The Committee will meet at 2.00 pm in the Chamber, Assembly Hall, The Mound, Edinburgh.

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

   **Panel 1** (Delegation from the Czech Parliament's European Integration Committee)

   Mr Pavel Svoboda, MP, Chairman of the Committee  
   Mr Petr Krill, MP  
   Mr Oldrich Nemec, MP  
   Mr Josef Senfeld, MP  
   Ms Olga Adamcova, Secretary to the Committee

   **Panel 2** (Representatives of Flanders)

   Mr Nic Vandermarliere, Representative of the Flemish Government, Embassy of Belgium in the UK  
   Ms Ishbel McFarlane, Trade Commissioner, Export Flanders, Edinburgh

   **Panel 3** (International development issues)

   Mr Paul Chitnis, Network of International Development Organisations in Scotland  
   Ms Eilidh Whiteford, Oxfam Scotland  
   Ms Molly McGavigan, Christian Aid Scotland  
   Rev. Walter Dunlop, Action of Churches Together in Scotland
2. **Update on the progress of the Inter-governmental Conference (IGC):**
   The Committee will discuss a paper providing a further update on the progress of the IGC and the EU constitutional treaty.

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

   - Briefing note received from the Scottish Executive on progress with the work programme of the Regions with Legislative Power (Regleg) group
   - Monthly report on the external relations activities in the Scottish Parliament

4. **Annual report:** The Committee will consider its annual report for 2003–2004.

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

   **Forthcoming Councils**
   - Agriculture and Fisheries Council, 26-27 April 2004
   - General Affairs and External Relations Council, 26-27 April 2004
   - Justice and Home Affairs Council, 29-30 April 2004
   - ECOFIN Council, 11 May 2004
   - Competitiveness Council, 17-18 May 2004
   - General Affairs and External Relations Council, 17-18 May 2004

   **Previous Councils**
   - Transport and Telecommunications Council, 8-9 March 2004
   - ECOFIN Council, 9 March 2004
   - Competitiveness Council, 11 March 2004
   - Agriculture and Fisheries Council, 22-23 March 2004
   - General Affairs and External Relations Council, 22-23 March 2004
   - Justice and Home Affairs Council, 30 March 2004

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

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

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

**Agenda Item 1**

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

**Agenda Item 2**

BRIEFING PAPER: “Fourth update on the IGC”

**Agenda Item 3**

Convener’s Report, including:
- Letter received from the Scottish Executive

**Agenda Item 4**

BRIEFING PAPER: “Draft Committee Annual Report”

**Agenda Item 5**

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 6**

Sift of EC/EU documents and draft legislation
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

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
ANNEX A

Flemish Investment and Trade (formerly known as export Vlaanderen)

Dear Convenor/Committee

Re: FLANDERS - OVERSEAS ECONOMIC PROMOTION

Further to your letters of 18 September and 28 October last regarding how Scotland promotes itself overseas, I am pleased to send you the attached submission.

My purpose in making this submission is not to comment on how Scotland is, or should be, promoted overseas: rather it is by way of presenting an example of how one European Region of 6 million people undertakes its economic promotion overseas which will hopefully act as a useful benchmark for Scotland.

If you would like a brief but very informative overview of the development of Belgian politics and society for background information could I recommend the following web-site: www.riia.org/pdf/briefing_papers/Swenden.pdf.

I trust that you will find the attached both interesting and informative and if there is anything else which I can do to assist then please do not hesitate to contact me.

Yours sincerely,

Ishbel McFarlane
Trade Commissioner for Flanders

‘OVERSEAS PROMOTION’ - OVERVIEW

Flanders has a number of Departments which are responsible for foreign policy/overseas promotion. The enclosed brochure ‘Representatives of Flanders Abroad’ gives an outline of the function of each of these and gives a list (correct as of 30 April 2003) of all the Flemish Representative offices abroad per organisation.

