural change and development which constrain competitiveness and productivity. Significant disparities exist between regions within Scotland, associated with severe physical and geographical handicaps and urban deprivation. For example:

- While Scotland's employment rate is 73%, there are wide differences at local authority level, of plus/minus 14 percentage points from the all Scotland rate;

- In 2001, the rate of unemployment (residence based, claimant count rate) varied from 6.8% in North Ayrshire to 1.6% in the Shetland Islands;

- Parts of Scotland have experienced significant reductions in their working age populations: over 1991 - 2001, the working age population fell by 0.4% in Scotland, but by 8.8% in Eilean Siar (Western Isles), 7.2% in Inverclyde and 6.3% in Dundee City;

- Severe physical handicaps affect large parts of rural Scotland and are most acute in the case of the 90 inhabited islands, where economic activity is heavily constrained by transport and other charges;

- At the local level, there are pockets of acute deprivation, as outlined in the Index of Multiple Deprivation.

12. As elsewhere in Europe, the average GDP in Scotland masks huge disparities at a local level. The Index of Multiple Deprivation\(^1\) shows that many of the most deprived wards in Scotland in terms of average income are also deprived on the basis of employment, health and education indicators demonstrating that there are still pockets of severe deprivation which need to be addressed.

13. There are problems associated with peripherality, depopulation and remoteness from markets and access to services, which differentiate Scotland’s position from much of the rest of the UK. These are an even more serious obstacle to competitiveness for the Highlands and Islands and remote areas of southern Scotland.

14. The Forum therefore believes that there is strong continuing justification for a regional policy in Scotland to support and complement Scottish sectoral policies in promoting growth, facilitating structural change and reducing disparities in income, productivity and prospects. Regional policy should build on the benefits derived from current and previous Structural Funds Programmes.

\(^1\)Scottish Indicators of Need – carried out for the Scottish Executive by the University of Oxford, 2003
Building on the Scottish experience of regional policy as a model in the enlarged EU

15. The implementation of the Structural Funds in Scotland has produced added value in several important respects. Programming has encouraged a more strategic approach to economic development. Structural Funds have promoted innovation and encouraged networking, both of which have contributed to finding new approaches to economic and social challenges. The role of the EU in promoting the mainstreaming of the horizontal themes of sustainable development and equal opportunities within the Structural Funds has produced substantial gains in Scotland.

16. Partnership has been a key theme of Structural Funds implementation in Scotland and a key factor in generating added value. Partners are drawn from a range of bodies, including local government, the enterprise network, environment agencies, further and higher education and the voluntary sector. Side by side sits the Community Planning framework. Each local authority area has a Community Planning Partnership which brings together a wide range of local partners from the Council, the health boards, the police, enterprise, etc. to provide overarching, long-term planning for the area. This framework, along with Local Economic Fora and the Social Inclusion Partnerships (which will be integrated into the Community Planning framework), can be expected to contribute to ensuring the coherence of regional policy with other local policy developments.

17. It is important to emphasise that, under the principle of subsidiarity, there should be a decentralised approach within the EU to decisions on resource allocation for regional policy, which should be delivered at the local level through a partnership model. The Forum agrees that Scotland should build on the partnership approach in future regional policy, however funded.

18. Through sharing of good practice and increased inter-regional co-operation, Scottish experience of managing Structural Funds can be passed on to others who are developing their regional policies in future.

Key principles for a future regional policy in Scotland

19. The Forum supports a central role for the EU in regional policy although would not be able to support the UK’s proposed EU Framework without further detailed discussion with UK Government officials on the precise implications of it. We endorse the recognition of the importance of subsidiarity in setting priority objectives for regional policy. Sufficient funding would need to be allocated to regional policy through appropriate financial instruments over the long term to ensure that the Framework objectives could be successfully implemented.

20. The Forum expects that the Framework objectives should be based around key EU goals, as set out in the Lisbon and Gothenburg Agendas. Therefore, in line with the Lisbon Agenda and the Framework for Economic Development in Scotland, regional policy should have a strategic focus on employment as a means of preventing social exclusion through promoting workforce development and tackling economic inactivity and incapacity through skills training. In line with the Gothenburg Agenda, it is vital to ensure that economic development

is promoted in ways which include environmental and social considerations and that all three are sustainable over the long term. The Framework should also aim to promote inter-regional co-operation across Europe and sharing of good practice from regional policy.

21. Broadly speaking, future regional policy should address the following key principles:

- recognise and address regional disparities;
- maximise economic opportunities and dynamism in a sustainable manner;
- complement Scottish Executive policy priorities and the overarching economic strategy ‘Smart, Successful Scotland’;\(^3\);
- promote sustainable development as an overarching goal of regional policy;
- promote diversity, social inclusion and environmental justice;
- be flexible enough to tackle different challenges in different regions, resulting in measurable improvements against a range of regional development indicators across Scotland;
- a long-term strategic vision;
- resources should be focused on tackling remaining, severe, regional and intra-regional disparities and should build on opportunities to promote competitiveness;
- inter-regional, cross-border and trans-national co-operation should be encouraged and supported further;
- promotion of innovation and sharing of good practice;
- encompassing the full range of factors in regional development and involving the full range of partners.

22. In conclusion, our success in Scotland in developing and implementing regional policy has been acknowledged. This paper identifies the key principles of future regional policy. We look forward to further discussions with the UK Government as the details of their proposals for an EU Framework are developed in light of this and other responses to their consultation.

\(^3\) Smart, Successful Scotland – Scottish Executive, 2001
EUROPEAN AND EXTERNAL RELATIONS COMMITTEE

BRIEFING PAPER

“Written submissions of evidence for today’s meeting – Promotion of Scotland Worldwide Inquiry”

Introduction

1 This paper contains, in Annex A, the written submissions of evidence (where one has been received) from today’s witnesses. Most submissions received so far for this Inquiry can be seen on the Committee’s homepage within the Parliament’s website:

http://www.scottish.parliament.uk/european/index.htm

2 The paper also contains, as Annex B, the terms of reference for the Inquiry as agreed by the Committee.

Recommendation

3 Members are requested to refer to these witness submissions to assist them in their preparations for the meeting.

Stephen Imrie
Clerk to the European and External Relations Committee
The Scottish Parliament
Tel: 0131 348 5234
Email: europe@scottish.parliament.uk
Professor Michael Keating

1. These reflections are based on a research project in the late 1990s, published in a joint book with colleagues in the University of the Basque Country, on work for the Forum of Federations (Canada) and on a project sponsored by the government of Flanders.¹

2. There has been a large increase in the activities of sub-state governments in international affairs, a field now known as ‘paradiplomacy’. Most domestic competences have an external dimension, breaking down the old distinction between home and foreign affairs. This is particularly so in the European Union.

3. The motivations are three fold: economic; cultural; and political.

(a) Economic motives arise from the internationalization of the economy and the rise of regions as ‘production systems’, in competition for investment, markets and technology. Such competition now goes beyond the borders of states, and takes sub-state governments into the international arena. Competition is balanced by co-operation with strategic partners.

(b) Cultural motives have to do with the maintenance and promotion of local cultures and languages in the face of homogenizing pressures in the state and international arenas. Culture is important not only in itself, but in mobilizing actors around common themes in economic development and retaining social cohesion in the face of global market pressures.

(c) Political motives relate to extending domestic competences into the European and international areas, as this is where many of the decisions are taken. It may also link to projects of region-building or nation-building. Nationalist parties may use this as an opportunity to reduce dependence on the state or even prepare for independence (protodiplomacy). Non-nationalist parties may see paradiplomacy as demonstrating that independence is no longer essential in order to become an actor in the world. More generally, in stateless nations, it may point to new ways out of the national question, beyond traditional notions of statehood and sovereignty. Notable examples here would be Catalonia, Flanders, Quebec and, to some extent, the Basque Country.

4. Paradiplomacy is distinguished from normal diplomacy in that it is sectorally-specific, focusing on specific tasks, rather than the representation of the territorial unit as a whole. There are different styles.

(a) In some cases, it is less by government, pursuing specific objectives and bringing in other social actors as appropriate. This might be the case in Flanders, in Quebec and in some German Länder. Often here, there is a dedicated external minister, or a section within the department of the first minister.

(b) In other cases, the emphasis is on civil society and business, with a plurality of actors involved, with government giving support were appropriate, but without an attempt at an overall ‘foreign policy’. This is the case in Catalonia, where the Generalitat, while sustaining an overall vision of Catalonia in Europe and the world, entrusts many of the initiatives to private actors, foundations and agencies. It is also characteristic of Tuscany, which seeks to emphasize its own social model, of co-operation and an active civil society, by incorporating this into its external policy.