OVERSEAS TRADE PROMOTION

In line with Belgian devolution principles of transferring competences from the Federal Parliament to the Regional Parliaments, responsibility for export promotion was transferred to the Regions in 1991. To-day, what was the national ‘Belgian Foreign Trade Board’ no longer exists, there are now only Trade Boards for each of the Regions in Belgium namely:

- Flanders Investment & Trade* (FIT) - Flanders Region (Dutch-speaking)
- Agence Wallonie a l’Exportation (AWEX) - Wallonie Region (French-speaking)
- Brussels Export - City of Brussels Region (Bi-lingual)

The process of devolving competences is in constant evolution so that e.g. in 2003 the regions were given the authority for arms export licences.

A new ‘Belgian Agency for Foreign Trade’ has been created but its only remit is to organise Overseas Economic Missions which will be lead by HRH Prince Philippe of Belgium (see website www.abh-ace.org/frameset/aceiframe800.html for details). All other trade missions are organised by the Regional Trade Boards.
FLANDERS INVESTMENT & TRADE (FIT)

*FIT is the name of the organisation which will shortly replace the existing organisations: ‘Flanders Export Promotion Agency’ (www.export.vlaanderen.be) and ‘Flanders Foreign Investment Office’ (www.ffio.com) – this can be compared to the amalgamation a few years back of ‘Locate-in-Scotland’ and ‘Scottish Trade International’ into ‘Scottish Development International’.

FIT’s role is primarily to promote goods and services from Flanders abroad and to look for opportunities for inward investment by foreign companies into Flanders. FIT Head Office is sited in Flanders’ capital, Brussels and has a staff of 137. FIT also has 5 provincial offices in Flanders with a staff of 28.

IN 2004 the total annual budget for ‘FIT’ is +/- Euro 40 million.

The budget for Flanders Export Promotion Agency is Euro 34.89 million which is made up:

- Euro 30.26 million coming directly from the Flemish Government (- this includes Euro 3.4 million as financial support for exporting companies)
- Euro 3.14 million revenues from Actions (e.g. Trade Fairs)
- Euro 1.47 million revenues from loans and advances (need to be repaid)
- Euro 30,000 left over from 2003

The budget for Flanders Foreign Investment Office is:

- +/- Euro 5 million coming directly from the Flemish Government

SELECTION of MARKETS & SECTORS

The choice of strategic markets & strategic sectors is also made at a Regional level.

Flanders divides the global market-place into ‘Regions’ which in turn are divided into ‘Sub-Regions’. Scotland as a market is designated as belonging to the ‘Europe’ Region and within Europe as belonging to the sub-region group ‘Nordic Countries’.

Included in the Nordic Countries sub-region group are Norway, Sweden, Ireland, Finland, Denmark, England and Wales. Scotland as a country sits with very well within this group as many of the Nordic countries have similar sized populations and similar issues of geographic peripherality and distance from Flanders.

OVERSEAS TRADE REPRESENTATIVES

FIT has 75 overseas representatives (not including locally employed support staff) working out of 77 offices in 54 countries. (See brochure for locations of EV/FFIO offices). The vast majority of Flanders’ overseas economic representatives are Flemish: Belgian nationals who work as ‘Economic & Commercial Attaches’ and carry a diplomatic passport.

A decision about where to locate overseas representatives is made at a Regional level which means that Flanders and Wallonia are sometimes not represented in the same overseas markets (e.g. Wallonia still has close links to the French-speaking former Belgian colonies in Central Africa whilst Flanders has no economic representatives located there).

In most markets the Flemish Economic Representative works out of the Belgian Embassy in the capital city of the overseas country where he/she is posted. In a number of key cities, the
representative is based in a ‘Flanders House’ which is separate from, but affiliated to, the Belgian Embassy in that city.

In key markets such as France, Germany and the USA, a number of ‘Economic & Commercial Attaches’ are posted throughout the country. These additional Attaches are often located in the regional Belgian Consulate offices within that country. (See brochure for details).
In other important markets, in ‘second’ and sometimes ‘third’ cities e.g. in Russia, Flanders has chosen to appoint local nationals as ‘Trade Commissioners’. The post in Edinburgh falls into this latter category.

ROLE of the TRADE REPRESENTATIVES

The primary role of the trade representatives is to actively promote trade between Flanders and the host country and to look for opportunities for inward investment by companies into Flanders.