(c) Scotland is somewhere in between, as the dual structure of representation in Brussels shows. This is probably the best formula, allowing for government to present its own case, while leaving room for civil society.

5. The main instruments of paradiplomacy are:

(a) inter-regional co-operation agreements;
(b) activities in the European Union;
(c) common action in constitutional issues, for example the initiative of the Regions with Legislative Power;
(d) work through inter-regional associations;
(e) sectoral agreements in business;
(f) research co-operation;
(g) educational exchanges;
(h) regional foreign aid programmes (‘decentralized co-operation). This does not exist in the UK but across much of Europe has proven an effective way of delivery aid, while fostering co-operation and benefiting donor regions.

6. Paradiplomacy is a tempting field for politicians, giving a chance for domestic and external visibility and taking them into the prestigious world of international affairs. It is quite easy to launch initiatives and general declarations. Many of these, however, fail to follow through or to produce anything substantive. The conditions of success are the following.

(a) Efforts should be focussed. There is a danger of over-extension and the proliferation of efforts that are under-resourced and lack commitment.
(b) There should be an overall vision and a positive view of Europe and opportunities abroad. The tendency in the UK to regard Europe as something against which we fight does not help here, as politicians gain little credit for being active Europeans. UK politicians still tend to return from European meetings claiming a victory is stopping things (like the fantasy of a European federal super-state). Scotland can be an exception in this, but the assumption that the Scots are naturally pro-European is questionable. There is a need to demonstrate the positive role that Scotland can play in building a democratic, decentralized and socially cohesive Europe, rather than emphasizing what it can get.
(c) Regions and nations that simply go grant-hunting in Europe are not taken seriously.
(d) Policy is more effective where civil society is involved and policy is decentralized and pluralist. There is a serious problem of following up political declarations with practical proposals, unless civil society is fully involved and resources are available.

(e) Small and medium sized enterprises are the businesses that have most to gain from external co-operation. Very small businesses tend to trade in local markets, while large firms have their own networks.

(f) Politicians can have a short attention span and without sustained leadership from the top, paradiplomacy is difficult to sustain. Personal leadership seems particularly important in this field, as there is little institutional momentum to sustain it on its own.

(g) The attitude of the central state is crucial. States are jealous of their prerogatives in external affairs and often very sensitive even on matters that seem of little political significance. In the UK, Whitehall has generally been rather accommodating of Scottish initiatives, but the price of this has been that the Executive has never deviated from the UK line on key matters. There is a trade-off to be made here.

(h) The Quebec example shows the danger of both nationalist and anti-nationalist politicians instrumentalizing external policy for political advantage. Catalonia, on the other hand, shows how they can put aside domestic differences to present themselves as a stateless nation in an interdependent world, without giving up their distinct views about the long-term status of Catalonia.

(i) The legal provisions for international co-operation are important in many European systems. Belgian regions and communities have external competences corresponding exactly to their internal competences. Italian regions are much more restricted.

(j) Regions may be partners in development, but they are also competitors. The balance between competition and co-operation can vary over time and across sectors. The ideal partner is a region that is complementary, so that resources and skills can be pooled.

(k) Mechanisms for co-operation should be simple and flexible. EU INTERREG projects, like many EU programmes, are often too complex.

(l) The image projected by the region or stateless nation should reflect a common social project, to manage the insertion of the territory into the global economy, while retaining social cohesion and cultural identity. At the same time, it should be pluralist, reflecting the complexity of cultures and interests. This balance is not easy to attain. Tartan Day has been criticized as sustaining a clichéd image of Scotland, while efforts to eliminate ‘tartanry’ from Scotland’s image altogether are artificial. The most successful efforts bring together modernity and tradition, while recognizing that tradition itself is live and changing. Culture in this way becomes not a mechanism for imposing conformity, but a vehicle by which a society can recognize itself and debate itself in all its complexity. The current efforts to promote Scottish culture abroad (Tartan Day perhaps excepted) are in this line.

(m) Care should be taken in using words like ‘coherent and co-ordinated’, which imply that Scotland has a single interest abroad. The Executive’s efforts should be focused and coherent, but there is scope within civil society for projecting a more pluralist vision of Scotland. This is not like traditional diplomacy, where the nation must present a united face to the world.
Rather than respond on a point-by-point basis to the questions raised in the consultation paper, this response focuses primarily on three of the five key areas of the committee’s inquiry.

1. **Strategy**

The Executive has adopted a consistent approach to foreign affairs since 1999, albeit that it has faced something of a conundrum. On the one hand, it has set out to raise Scotland’s profile internationally through its own efforts. On the other, its room for manoeuvre is potentially constrained because formally, ‘foreign affairs’ is reserved to Westminster. The net effect has been that the Executive has cultivated its own distinctive foreign policy since 1999 but this been concerned primarily with issues of low politics (e.g. collaboration with other territories with legislative powers in functional areas of policy), as opposed to high politics (e.g. securing the entitlement for the Executive to take the lead in the Council of the EU on those issues which affect Scotland primarily rather than the rest of the UK).

From 1999 it was evident that the Executive would focus on developing relations with territories with legislative powers both collectively (e.g. the so-called Flanders group) and bilaterally (e.g. the protocol of co-operation with Catalonia). Where it participated jointly with entities such as the Flanders group, an underlying intention was to secure greater influence over the EU’s policy making process, particularly at the pre-legislative stage. This was primarily because EU legislative proposals could on occasion be disproportionate in terms of cost versus outcome in relation to areas of policy which fell within the Executive’s competence. In essence, the Executive, along with the other territories with legislative power, sought to ensure that the Commission, especially, would respect the principle of subsidiarity. So, far as bilateral links were concerned there were a number of aims. These included fostering deeper trading links, collaboration in key areas of policy such as agriculture and rural affairs, the promotion of a regional agenda within the EU and the exchange of best practice. At all times, with the possible exception of the latter part of Mr McLeish’s period in office, Scottish ministers have publicly stressed that activities such as these should not be regarded as an ‘alternate foreign policy’ to that of the UK Government.

The Committee of the Regions (CoR) has formed another element of the Executive’s foreign affairs agenda, with the First Minister playing a leading role in assisting the CoR to formulate its response to the work of the Convention on the future of Europe. Here too the activities of the Executive have not come into conflict with the UK’s position on the Convention.

With regard to external affairs more generally (i.e. beyond the EU), the Executive has over time developed its own distinctive agenda. It has promoted Scotland’s links with the Scottish diaspora – especially in the USA (Tartan day). Senior ministers such as McConnell have participated in global events such as the World Summit on the Environment in South Africa. In so doing Scotland’s overseas profile has been greater than was the case prior to 1999.

In sum, therefore, given the constitutional constraints confronting the Executive and the political complexions of the parties involved, it is difficult to discern whether they could have done much more over the previous four years. Equally, the Executive’s strategy has been coloured by the following considerations. Firstly, potentially, the prosecution of a foreign affairs agenda can be both time consuming and costly. Thus, where possible the prosecution
of their foreign affairs agenda should where possible yield tangible economic and social benefits. Secondly, that for electoral reasons ministers could not afford to take their eye off domestic matters by over-involving themselves in foreign affairs. Nevertheless, they face the conundrum that with regard to foreign affairs, key decisions of a strategic nature which can affect Scotland’s welfare are taken not at Holyrood but still by London and increasingly so by Brussels – where Scotland’s representation in the Council of the EU is indirect.

2. Links

Evaluating the efficacy of the channels provided by the UK government remains a challenge to say the least because of the confidentiality which surrounds them. Certainly the Foreign and Commonwealth Office has been anxious to ensure that the interests of the devolved administrations have not been forgotten vis-à-vis the formulation of foreign policy. Recent research suggests that on the whole departments in London have endeavoured to ensure that the position of the devolved administrations is taken into account when the former formulate their position in relation to a given EU policy.

Nonetheless the current pragmatic arrangement which underpins inter-governmental relations between the UK Government and the Scottish Executive is not without its deficiencies. Firstly, it would appear that formal mechanisms such as the Joint Ministerial Committee have been somewhat under-utilised, though to be fair JMCEurope has been more active than most. Secondly, according to a recent report by the House of Lords Select Committee on the Constitution, there has been an over-reliance on goodwill and informality, concerning inter-governmental relations. This would be less sustainable if different parties were in office north and south of the Border. Thirdly, it could be argued that as far as foreign affairs is concerned, potentially Scotland is worse off not better as a result of legislative devolution. That is because the Executive, unlike the former Scottish Office, is not a constituent part of the UK Government. Thus, if one day the relationship between the Scottish Executive and the UK Government was more fractious than it has been until now, and it was not willing to respect the need for confidentiality regarding the conduct of inter-governmental relations, a UK Government might opt to collaborate less closely with the Executive in the formulation of its foreign policy. In effect the Executive might be less well informed with regard to the UK Government’s intentions. The issue of ‘discretion’ was referred to in the Memorandum of Understanding as follows:

“Each administration can only expect to receive information if it treats such information with appropriate discretion” (Memorandum of Understanding, para 11, Confidentiality).

Thus to some extent it would appear that the onus now rests on the Executive to respect the rules of the game if it is to enjoy continued privileged access to UK decision-making and policy formulation.

3. EU decision-making process

Unlike the German Länder or the Belgian Sub-national Entities (SNE) Scotland does not enjoy direct representation in the Council of the EU – territorial access to the Council being a by-product of the Treaty on European Union. Equally, unlike the above, there is no constitutional mechanism which gives Scotland the right of veto of further transfers of competence to the EU. That became something of a bone of contention for the Länder and SNE’s during the late 1980s and early 1990s because it was increasingly evident that areas of
policy which fell within their competence or which they shared with their state government had now been assigned to the EU. The net effect was that they had less influence over areas of policy which fell within their remit. Instead this was now determined by the governments of the member states in the Council, along with that of their own state government. Securing direct access to the Council and attaining the right of veto, was designed to offset this disempowerment. Scotland does not enjoy such rights under the current constitutional arrangements. Thus Scotland is faced with the paradox that although it now has its own parliament, political authority increasingly resides in Brussels.

It could be argued that this is of little consequence and that the Scottish Executive should capitalise on all the levers of power which are available to it. Thus under certain circumstances it might draw on the influence of the UK government and at other times it might deal directly with the Commission or mount a joint lobby with the other territories with constitutional powers.

Conversely, it could be argued that the current pragmatic arrangements which determine Scotland’s access to the EU-decision making process leave it overly dependent on the good will of the UK government (in relation to the formulation of its position into a given EU policy). Ideally, at the very least, the Executive’s powers need to be constitutionally entrenched akin to the Länder or the Belgian SNE’s. Otherwise the promotion and defence of its overseas interests rests on little more than the willingness of a UK government to accommodate Scottish needs and on whether the former possesses the capacity to promote those needs at a particular moment in time. However, constitutional entrenchment remains a utopian ideal, since there is little evidence that there is a desire to adopt a federal system of government in the UK. In the meantime given the constitutional constraints which it faces and the political complexions of the governing parties in Edinburgh and London, there is little that the Executive could do to secure more influence formally over how the UK handles European matters. Thus its efforts have been expended on curtailing the power of the EU itself – or more particularly the EU acting disproportionally. Although the Convention has recommended that the Commission should consult its territories more fully at the pre-legislative stage it remains to be seen whether this will be enshrined in the EU’s new constitution, and if so, whether this will be respected by the Commission. Thus there are grounds for supposing that structurally the promotion of Scotland’s interests in the EU and beyond remains flawed despite the best efforts of the Scottish Executive.
INQUIRY TERMS OF REFERENCE

Background – developing an external relations policy (a short history)

In 1999, the then UK Government's Foreign Secretary Robin Cook MP told the House of Commons that, “Labour's plans for devolution will create a Minister for European Affairs in a Scottish administration, set up a Scottish European office in Brussels accountable to a Scottish Parliament in Edinburgh, confer on Scottish Ministers the same observer status as that of the German Länder”.2

Upon establishment of the Scottish Parliament, responsibility for such matters rested ultimately with the then First Minister, Donald Dewar MSP, with involvement from Jack McConnell MSP in then his capacity as Scottish Finance Minister, in part because of his involvement with European Union (EU) funds but also because he became increasingly engaged in promoting Scotland’s wider interests in Brussels.

When Henry McLeish MSP became First Minister, Jack McConnell MSP was given a new portfolio. His formal title was to be “Minister for Education, Europe and External Affairs”. This was the first time that such a role (Europe and External Affairs) was mentioned explicitly in a ministerial title and portfolio. As a consequence, in the first parliamentary session, the Committee began the process of altering its remit to cover scrutiny of the external relations policy of the Scottish Executive. Previously, its scrutiny functions extended only to European Union issues.

Press reports prior to the Nice summit of late 2000, began to note the emergence of significant efforts being by the Scottish Executive made to carve out an approach for its new external relations policy. According to reports, this said the Minister would, “Set out a new strategy for Scotland in Europe, which puts the Executive on a potential collision course with the Foreign Office in London. He [Jack McConnell] is aiming to build strategic alliances with parts of the Continent to pursue Scotland’s interests separately from those of the UK. Although it does not clash directly with Robin Cook, it represents the most significant extension of the Executive’s role since the parliament was elected”3.

In a press release issued by the Scottish Executive at the time, the Europe and External Affairs Minister was quoted as saying:

“Scotland must step up its involvement with Europe if it is to be in the premier division of legislative regions or nations within EU member states.

“For the first time the Executive has a Scottish Minister with a specific responsibility for Europe. This demonstrates that it is a top priority for the Executive to engage

---

2 Official Report, House of Commons, Scottish Grand Committee, 13 January 1997; c 29.
3 The Sunday Herald, 3 December 2000
constructively and thoroughly with the European Union. With the benefits of devolution, we are determined to make a step-change in our level of engagement. We have already done much to create links with other nations and regions. Now we need to move our engagement up a gear or two. [...] 

“Ministers must do everything possible to raise Scotland's profile in the EU. We cannot move on alone though. We have to work in close partnership with others such as the local authorities, Parliament, our MEPs and our arts bodies. The objective of this increased activity is simple. It is to help achieve a Scotland in which both its people and businesses feel completely at ease in Europe: a Scotland influencing decisions which will ultimately affect us all and a Scotland where jobs dependent on European markets are secure”.

By early 2001, this political message had been translated into the day-to-day work of the administration’s civil servants in its expanded External Relations division, which is responsible for both EU affairs and international relations. At this stage in the development of an external relations policy, officials had three priorities in relation to the EU. These were:

- To monitor and where necessary influence the UK line on the forthcoming enlargement;
- To raise Scotland's profile within the EU in relation to the smaller member states, other territorial governments and the EU's institutions; and,
- To exchange ideas with other territorial governments on policy.

When Jack McConnell MSP became First Minister, responsibility for such functions were to be shared with Jim Wallace MSP in his role as Deputy First Minister and, by the summer of 2001, the Executive was making the arguably bold step of submitting a joint policy paper along with the Convention of Scottish Local Authorities (CoSLA) direct to the European Commission as part of the debate on the governance of the EU. This led to further involvement and engagement by the Executive in the parallel debate on the future of Europe and the resulting draft constitutional Treaty. This culminated in a joint submission to the European Convention developing the new Treaty, along with the UK Government’s representative and the other devolved governments.

Outwith the European Union, the Executive also became more involved in a dialogue with other nations and in efforts to promote Scotland abroad. Amongst its main efforts was the launch of a more domestic Scottish involvement in the annual Tartan Day events held in North America (established in 1998 in the USA and traced back also to the early 90’s in Canada). During one of these events, the then First Minister was invited to have a short personal audience with the President of the United States. Subsequently it was announced that a civil servant from the Scottish Executive would be placed in the UK’s embassy in Washington DC, with the title First Secretary, Scottish Affairs. Despite the somewhat overreaction in some quarters, this was not a new phenomenon as Scottish officials had been placed overseas through Scottish Trade International.

---

4 Scottish Executive News Release, 4 December 2000, SE3124/2000
Elsewhere in the world, the Scottish Executive reported that it was keen on developing links with the Eastern Cape region of South Africa. These links were to be one of the supposed benefits of the attendance by a delegation from the Scottish Executive to the World Summit on Sustainable Development 2002 being held in Johannesburg, South Africa. It is unclear how these links have been furthered.

By January 2002, the parallel activities of links with the European Union and promotion of Scotland elsewhere had been brought together when the Deputy First Minister wrote to the then Committee to provide a new definition of “external relations”. He said:

“The Executive is of course engaged in a very wide range of external (that is, European Union or international) activities, across all Ministerial portfolios; and foreign affairs policy of course remains a reserved matter, for which the UK Government is responsible. My interests as the Scottish Executive Minister with responsibility for external relations primarily comprise the following:

- the development and implementation of links with Europe;
- co-ordination of the Executive’s role in European Union decision-making;
- co-ordination of the Executive’s implementation of EC legislation;
- the Executive’s contribution to cross cutting EU issues (such as the Future of Europe debate); and
- co-ordination of the Executive’s international activities, including the promotion of a positive image of Scotland overseas.”