In addition the trade representatives also fulfil a ‘representation’ role and as such attend appropriate events as the representatives of ‘Flanders’.

It is also expected that, as well as keeping their eyes open and ears alert to interesting opportunities, the trade representatives will promote Flanders and generally educate and inform people as to what Flanders is about in the course of their networking.

TO SUM UP

Having a global network of economic representatives enables Flemish businesses to know about trade opportunities as they arise and to react quickly to them

It offers Flemish businesses someone on-the-spot who can network and lobby hard on their behalf

In general it offers Flanders a platform from which to promote itself not just on trade issues but on a variety of issues at many different levels.
Christian Aid Scotland

Christian Aid has a long standing and proven commitment to working with partners abroad and in particular in what is often called the developing world or southern countries. Alongside this work of enabling and empowering is an equally important commitment to education. It is just as, if not even more, important that our young people learn the reasons why it is necessary to give aid as it is to give. This can only be done by good development education which helps learners to appreciate the interconnectedness and inter-dependence of all throughout our world today.

This preparation for good global citizenship is already being done in many ways in both the formal and informal education sectors eg

- the current project at the University of Glasgow: Learning and Teaching for Global Citizenship in Initial Teacher Education is a partnership between the university’s Faculty of Education and the International Development Education Association of Scotland (IDEAS). Now in its third year this has made considerable progress with development education and the University working together. Funding for this has come from DFID

- Learning and teaching Scotland’s discussion paper on Citizenship includes values and citizenship as a national priority

- the Global Dimension in the curriculum document encourages and aids teaching which is not only European in outlook but truly international

- the International Outlook handbook is moving to a much wider understanding of international than in the past

While acknowledging the good practice already to be seen in many schools much of which was in evidence during the recent CCEM, Christian Aid would argue that there are many opportunities to enhance existing teaching and to this end it provides resources which aim to help teachers to deliver good development education arming young people with

- necessary knowledge and understanding of factors which determine our life style ie political, economic, social, environmental
- skills and competencies which equip learners to cope with the sharing of resources and the decision making necessary to build an equitable society
- values and dispositions which encourage working together to bring about change

In addition, inservice training and continuous professional development must encourage teaching that is both experiential and participative. This does not lose sight of the importance of knowledge and understanding but helps learners to gain a base of knowledge using the above methodology.

Christian Aid funds and supports the 6 Development Education Centres throughout Scotland and we see these as an obvious and vital way of improving good development education. These centres have done good work in this area with very few resources. If this work is to be maximised, there is a need to fund them and use them more effectively.

Scottish Education should aim to foster partnership with other countries. Good development education is one of the keys to achieving this goal.

We live in a time of globalisation, of instant global communications. If Scotland is to be a force for good in this world, there is a need for education, which builds on the existing tradition of care and
concern and moves from culture of charity to both an understanding of need for charity and an ability to act for change.
Oxfam Scotland

About Oxfam in Scotland

Oxfam works with others to overcome poverty and suffering. We believe that in a world rich in resources, poverty is not a fact of life but an injustice to be overcome, that the lives of all human beings are of equal value, and that everyone is entitled to a life of dignity and opportunity. Oxfam has worked in poor countries with poor people for more than 50 years. Our work has expanded and nowadays we work in more than 70 developing countries, with more than 3,000 local groups. Oxfam’s experience and expertise in development and humanitarian assistance is recognised internationally.

Oxfam has been working in Scotland for almost sixty years. We have significant roots in Scotland with sixty-five shops and campaign groups, and around sixty thousand donors and supporters, providing an avenue for people to express their compassion and concern to bring an end to poverty, discrimination and inequality. Oxfam in Scotland campaigns and advocates on issues related to trade, aid, education and conflict; we fundraise for our international development work, in response to humanitarian emergencies, and for our UK Poverty Programme. Development Education to promote global citizenship is another critical part of our work. Oxfam plays a prominent role in civil society, working through staff and volunteers, through networks, through partnership with other NGOs, and with political and civic institutions.