As part of these activities, the Executive has now signed formal bilateral, subject-specific ‘protocols’ with a number of regions across the EU – Catalonia, Tuscany, North Rhein Westphalia and Bavaria. It has also built links with other countries such as Ireland, the Nordic states, the Czech Republic and Estonia.

In February 2002, the Executive helped create the Scottish International Forum to maximise and improve the promotion of Scotland overseas. It is intended to bring together the main organisations and agencies involved in promoting Scotland overseas, including Scottish Enterprise, the CBI, VisitScotland, the Scottish Arts Council, the British Council, the Scottish Parliament, the Scotland Office and CoSLA. It is chaired by the Executive. These types of activities are central to the Executive’s Global Connections Strategy and its Global Scot Network.

In February 2003, the First Minister again expanded his vision of the external relations policy to include the importance of attracting more people to Scotland to help both our economic performance and add to the diversity of our population. This lead to the ‘Fresh Talent’ initiative, designed to encourage people to consider coming to live and work in Scotland.

In a final development, the recent changes to the structure of the UK Government led to an agreement with the new Secretary of State for Scotland that the Scottish

---

5 European Committee Paper, EU/02/1/2, 15 January 2002.
Executive would now take the lead in the promotion of Scotland abroad\textsuperscript{6}. This potentially gives the Executive a freehand in such matters.

**Key questions for the Inquiry**

The Inquiry has been broken down into five key 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\textsuperscript{7}, 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.

The following questions form the basis of the Committee’s terms of reference, drawing on these five key areas.

**Strategy**

1. To what extent does the Scottish Executive have a clear policy, ambition and vision for external relations, what does it comprise of and how is it resourced?
2. How has this strategy developed over time and how might it develop in the future?
3. How is the strategy internally co-ordinated within the Scottish Executive?
4. How is the strategy externally co-ordinated outwith the Scottish Executive with other governmental, public and private sector bodies?
5. How does the Scottish Executive seek to work with the UK Government’s Foreign and Commonwealth Office in terms of promoting devolution, receiving visitors etc?

**Links**

1. What government-to-government links have been, and will be, established, and what were the purposes of these links?
2. How effective have the links been, how have they been implemented and reviewed and what benefits are they providing?
3. What were the criteria used for deciding (in the past or in the future) where such links should be made?

\textsuperscript{6} Scottish Parliamentary Question, S2W-1006
\textsuperscript{7} Building upon the extensive inquiry carried out by the Enterprise and Lifelong Learning Committee, Session 1, “1st Report 2003, Report on the Future of Tourism in Scotland.”
4 How sustainable have the links been?
5 How are the formal and informal links co-ordinated internally and externally?
6 How successful has the Scottish Executive been in encouraging and supporting others in Scotland to benefit from such links?
7 What bodies, networks, associations is the Scottish Executive a member of, what is the value of these networks and is membership of any other grouping planned?
8 What other networks are Scottish politicians a part of and what processes are followed in terms of nominations to such networks?

EU decision-making process

1 How does the Scottish Executive co-ordinate its role in the EU decision-making process (including inter- and intra-UK mechanisms and processes) and in the implementation of obligations?
2 How effective has this been and what improvements can be made?

Promotion of Scotland abroad

1 What is the rationale for promoting Scotland abroad, how does the Scottish Executive achieve this, how does it co-ordinate both internally and externally with other bodies?
2 What level of resources is available and what strategies and activities are being used?
3 What success stories do we have, what needs to be improved and what can we learn from other nations/regions?
4 What are the benefits of the ‘Scotland in’ series of events, the coherency of the programme and the sustainability of this promotional tool?
5 What visits, delegations or trade missions has the Scottish Executive participated in and what measures are planned?

Tartan Day and wider Scottish-North American links

1 What is or should be the purpose of the Scottish input into Tartan Day?
2 What strategy has been used in the past to promote Tartan Day events and what are the Scottish Executive’s plans for its involvement in the future, both in North America and in Scotland/UK?
3 What level of resources has been spent in the past and how might this change?
4 How can the co-ordination with others, both within Scotland and externally, be improved in relation to Tartan Day?
5 What are the Executive’s broader plans for Scottish-North American relations, promotional events, trade etc?

---

8 Such as ‘Scotland in Sweden’, ‘Scotland in Brussels’ and ‘Scotland with Catalonia’
Timetable

The Inquiry runs from mid September 2003 until June 2004. This will enable the Committee to have a sustained period of evidence taking in what is a wide-ranging Inquiry, and to particularly assess the merits of Tartan Day 2004.
CONVENER’S REPORT

1. **Letter received from the Scottish Executive providing an analysis of the medium-term priorities of the European Union and the potential implications to Scotland.** On 20 January 2004, the Committee asked the Executive to provide an analysis of the medium-term priorities of the European Union and the potential implications to Scotland; specifically the Council’s multi-annual work programme and the Commission’s strategic priorities for 2005. A response is to be received from the Executive in time for this meeting of the Committee (Annex A). The Convener now recommends that:

   Members welcome the response from the Executive, consider it especially important that Ministers provide this type of medium- to long-term analysis at regular intervals and consider the contents of the Executive’s letter (when received).

2. **Visit to the Catalan Parliament as part of a meeting of the Network of Regional Parliamentary European Committees.** A cross-party delegation from the Committee attended this meeting on 8-9 March 2004. A copy of the ‘minutes’/notes are attached (Annex B). The Convener now recommends that:

   Members thank the Catalan Parliamentary Committee and the Catalan Parliament for their hospitality and their contribution to the successful meetings and task the Convener and Clerk to follow-up the various action points agreed.

3. **Letter received from the Scottish Executive as a follow-up to the Finance Minister's recent evidence to the Committee on EU priorities.** Members will recall that on 24 February 2004, Andy Kerr MSP provided evidence to the Committee on the Executive’s priorities in relation to the Irish Presidency of the EU and the recently published European Strategy. A follow-up letter was sent to the Minister after the meeting and a reply has now been received (see Annex C for committee’s letter. Executive’s response letter available in hard copy only). The Convener now recommends that:

   Members welcome the information provided, particularly the swift response time, and discuss the contents of the Minister’s letter.
4. Monthly report on the external relations activities in the Scottish Parliament. The Committee has received the latest update from the Clerk/Chief Executive and External Liaison Unit (Annex D). The Convener now recommends that:

Members welcome the information provided.

Richard Lochhead MSP
Convener
10 March 2004
LETTER FROM THE SCOTTISH EXECUTIVE ON MEDIUM- LONG-TERM PRIORITIES IN THE EU

To follow
ANNEX B

‘MINUTES’/NOTES FROM THE MEETING OF NORPEC, 8-9 MARCH 2004, BARCELONA

1. A cross-party delegation from the European and External Relations Committee, led by the Convener, Richard Lochhead MSP, visited Barcelona on the 8th-9th March 2004 to take part in the first official NORPEC meeting. The Network’s other Member, the ‘European Affairs’ Committee of the Catalan Parliament, hosted the meeting.

2. On 9th March, before the meeting began, both Committees were welcomed to the Catalan Parliament by the new President of the Parliament, Mr Benach MCP. In his very warm welcoming remarks, President Benach reaffirmed his support for NORPEC and cooperation between our two Parliaments.

3. The meeting itself began at 10h30 on the 9th March 2004 and was jointly chaired by Richard Lochhead MSP, Convener of the Scottish Parliament’s European and External Relations Committee, and Mr Josep Carbonell MCP, the Convener of the ‘European Affairs’ Committee of the Catalan Parliament.

4. The Agenda of the meeting contained 5 items for discussion:

   a) Members were given a brief history of the origins of the Network and work completed in the previous twelve months. This led to a discussion on the overarching aims and objectives of NORPEC, which all members agreed needed to be clearly defined. It was agreed that along with the established aims and objectives of NORPEC, which are: i) a forum for sharing ideas and experience on parliamentary procedure and best practise, ii) to share information and early intelligence, and iii) to discuss views on policy issues, further aims and objectives should be added. These should include joint working on raising the profile of the Network, its Committees and Parliaments, and ways in which the Network would seek to influence decision making. It was agreed that the Clerks would re-draft the aims and objectives of the Network, taking into account comments made members, as part of the ‘Working Procedures’ document, and circulate it to the two Conveners, who will disseminate to their respective Committees for comment and agreement.

   b) Members discussed the draft ‘Working Procedures’ document for NORPEC. The basic content of the paper was agreed to by members, with several additions/amendments. These included the addition of a clearer note on the use of a Webpage for the Network and other technologies to aid communication; a clear statement that the Network will operate a policy of consensus when making decisions; the possibility of supplementing the regular meetings with video-conferences or smaller working group meetings; the provision for individual members to work together in areas of common interest; clearer detail of translation and interpretation requirements, and a clear process for members to suggest items for the agenda of forthcoming meetings. Members agreed to task the Clerks with redrafting the ‘Working Procedures’ document and circulate it to the two
Conveners to disseminate to their respective Committees for comment and agreement.

c) Members discussed which other ‘European Affairs’ committees from the sub-Member State national/regional level would be invited to join NORPEC in the ‘first wave’ of new members. Members agreed on the three criteria for membership that were set out in the draft ‘Working Procedures’ document, with one minor amendment. These criteria would now read:

- The Parliament in question must have a ‘European Affairs’ Committee or equivalent
- The Parliament in question should have similar legislative powers to the founding partners
- The Parliament/Committee in question will share the aims and objectives of the Network as defined elsewhere in the ‘Working Procedures’

It was agreed that the ‘European Affairs’ committees from the Basque Country, Flanders and Saxony-Anhalt (which were the three Committees that had indicated they would be interested in joining), would be issued official invitations to join the Network at the proposed NORPEC autumn 2004 Conference in Edinburgh (see next item). Future membership would then be reviewed again at this stage. It was also agreed that the Clerks would look into which other Parliaments would match the criteria for membership and which would not.

d) Members discussed the basic arrangements of a NORPEC conference to be held later in the autumn of 2004 in Edinburgh. All members were in favour of such a conference and of inviting the three prospective new members as agreed to above. Members also agreed that the conference should be a working session with one guest speaker of note. Finally, members agreed that the new members of NORPEC would officially join during the conference, by signing a declaration based on the Network’s agreed aims and objectives. Clerks will work with members towards establishing a firm date for the conference and then putting together the agenda and drafting the ‘declaration’.

e) The final item on the agenda was the proposed Work Programme for NORPEC. Members endorsed the calendar of events and ideas for areas of work outlined in the accompanying paper and agreed to bring this crucial issue back to the Edinburgh conference meeting later in the year, following the firm agreement on the aims and objectives and ‘Working Procedures’ of the Network and to ensure the input of the new members. The Clerks will prepare a paper for this meeting outlining key EU issues.

5. Following the conclusion of the meeting, all members agreed that the discussions had been extremely productive, and that several key decisions had been taken for the further development and progress of NORPEC. Further to this the two-day visit as a whole was very successful building on the cooperation between the two Parliaments and the two Committees, which had been established in the previous Parliamentary sessions. Letters of thanks will be sent to the President of the Catalan Parliament and all members of their Committee. Also, letters of
invitation to attend the autumn conference and join NORPEC will be sent to the three agreed Parliaments.
LETTER RECEIVED FROM THE SCOTTISH EXECUTIVE AS A FOLLOW-UP TO THE FINANCE MINISTER’S RECENT EVIDENCE TO THE COMMITTEE ON EU PRIORITIES

Committee’s Letter

Dear Andy,

Thank you for agreeing to attend yesterday’s committee meeting and for your presentation on both the Executive’s European Strategy and the priorities under the Irish Presidency. We look forward to a similar appearance as part of the Dutch Presidency.

To follow-up the meeting, I thought it would be useful if I wrote to you to set out what I believe were the action points that you agreed to follow-up. I would be grateful if you could provide the information in due course and thank you for your undertaking at the meeting in this respect. I have provided the names of the Committee Member that raised the issue if that helps recollection in advance of the publication of the Official Report.

Action points

1. To ask you to review the timescales and the procedures by which this Committee and others receive details on the priorities of each EU Presidency and report back on improvements that can be made (raised by me).

2. To provide details on how the Executive will participate in the UK Government’s “public diplomacy campaign” regarding enlargement (raised by me).

3. To ask for further information, quantitative analysis or estimates of the impact of the draft constitutional treaty on the competences of the Scottish Parliament (raised by Phil Gallie).

4. To ask you for details on whether the Scottish Executive will meet its targets for the introduction of renewable energy (raised by Phil Gallie).

5. To ask you for more details on the Executive’s plans to increase education/infrastructure/trade links with the accession states, including examples of current activities (raised by Keith Raffan).

6. To ask you to raise with the Transport Minister the impact of the Proposal for a Regulation of the European Parliament and of the Council on action by Member States concerning public service requirements and the award of public service contracts in passenger transport (raised by Andrew Welsh).

7. To ask what plans you have for any future co-operation agreements, with current and new member states or their component parts, and details on the decision-making process that you use to prioritise possible “regions” for such agreements (raised by myself, Keith Raffan and others).

8. To ask for details and plans on the role for the Scottish Executive during the UK’s EU Presidency (e.g. locating/chairing Council of EU meetings, hosting of conferences, seminars etc) (raised by Irene Oldfather and John Home Robertson).

9. To ask you to raise with the Education Minister and provide details on the possible implications for the collection of the graduate tax from students who attend from overseas, particularly the new members states, should these people return to their country of origin (raised by Phil Gallie)
10. To ask for information and statistical analysis on the progress in Scotland against the Lisbon targets (raised by me).

11. To ask what plans you have to reform EMILE and have a greater engagement with MEPs from Scotland or otherwise (raised by Keith Raffan).

12. To ask what plans you have or what has been done to review the EU-specific concordat and MoU and to ask what more can be provided to the Committee in the way of information on the agendas/output of JMC(EU) meetings and similar meetings with the UK Government (raised by me).

I thank you in advance for you the information.

Yours sincerely,

Executive’s Response

Available in hard copy only.
ANNEX D

Inward/Outward Visits and Events organised on behalf of the Scottish Parliament by External Liaison Unit

FEBRUARY INWARD VISITS

Thursday 05 February - Visit to the Scottish Parliament by the Chair of Commonwealth Parliamentary Association (UK Branch). Visit provided the opportunity to introduce the new secretary Andrew Tuggey to Members of the CPA (Scotland Branch) Executive Committee.

Monday 09 February - Mr Constantin Stoenescu, Secretary of State, Ministry of Labour, Social Solidarity and Families (MoLSS&F) visited the Scottish Parliament with a delegation from the Romanian Government. The visit to Scotland was part of the Romanian Government's review of their social assistance services with the aim of adopting models of good practice from within Europe. The programme for the delegation's visit included a briefing on Scotland's experience of devolution and a meeting with Gerry McInally of the Communities Committee to receive an overview of the Committee and to discuss social inclusion.

Wednesday 11 February - Mr Christopher Kolade the Nigerian High Commissioner visited Scotland to give a lecture to the Centre of African Studies. He paid a courtesy call to the Deputy Presiding Officer, Murray Tosh MSP and had lunch with members of the Commonwealth Parliamentary Association.

Thursday 12 February - The European and External Relations Committee organised a visit to the Scottish Parliament by the Irish Ambassador, His Excellency Daithi O'Ceallaig. Included within the visit was a Lecture on the Irish EU Presidency and a courtesy call with the Presiding Officer.

Thursday 12 February - A delegation from the Irish Congress of Trade Unions, accompanied by Bill Speirs, General Secretary of the Scottish Trade Union Congress (STUC) visited the Scottish Parliament. The delegation were members of Initiative, which is aimed at encouraging young protestants in the North of Ireland to engage with political and civil society in a democratic and constructive way. The programme was cut short at the last minute due to flight cancellations but included discussions with MSPs on the Scottish Parliament and devolution, as well as sectarian division and equality.

Wednesday 25 February - Mr George MacLaren, the new Agent General of Quebec visited the Scottish Parliament. The visit included a courtesy call with the Presiding Officer anda meeting with Alex Neil MSP.

Wednesday 25 February - Philip Gawne MHK, a parliamentarian from the Isle of Man, visited Edinburgh to give a lecture in the Department of Celtic, Edinburgh University and also visited the Scottish Parliament. Mr Gawne observed proceedings from the VIP Gallery and met with members from the Cross Party Group on Gaelic.
FEBRUARY OUTWARD VISITS

Saturday 14 February - Saturday 21 February - 5 day Annual Regional Conference held by the Commonwealth Parliamentary Asc (Falkland Islands Branch). David Davidson MSP represented the Scotland Branch.

MARCH INWARD VISITS

Thursday 04 March - Monday 08 March - The Ceann Comhairle and delegation of TDs and Senators from the Dail Eireann will visit the Scottish Parliament. The programme will include a number of meetings with MSPs to discuss topics of mutual interest. Those are, legislation on Tobacco, the promotion of Ireland to the wider world, renewable energy, the promotion/use of the Irish language, e-petitions, support for school pupils with additional learning needs, the procedural mechanism for backbench Members to introduce Bills and the procedures for governing the timescales for the passage of Bills.