Response to the Inquiry

Oxfam in Scotland very much welcomes the opportunity to respond to this inquiry. We see great value in the Scottish Executive developing a more strategic approach to external relations and great potential to make a distinctive Scottish contribution in the international arena. While efforts have been made to address the specific questions posed by the Committee, not all of these questions fall within Oxfam’s areas of concern and expertise; therefore we address only those issues with implications for the developing world, and for the work of Oxfam and/or its partners, using the headings suggested by the Terms of Reference to structure our response. All the comments and suggestions made here are presented in a constructive spirit of dialogue, to stimulate further thinking and discussion among Committee members. They are by no means exhaustive.

1. Strategy

Summary and Guiding principles

We are firmly of the view that the development of a coherent, co-ordinated, well-resourced, and participative external relations strategy will be beneficial for Scotland. In devising its external relations strategy we would urge the Scottish Executive to

- foster an outward looking Scotland by integrating an international perspective into the Scottish Executive’s policy and practice across the range of its activities.
- promote Scotland’s civic values and cultural diversity, not only Scotland’s commercial and economic interests
- consider Scotland’s relationships with people in poorer countries, and avoid the promotion of Scottish interests at the expense or exploitation of people in the developing world
- recognise the vital role of civil society in developing and maintaining Scotland’s links with the rest of the world, and embed partnership as a cornerstone of a strategic approach
The Scottish Executive’s Partnership Agreement

The introduction to the Scottish Executive’s Partnership Agreement acknowledges the need for Scotland to “face the challenges of a global society” and makes a “high level commitment” to “building on the interest the establishment of the Scottish Parliament has generated by forging links with new EU member states and developing countries.” Supporting activities attached to this commitment include “encourage the work of NGOs which are active in international education programmes, disaster relief and encouraging international development.” We warmly welcome these commitments and would wish to contribute to further discussion on how the Scottish Executive might work with Oxfam and other international development and civil society partners to implement them.

The Partnership Agreement also places strong emphasis on stimulating enterprise and economic growth, mainstreaming sustainable development as a crosscutting agenda. Within this we see enormous potential to make Scotland a leading exemplar in corporate social responsibility, developing good practice with regard to both inward and overseas investment. Socially and environmentally responsible policies pursued in Scotland can help to create sustainable livelihoods here and in the developing world, and can influence our European partners and other rich countries.

The Scottish Parliament

The Scottish Parliament already recognises the need to look outward to the wider world to inform its deliberations and decision-making. Decisions made at EU and UK levels, internationally agreed treaties and protocols all have far-reaching effects in Scotland, and to no small extent determine the context in which the Scottish Parliament and Executive frame domestic policy. As the devolved institutions are also responsible for implementing many decisions made at UK and European levels, and for honouring all other UK international treaty obligations, the value of debating international issues in the Scottish Parliament is already evident and should continue. However, to date, less attention has been paid to the impact Scotland can have on the wider world; it is vital to recognise that decisions made by, or influenced by, the Scottish Parliament can affect people in developing countries.

- At present there does not seem to be a coherent, co-ordinated and resourced strategy for external relations, although some elements of a strategic approach and some good practice have been evolving over the last few years. It is worth noting that the Scottish Parliament and Executive are already supporting and raising awareness of international development issues within the terms of the devolution settlement (for example, through parliamentary debates; through the International Development Cross Party Group; through the existing work of the External Liaison Unit in bringing distinguished visitors from developing countries to the Scottish Parliament; by hosting international events such as the recent 15th Conference of Commonwealth Education Ministers held in Edinburgh; and by supporting development of the international development community through NIDOS). We believe such opportunities could be used more effectively than at present through more structured partnership and improved co-ordination with NGOs and wider civil society. International development organisations value opportunities to talk about their work with visiting parliamentarians and others, particularly where it supports developing democracies and the participation of civil societies in the implementation of PRSPs. We would urge the Committee to consider how the Scottish Executive might develop sustainable and inclusive ways to optimise the positive effects of existing approaches, as well as exploring new options.

- We would welcome a strategic, coherent, co-ordinated and transparent approach to external relations.