In addition to the meetings, various cultural activities and lunches/dinners have been scheduled within the programme to provide informal opportunities for discussion and the strengthening of links between the two Parliaments

Thursday 04 March - The Committee of School and Further Education of the Landtag of North Rhine-Westphalia (NRW) will visit the Scottish Parliament to discuss Scottish Education. Meetings with Members of the Education Committee and the Enterprise and Culture Committee have been included within the programme, as well as a discussion on the Scottish Parliament and Devolution

Thursday 04 March - Michael Corbeil is a parliamentary journalist from the Canadian Le Soleil Newspaper in Quebec. As a guest of the Foreign and Commonwealth Office his main interest is a case study of the new parliament building and he will visit the Scottish parliament to help with his study. He will also observe First Ministers Question Time and meet with Margo MacDonald MSP

Wednesday 10 March - Parliament's annual celebration of Commonwealth Day, including a parliamentary debate and reception at which Don MacKinnon, Secretary General of the Commonwealth will address Members.

Tuesday 16 March - A delegation of Lawyers and Solicitors who are participating in a Government Study Programme in Edinburgh will visit the Scottish Parliament to gain understanding on both the effect of devolution to Scotland and legal services within the Scottish Parliament. Anne Nelson, Head of Legal Services and Mark Richards, Senior Legal Adviser will meet with the delegation to discuss both issues

Wednesday 17 March - Azmi Bishara, leader of the Balad Party in Knesset will visit Scotland to attend a conference organised by the Scottish Palestinian Forum & Churches House at Dunblane. He is hoping to address the Cross Party Group on Palestine and visit the Parliament to discuss areas of mutual interest and parliamentary experiences
Thursday 18 March - US students, Marshall scholars, will visit Scotland on a two day programme. Dining with the First Minister and observing parliamentray questions the group will also meet a cross section of Members from the parliament

Thursday 25 March - Rachel Squire MP, Honorary Secretary of the British Italian Parliamentary Group, will visit the Scottish Parliament with a delegation of Italian MPs, as part of the Group's annual programme of arranging Parliamentary visits to Italy and return visits to the UK. The Italian MPs have expressed an interest in the topics of devolution, the NHS and Scottish health issues, hooliganism and racism in sport and Scottish school, higher and further education. Members of the Health Committee, the Cross-Party Group on Sport, the Education Committee and the Enterprise and Culture Committee have agreed to meet with the delegation to discuss these issues

N. B: Information about the work of the External Liaison Unit and full ELU-organised visits programme and reports of outward delegations are available on

- SPEIR at [http://intranet/speir/services/elu/elu.html](http://intranet/speir/services/elu/elu.html)

Further background notes on international issues are available on

- SCAN at [http://intranet/speir/services/scan/sub-in.htm#cm](http://intranet/speir/services/scan/sub-in.htm#cm)

Status of outward visit reports this session:

EUROPEAN AND EXTERNAL RELATIONS COMMITTEE

BRIEFING PAPER

“Pre- and post-Council of the EU analysis and scrutiny”

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
Tel: 0131 348 5234
Email: europe@scottish.parliament.uk
## SUMMARY TABLE OF CONVENER’S RECOMMENDATIONS

<table>
<thead>
<tr>
<th>Council</th>
<th>Did Executive meet deadline for sending information?</th>
<th>Notes and recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Pre-Council scrutiny</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Justice and Home Affairs Council, 30 March 2004</td>
<td>Due 9.03.04</td>
<td></td>
</tr>
<tr>
<td><strong>Post-Council scrutiny</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Affairs and External Relations Council, 23-24 February 2004</td>
<td>Due 16.03.04</td>
<td></td>
</tr>
<tr>
<td>Agriculture and Fisheries Council, 24 February 2004</td>
<td>Yes, delivered early on 3.3.04</td>
<td>Welcome the information provided, particularly the early delivery, but ask for details on ministerial attendance which should be included in such reports</td>
</tr>
<tr>
<td>Education, Youth and Culture Committee, 26 February 2004</td>
<td>Yes</td>
<td>Welcome the information provided but ask for details on ministerial attendance, which should be included in such reports. Also, note that we have asked the Executive for details of the location of the ‘Europass’ agencies. Finally, note the developments relating to the European Year of Education through Sport and further note the relevance of the discussions on the mobility of students, trainees etc as being of great relevance to the Fresh Talent initiative.</td>
</tr>
</tbody>
</table>
ANNEX B

ANNOTATED AGENDAS/REPORTS

Justice and Home Affairs Council, 30 March 2004
Awaiting information from the Executive

Awaiting information from the Executive
Post-Council Report - Agriculture and Fisheries Council, 24 February 2004

The Irish Presidency presented its work programme for the first half of the year. Their general priorities were enlargement, simplification and enhancement of food safety.

On agriculture, the Council noted progress on technical level discussions preparatory to political discussion at the April Council on the proposals for a Regulation on the protection of animals during transport. During discussion, the UK supported the need for an early agreement.

The Council took note of a report from the Commission on its public hearing on 22 January 2004 on organic food and farming. This is preparatory to the tabling of an Action Plan by the Commission to the Council later in the Irish Presidency.

The Council noted a report from the Greek Minister about severe weather conditions in Greece affecting agriculture, and the sympathetic response from the Commission. Greece and the Commission will pursue the assessment of this situation bilaterally.

The Council also noted a presentation from the Commission on its proposals for the agriculture, rural development and fisheries elements of the Financial Perspective.

Under any other business, the Council noted a written report on BSE and reports from Commissioner Byrne on the current situation in regard to Avian Influenza in Asia and a recent outbreak in the US. Commissioner Byrne notified the Council that acting under comitology procedures, the Commission was to introduce a ban on the importation of live poultry and certain products from the US. The Council also noted a report from Spain and Portugal about the high level of feed grain prices and indications from Finland and Sweden that there remained supplies of oats which could be used.

The Council noted information from Italy and Portugal with support from other wine producing countries about recent changes made to the use of traditional terms for wine imported from third countries; and also that the Commission had explained these changes were necessary to take account of recent discussions at WTO level.

Information from France about the low level of milk prices was noted. A wide range of views were expressed in subsequent discussion, the UK making the point that a fall in milk prices was to be expected as a result of the changes agreed last June. Farmers would, however, get compensation through direct payments which would be introduced shortly. The Commission undertook to produce an analysis of the situation with assistance from the Member States.

Finally, the Commission amplified the terms of a letter which it had recently sent to all Member States about the Single Farm Payment to explain that it was making the point that Member States which chose to operate on regional or hybrid models would need to justify this decision to the Commission, as will be clarified in the Commission implementing Regulations. This was noted by the Council.
On fisheries, The Council agreed by a qualified majority a Regulation providing for tariff quotas for the importation of certain fishery products. The UK supported the proposal.
Post-Council Report - Education, Youth and Culture Committee, 26 February 2004

EDUCATION

1. Objectives Report Process
   – Joint interim report on the implementation of the work programme on the follow-up of the objectives of education and training systems in Europe
     = Exchange of views
     = Adoption

The Commissioner and Council interim progress report on the open method of co-ordination for education (‘Lisbon Objectives Process’) was adopted for transmission to the Spring Council. The Presidency thanked delegations and the Commission for their intensive work and underlined the importance of using the messages in the report to make European education and training a world wide quality reference by 2010. The next report will go to the 2006 Spring Council. The Commission emphasised a need for a greater investment in education, but insisted that urgent policy reforms were still needed in Member States. She emphasised the importance of involving social partners in making these reforms work.

   – Exchange of views

Ministers discussed the proposal for a decision to establish a single transparency tool for qualifications. The Presidency explained that they would try for common position by the May Education Council. The proposal was warmly welcomed by all delegations as an important step in improving mobility within Europe. Many delegations called for better promotion of the Europass brand name. The UK suggested that universities and the EURES network had an important role in promoting Europass. Several delegations warned the Commission that bureaucracy must be avoided for national agencies (which would implement the decision) and for the end user. There was general concern that implementing the new measures would take some time. Many delegations also underlined the need to protect against fraud and warned of the challenges of data protection.