1 Poverty Reduction Strategy Papers
• We would like such a strategy to give due weight to sustaining and evolving relations with developing countries.

• We would highlight the key role played by NGOs, churches and other civil society groups in sustaining cultural and historical links with the global south and strongly urge the Committee to consider how a more strategic approach to external relations might utilise existing expertise within Scottish civil society, build on good practice, foster public involvement and participation, and encourage partnership working between agencies, organisations and Scotland’s public institutions.

• We would suggest that raising awareness of Scotland’s international responsibility to promote ethical trading and sustainable development are potentially key challenges for the Scottish Executive’s external relations strategy.

• We would urge the Scottish Executive to find sustainable ways to support international development in Scotland.

2. Links

Co-ordination and partnership working

We would ask the Scottish Executive to consider how co-ordination between the Scottish international development sector, the UK Government and Scottish Executive could be strengthened and improved. To date, this has happened in a somewhat ad hoc way. To a large extent the Scotland Office has taken the lead in facilitating links between DFID and the Scottish international development sector in the post-devolution context; however, MSPs have also on occasion acted as facilitators (for instance, Des McNulty in his capacity as Convenor of the IDG, recently facilitated a meeting with Hilary Benn MP, Secretary of State for International Development). While these approaches have, in practice, enabled Scottish civil society concerns about international development to be raised at a UK level, and have been warmly welcomed, such meetings are to some extent arbitrary and dependent upon goodwill between parliamentarians. We would highlight, therefore, the absence of formal protocols in this area that might increase transparency and promote a sustainable partnership approach.

Resourcing an external relations strategy

In so far as some of the aspects of external relations most relevant to relationships with developing countries are ‘reserved’ matters, resourcing a distinctive, ambitious, and outward looking external relations strategy for Scotland poses potential challenges. However, there is a diverse, active and growing international development sector in Scotland supported by many thousands of people who have an expectation that the devolved institutions will engage with the issues they raise, and could play a key role in delivering the Scottish Executive’s external relations strategy.

We welcome discussion at Ministerial level of a national lottery Scottish Opportunities Fund. Such a fund could potentially be one vehicle through which the Scottish Executive could actively support the work of the Scottish international development sector, and build on existing strengths in a sustainable way. The establishment of such a fund, if it were to retain an international development funding stream, would also present an excellent opportunity to integrate partnership with NGOs and other civil society actors into the Scottish Executive’s external relations strategy. Currently Scottish funding streams for international development are limited; the recently established Lloyds TSB Foundation for Scotland international fund, while very welcome, is heavily oversubscribed. We would advocate for a Scottish Opportunities Fund to have inclusive criteria to match the diversity of the sector. Today the larger, mostly UK-wide, organisations invest in developing a global dimension across Scottish civic life. Organisations whose functions are primarily domestic (like SCVO or Sense) are beginning to work internationally, while the number of ‘independent’ Scottish organisations is growing in capacity and strength. It is this rich mix that gives Scotland its distinctive character in international development, and the capacity to make a significant contribution. A fund that recognises and supports this wide range of activities would benefit all.
Development Education

Oxfam invests around £70K per annum in development education in Scotland, and distributes an additional £30-40K in grants to others working in this field. Oxfam’s Development Education staff work with Development Education Centres, the International Development Education Association of Scotland, Education 21, and the Development Education European partnership to promote global citizenship and develop good practice in this area. The Scottish Executive’s forthcoming review of the curriculum presents an excellent opportunity to embed global citizenship more firmly in the school curriculum, encouraging young people in Scotland to be aware of the interdependence between our lives and the lives of others globally. We would urge the Scottish Executive to explore how development education might be incorporated into the external relations strategy, and how the potential links between the educational aspects of the Sustainable Development agenda, initiatives to promote global citizenship in schools, and the forthcoming review of the curriculum can be resourced.

DfID plays a key role in resourcing development education in Scotland. Although DfID has a UK-wide remit, education in Scotland is a devolved issue, and structured differently. We would ask the Scottish Executive to pursue discussions with DfID and the Scotland Office, in consultation with the development education sector in Scotland, to continue to explore ways to facilitate effective communication and collaborative approaches in this area.

Sustainable Development

The Scottish Executive is pursuing an ambitious agenda for sustainable development in the current session. It is crucial to acknowledge that sustainable development can never be merely a domestic issue; it is a global issue. Moreover, poverty is a key factor in sustainable development - sustainable livelihoods are a prerequisite of sustainable development. Poor people tend to be the most adversely affected by environmental injustices, internationally and in Scotland. We would urge the Scottish Executive to consider how issues of global poverty eradication and environmental justice can be integrated more visibly in the emerging agenda.

3. EU decision making processes

Many decisions made at EU level impact on people in developing countries, who have no say in how these decisions are made. We would urge Scottish Ministers to take into account the social and environmental impact of policy changes for which they advocate at EU level for people in developing countries. We would ask Scottish Ministers to use their influence in European institutions and networks, and with the UK Government not only to advance Scottish self-interest, but to advocate for justice for people in the developing world too, recognising that long term stability and security in Europe will depend on the development of sustainable livelihoods and peace for all people. Some particular policy areas we would wish to highlight include:

Common Agricultural Policy

The Common Agricultural Policy offers a prime example of a policy area where Scotland places high priority on influencing and informing the UK’s negotiating position. The CAP has a devastating impact on agricultural producers in developing countries whose livelihoods are severely undermined by overproduction in Europe, fuelled by unfair subsidies. Excess quantities of artificially cheap European produce dumped on world markets drives down the price of agricultural commodities (such as milk and sugar), undercutting farmers in developing countries who do not have access to subsidies and are placed at a competitive disadvantage. The effects on people in the developing world can be disastrous: they experience reduced food and income security, they become less able to pay for health care and essential medicines, and less likely to send their children to school (especially girls), with long-term detrimental effects on whole communities dependent on agricultural production. Oxfam
(and other NGOs) can provide briefings to ensure Scottish Ministers and MSPs are well informed and able to incorporate the global dimension into their discussions at EU level.

**Official Development Assistance**

Aid remains one key component in any strategy to meet the internationally agreed Millennium Development Goals. EU member states have already agreed commitments for the 2000-06 period. However, the 2006 target of 0.33% GNI (gross national income) is far short of the UN 0.7% target needed to meet the MDGs. We would ask Scottish Ministers to

- use their influence with the UK Government, the European Commission, the Council of Ministers, and RegLeg to push this issue up domestic and European agendas
- seek a firm timetable for the UK to reach its commitment to contribute 0.7% GNI for ODA
- use international opportunities to encourage the five member states (Austria, Germany, Greece, Portugal and Spain) who have not yet identified clear implementation paths to meet the 2006 target of 0.33% GNI to do so.
- urge the EU to continue to target its development aid on poverty reduction and meeting basic health and education requirements of those people who are most in need

**European Enlargement**

Enlargement of the EU offers many opportunities for Scotland, but also carries some risks in its potential impact on developing countries. Enlargement has significant implications for the future direction of the EU’s Official Development Assistance policy, strategy, and implementation which have still to be fully explored. While accession states have accepted existing commitments of EU member states with regard to meeting the MDGs, there are concerns that targets will not be met. The European Commission estimates a gap of £980 million in meeting the 0.33% GNI target for 2006. The level of ODA received from accession states is well behind the ‘target’ levels, and international development issues are a low political priority for most of them. The volume of ODA many accession countries are expected to contribute is small in comparison to levels contributed by countries with higher GNI; however, we are concerned that we may be witnessing a trend towards ODA being used in support of EU members’ foreign policy and trade objectives, rather than on the basis of need. In an enlarged Europe we would stress the need to continue to focus on poverty reduction, especially in least developed countries. We are also concerned that under the new EU Constitution treaty it could become easier to divert ODA away from least-developed countries.

**4. Promotion of Scotland Abroad**

Scotland is currently marketed abroad primarily as an attractive tourist destination, business location, and place to study.