3. Commission’s report on mobility of students, trainees, volunteers and teachers
   – Commission Presentation

The Commission presented its report on the follow-up to the Council mobility Recommendation. The Commissioner explained that the report outlined the many steps that had been taken at EU level to encourage and support mobility, but criticised member states for not taking the mobility agenda seriously. The Commissioner lamented the fact that many legal and administrative obstacles still existed within member states to block mobility. She commented that the mutual recognition of qualifications continued to be a real problem.
4. **Next generation of education spending programmes (Socrates, Leonardo and Tempus)**

   **Commission Presentation**

The Commission announced that they would be adopting a Communication on the future of the education spending programmes next month. This Communication would set out the Commission's ideas for the next phase of Socrates, Leonardo and Tempus from 2007 to 2013. The Communication will explain that the Commission will publish in the summer proposals for an integrated Socrates and Leonardo programme which would seek to achieve much greater numbers of student, trainee, pupil, teacher and trainer exchanges. It would also propose significant resources to match its impressive ambition. The Communication will also announce that a Tempus Plus mobility programme (involving Europe's neighbouring countries) will be published by the Commission in the summer. The programme, which currently only involves higher education, will be broadened to involve schools, vocational training and adult learning. The Commission clarified that the Communication would be as detailed as possible to enable informed debate prior to formal proposals in the summer.

5. **European Year Education through Sport**

   **Exchange of views**

Over lunch Ministers discussed the legacy of European Year Education through Sport. The Commissioner said that her services had so far agreed to support 74 projects worth EUR4.4 million from some 600 applicants. They have a further EUR 2.1 million to give to such projects. The themes for the projects included combating doping, combating early school leavers, teaching history through the history of sport and teaching maths through sports scores. The Commissioner explained that studies are also being financed to look into issues such as getting younger sportsmen and women into employment, multicultural dialogue in sport and sport and health. Mme Reding also invited member states that have ideas for other issues to be researched to get in touch with the Commission. She also highlighted the Commission scheme to train volunteers to help major sporting events. The Netherlands (next Presidency of EU) explained that they would hold a closing event in December and invited representatives from all member states. They said the challenge would be to how to leave a lasting legacy of the year. The Ministers then talked about the European Year of Education through Sport projects in their own countries. Sport to improve health and trying to get those who are not naturally sporty to take exercise were common themes.
Introduction

1. At various meetings held previously, 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

Dear Richard

Re: Information sought relating to a Council of the EU meeting

Thank you for your letter of 29 September requesting further information in relation to the brief the department provided on the Council of the EU agendas. This reply relates to point 1 of your request.

On that point, I believe there may have been slight confusion regarding the information the Executive originally provided to the committee. I would therefore like to clarify that the Executive was simply expressing the view that it may be useful to obtain an update – from the Council of the EU meeting – on how 3G telecommunications roll-out was progressing in Europe.

The EU meeting did not take place until 20 November. I am therefore now in a position to inform the committee that a number of member states briefly reported their progress on 3G systems, and this discussion apparently reflected a generally
positive picture. However, a few member states were concerned over resistance to construction of masts needed for 3G mobile on health grounds, and urged the Commission to help with scientific research to settle the problem.

I hope this information is useful.

Rt. Hon Jim Wallace QC MSP
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 6 FEBRUARY)

TO ALLAN WILSON MSP, ACTING MINISTER FOR ENVIRONMENT AND RURAL DEVELOPMENT

At our meeting of 3 February, the Committee agreed to write to you to seek further information in relation to the implementation of the End of Life Vehicles Directive (2000/53/EC).

We would be grateful if you confirm the definition being used in relation to motor manufacturers and distributors and confirm that no organisations currently based in Scotland are likely to be adversely affected by the Regulations. Second, can you explain how this implementation model will be achieved in Scotland, given the mention of a figure of an average of 10 miles between last owner and handover or delivery points for end of life vehicles? How will this work in the more remote parts of Scotland and what distances are likely to be the norm? We are concerned that the implementation of this Directive does not result in a situation similar to that of fridges and that the Regulations prove effective and remove or reduce the illegal dumping of cars at the end of their lives.

I would be grateful if a reply to this letter could be provided by 11 March as this would enable the Committee to consider the matter at its meeting of the 16 March. I am copying this letter to Sarah Boyack MSP for her interest. I shall endeavour to copy your reply to her too, in case the subject committee chooses to look into the matter further after that.

EXECUTIVE’S RESPONSE

Awaiting response from the Executive
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.

<table>
<thead>
<tr>
<th>Committee</th>
<th>Page Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Communities</td>
<td>1</td>
</tr>
<tr>
<td>Education</td>
<td>2</td>
</tr>
<tr>
<td>Enterprise and Culture</td>
<td>3-4</td>
</tr>
<tr>
<td>Environment and Rural Development</td>
<td>5</td>
</tr>
<tr>
<td>Equal Opportunities</td>
<td>6</td>
</tr>
<tr>
<td>Finance</td>
<td>7</td>
</tr>
<tr>
<td>Health</td>
<td>8</td>
</tr>
</tbody>
</table>
Sift of EC/EU legislative proposals and other documents

Justice 9
Local Government and Transport 10
Other 11-13
### Documents of Special Importance

<table>
<thead>
<tr>
<th>Subject Committee</th>
<th>SP Ref</th>
<th>EU Ref</th>
<th>Document Title</th>
<th>Explanatory Note</th>
</tr>
</thead>
<tbody>
<tr>
<td>Communities</td>
<td>859</td>
<td>COM (2004) 133</td>
<td>Annual Policy Strategy for 2005</td>
<td>May be of interest to these Committees and worth noting. The document outlines the first stage of the Commission’s annual policy cycle and defines the framework and guidelines for the budgetary and legislative cycle. Note that this is something of an exceptional document in the sense that it has been drawn up by the current Commission and will be implemented by the new Commission, who will draw up a Work Programme on the basis of this document shortly after it takes office in November 2004. There will be a chance to hear from the new Commission and Commissioners at hearings held in the European Parliament and EP Committees. UK Government Explanatory Memoranda to follow.</td>
</tr>
<tr>
<td>Education</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Enterprise and Culture</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>European and External Relations</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Environment and Rural Development</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Equal Opportunities</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Finance</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Health</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Justice</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Local Government and Transport</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Enterprise and Culture</td>
<td>860</td>
<td>COM (2004) 107</td>
<td>Third report on economic and social cohesion</td>
<td>May be of interest to these Committees and worth noting. The document outlines the policy context and cohesion objectives, examines cohesion, competitiveness and employment trends and the impact of policies on Member States. Of interest to the European and External Relations Committee as part of its Inquiry into regional development funding. UK Government Explanatory Memorandum to follow.</td>
</tr>
<tr>
<td>European and External Relations</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>European and External Relations</td>
<td>886</td>
<td>COM (2004) 93</td>
<td>Communication from the Commission - Completing the reform mandate: Progress report and measures to be implemented in 2004</td>
<td>May be of interest to this Committee and worth noting. Update on a White Paper published in March 2000 which outlined structured reform in the areas of service, strategic planning and programming, personnel policy and internal control and audit. In January 2003 a review of that reform was published (COM 2003 40). This report examines the progress made in implementing the 98 reform points and looks to progress still to be made. The report therefore ties in with issues of better lawmaking and transparency and efficiency within the Commission. UK Government Explanatory Memorandum to follow.</td>
</tr>
<tr>
<td>Equal Opportunities</td>
<td>873</td>
<td>COM (2004) 115</td>
<td>Report from the Commission to the Council, the European parliament, the European Economic and Social Committee and the Committee of the Regions - Report on equality between women and men, 2004</td>
<td>May be of interest to this Committee and worth noting. This report is the result of a request made at the European Spring Council in March 2003, which invited the Commission to prepare, in collaboration with the Member States, an annual report to the European Spring Council on developments towards gender equality and orientations for gender mainstreaming of policy areas. UK Government Explanatory Memorandum to follow.</td>
</tr>
<tr>
<td>Environment and Rural Development Health</td>
<td>897</td>
<td>COM (2004) 60</td>
<td>Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee</td>
<td>May be of interest to both these Committees. The document is part of the European Community’s Sixth Environment Action Programme “Environment 2010: Our Future, Our Choice”. The objective of the document is to improve the quality of the urban environment and provide a healthy living environment for Europe’s urban citizens. UK Government Explanatory Memorandum to follow.</td>
</tr>
</tbody>
</table>
and the Committee of the Regions - "Towards a thematic strategy on the urban environment"

Memorandum to follow.
# Committee Relevancy: Next Meeting 16-Mar-2004

<table>
<thead>
<tr>
<th>Committee</th>
<th>SP Ref</th>
<th>EU Ref</th>
<th>Document Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>Communities</td>
<td>853</td>
<td>COM(2004) 137</td>
<td>Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions – Scoreboard on implementing the social policy agenda</td>
</tr>
</tbody>
</table>
## Committee Relevancy: Next Meeting 16-Mar-2004

<table>
<thead>
<tr>
<th>Committee</th>
<th>SP Ref</th>
<th>EU Ref</th>
<th>Document Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>Education (to include young people)</td>
<td>859</td>
<td>COM(2004) 133</td>
<td>Annual Policy Strategy for 2005</td>
</tr>
</tbody>
</table>
## Committee Relevancy: Next Meeting 16-Mar-2004

<table>
<thead>
<tr>
<th>Committee</th>
<th>SP Ref</th>
<th>EU Ref</th>
<th>Document Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>Enterprise and Culture (to include Lifelong Learning, Tourism)</td>
<td>850</td>
<td>COM(2003) 146</td>
<td>Communication from the Commission to the Council, the European parliament, the European Economic and Social Committee and the Committee of the Regions - Increasing the employment of older workers and delaying the exit from the labour market</td>
</tr>
<tr>
<td></td>
<td>858</td>
<td>COM(2004) 18</td>
<td>Communication from the Commission to the Council and the European Parliament, the European Economic and Social Committee and the Committee of the Regions on the promotion of cooperative societies in Europe</td>
</tr>
<tr>
<td></td>
<td>860</td>
<td>COM(2004) 107</td>
<td>Third report on economic and social cohesion</td>
</tr>
<tr>
<td></td>
<td>872</td>
<td>COM(2004) 105</td>
<td>Report from the commission to the European parliament, the Council, the European Economic and Social Committee and the Committee of Regions on the application of Directive 94/33/EC on the protection of young people at work</td>
</tr>
<tr>
<td></td>
<td>880</td>
<td>COM(2004) 108</td>
<td>Communication from the Commission to the Council, the European parliament, the European Economic and Social Committee of the Regions: eEurope 2005 Mid-term Review</td>
</tr>
<tr>
<td>Committee</td>
<td>SP Ref</td>
<td>EU Ref</td>
<td>Document Title</td>
</tr>
<tr>
<td>-----------</td>
<td>--------</td>
<td>-----------------</td>
<td>------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td></td>
<td>889</td>
<td>6376/04</td>
<td>Proposal for a Directive of the European Parliament and of the Council on measures and procedures to ensure the enforcement of intellectual property rights - Text agreed by the Permanent Representatives Committee</td>
</tr>
<tr>
<td></td>
<td>894</td>
<td>COM(2004) 113</td>
<td>Proposal for a Council Decision concerning the provisional application of the Agreement on the participation of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Hungary, the Republic of Latvia, the Republic of Lithuania, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic in the European Economic Area and the provisional application of four related agreements</td>
</tr>
</tbody>
</table>
## Committee Relevancy: Next Meeting 16-Mar-2004

<table>
<thead>
<tr>
<th>Committee</th>
<th>SP Ref</th>
<th>EU Ref</th>
<th>Document Title</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>879</td>
<td>6415/04</td>
<td>Special Report No 14/2003 from the Court of Auditors concerning the measurement of farm incomes by the Commission</td>
</tr>
<tr>
<td></td>
<td>897</td>
<td>COM(2004) 60</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;Towards a thematic strategy on the urban environment&quot;</td>
</tr>
</tbody>
</table>
## Committee Relevancy: Next Meeting 16-Mar-2004

<table>
<thead>
<tr>
<th>Committee</th>
<th>SP Ref</th>
<th>EU Ref</th>
<th>Document Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>Equal Opportunities</td>
<td>850</td>
<td>COM(2003) 146</td>
<td>Communication from the Commission to the Council, the European parliament,</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>the European Economic and Social Committee and the Committee of the Regions</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>- Increasing the employment of older workers and delaying the exit from the</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>labour market</td>
</tr>
<tr>
<td></td>
<td>853</td>
<td>COM(2004) 137</td>
<td>Communication from the Commission to the Council, the European Parliament, the</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>European Economic and Social Committee and the Committee of the Regions</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>- Scoreboard on implementing the social policy agenda</td>
</tr>
<tr>
<td></td>
<td>873</td>
<td>COM(2004) 115</td>
<td>Report from the Commission to the Council, the European parliament, the</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>European Economic and Social Committee and the Committee of the Regions</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>- Report on equality between women and men, 2004</td>
</tr>
</tbody>
</table>
## Committee Relevancy: Next Meeting 16-Mar-2004

<table>
<thead>
<tr>
<th>Committee</th>
<th>SP Ref</th>
<th>EU Ref</th>
<th>Document Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>Finance</td>
<td>894</td>
<td>COM(2004) 113</td>
<td>Proposal for a Council Decision concerning the provisional application of the Agreement on the participation of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Hungary, the Republic of Latvia, the Republic of Lithuania, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic in the European Economic Area and the provisional application of four related agreements</td>
</tr>
</tbody>
</table>
## Committee Relevancy: Next Meeting 16-Mar-2004

<table>
<thead>
<tr>
<th>Committee</th>
<th>SP Ref</th>
<th>EU Ref</th>
<th>Document Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>Health (to include Community Care)</td>
<td>851</td>
<td>CON(2004) 69</td>
<td>Report from the Commission on food irradiation for the year 2002</td>
</tr>
<tr>
<td></td>
<td>897</td>
<td>COM(2004) 60</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;Towards a thematic strategy on the urban environment&quot;</td>
</tr>
</tbody>
</table>
## Committee Relevancy: Next Meeting 16-Mar-2004

<table>
<thead>
<tr>
<th>Committee</th>
<th>SP Ref</th>
<th>EU Ref</th>
<th>Document Title</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>889</td>
<td>6376/04</td>
<td>Proposal for a Directive of the European Parliament and of the Council on measures and procedures to ensure the enforcement of intellectual property rights - Text agreed by the Permanent Representatives Committee</td>
</tr>
</tbody>
</table>
### Committee Relevancy: Next Meeting **16-Mar-2004**

<table>
<thead>
<tr>
<th>Committee</th>
<th>SP Ref</th>
<th>EU Ref</th>
<th>Document Title</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>861</td>
<td>6949/04</td>
<td>An International framework for the Transfer of Airline Passenger data (Passenger Name Record - PNR) to Public Authorities - submission of a working paper to ICAO</td>
</tr>
</tbody>
</table>
### Committee Relevancy: Next Meeting 16-Mar-2004

<table>
<thead>
<tr>
<th>Committee</th>
<th>SP Ref</th>
<th>EU Ref</th>
<th>Document Title</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>855</td>
<td>COM(2004) 27</td>
<td>Proposal for a Council Regulation amending Council Regulation (EC) No 2320/97 imposing definitive anti-dumping duties on imports of certain seamless pipes and tubes of iron or non-alloy steel originating in, inter alia, Romania in so far as it concerns imports into the European Community of products manufactured by Petrotub SA and Republica SA</td>
</tr>
<tr>
<td>Committee</td>
<td>SP Ref</td>
<td>EU Ref</td>
<td>Document Title</td>
</tr>
<tr>
<td>-----------</td>
<td>--------</td>
<td>----------</td>
<td>-----------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>868</td>
<td></td>
<td>EUROPOL 10</td>
<td>Draft Council Act amending the Europol Financial Regulation</td>
</tr>
<tr>
<td>878</td>
<td></td>
<td>SEC(2004) 204</td>
<td>Recommendation for a Council Decision on the position to be taken by the Community regarding an agreement concerning the monetary relations with the Principality of Andorra</td>
</tr>
<tr>
<td>883</td>
<td></td>
<td>COM(2004) 84</td>
<td>Proposal for a Council Decision on the position to be taken by the Community in the Association Council established by the Agreement between the European Economic Community and Malta concerning the improvements of the trade arrangements for processed agricultural products</td>
</tr>
<tr>
<td>886</td>
<td></td>
<td>COM(2004) 93</td>
<td>Communication from the Commission - Completing the reform mandate: Progress report and measures to be implemented in 2004</td>
</tr>
<tr>
<td>887</td>
<td></td>
<td>COM(2004) 68</td>
<td>Proposal for a Council Decision on the position to be adopted by the Community within the ACP-EC Council of Ministers regarding the revision of the terms and conditions of financing for short-term fluctuations in export earnings (Annex II of the ACP-EU Partnership Agreement signed in Cotonou)</td>
</tr>
</tbody>
</table>
**Committee Relevancy: Next Meeting 16-Mar-2004**

<table>
<thead>
<tr>
<th>Committee</th>
<th>SP Ref</th>
<th>EU Ref</th>
<th>Document Title</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>- Proposal for a Council Decision concerning the conclusion of the Agreement between the European Community and the Republic of Albania on the readmission of persons residing without authorisation</td>
</tr>
</tbody>
</table>