**Education links**

Scotland’s strong historical ties and cultural links with many developing countries are of mutual benefit. Education is one area in which existing links might be usefully developed and enhanced. Therefore we would ask the Committee to consider how it might support greater co-ordination and visibility of existing educational exchange programmes, and how it might support further developments in this area to enable students, educators and/or researchers from developing countries to benefit from formal and informal educational opportunities in Scotland, and/or might enable educators and researchers in Scotland to share their skills and knowledge, and acquire new skills and knowledge, in developing countries. Women and girls are significantly disadvantaged in terms of

---

2 The Consequences of Enlargement for Development Policy. DG Development, September 2003
http://europa.eu.int/comm/development/body/organisation/docs/study_conseq_enlarg_vol1.pdf#zoom=100
access to both basic and higher education in many parts of the developing world.\textsuperscript{3} Therefore we would encourage the Scottish Executive to prioritise the participation of women and girls in any international educational initiatives.

**Fresh Talent**

The Scottish Executive’s Fresh Talent project appears to be a key vehicle to attract a new populace to Scotland. Oxfam applauds efforts to foster an outward looking Scotland where people coming to live in Scotland receive a warm welcome. However, in developing this project we would urge the Scottish Executive to take cognisance of the complex links that exist between migration and development, and the potential impact the Fresh Talent initiative could have for developing countries. We are encouraged that the Executive is liaising with the Home Office to address matters relating to immigration and other ‘reserved’ areas of policy and legislation; however, we would also encourage the Executive to consult both with colleagues in DfID and those NGOs with relevant expertise in this area in order to devise equitable and workable approaches.

Migration is a feature of our globalising world and can, if properly managed and facilitated, have positive effects on the labour markets, economies and societies of Western host countries; it can provide important sources of finance and human capital in order to stimulate development in the sending countries; and it can be beneficial for the migrants themselves, above all because of its potential to improve their incomes and livelihoods, and those of their families. However, in devising a policy for Scotland, it is very important to acknowledge that the potential impact on developing countries can be both positive and negative. Migration may reduce unemployment and generate higher local wages in the country of origin; it can generate return of capital (financial, human and social) that can be invested in a sending country; it can help by supplying remittance flows, and by promoting stronger trade links. However, it may also exacerbate the problem of highly educated and talented people from developing countries (including those working in essential public services such as health and education, where there are already shortages of skilled professionals) leaving to pursue opportunities in richer countries.

Efforts to attract a new populace to Scotland through the Fresh Talent scheme must not compromise existing protections for refugees and asylum seekers in Scotland. In a recent submission to the House of Commons International Development Committee Inquiry on Migration and Development\textsuperscript{4} Oxfam highlighted the UK’s fundamental obligation under international law to protect refugees, arguing that this must not be compromised by measures to ‘manage migration’. Measures to control illegal migration cannot continue to result in a closure of avenues for refugees to access a territory to claim asylum, and development and humanitarian assistance must be adequate to meet the basic needs in safety and dignity of the displaced and host communities.

Oxfam has argued at a UK level that the UK, as a host country, should pursue a policy of positively managed economic migration, especially for low skilled workers, which creates a legal route of entry separate from other existing routes, such as asylum, family reunification or high skill economic migration. This should build upon the step already initiated by the UK Government towards legal and managed migration for some low-skilled workers. Particular attention should be paid to opening up opportunities for women to gain work in the UK labour market, reflecting UK Government policy of promoting equal opportunities in employment. This also resonates with the Scottish Executive’s commitments to gender equality.

Oxfam has recommended that the UK and EU governments reframe their migration policies to integrate social and economic development in migrants’ home countries with entry and integration in host societies. The increasing feminisation of migration must be recognised, and a gender analysis

\textsuperscript{3} UN Human Development Report 2003
\textsuperscript{4} Oxfam Written Submission to the International Development Committee Inquiry on Migration and Development, November 2003
should be integral to the Fresh Talent project (taking into account the serious problem of trafficking for the purposes of forced labour and sexual exploitation). This would be consistent with the Scottish Parliament and Executive’s existing commitments to gender mainstreaming. Within this there is a case for increasing the legal mobility of labour as a tool for the development benefit of both sending and host countries. Migration policy needs to be joined up with asylum, development, humanitarian, trade and foreign policies in order both to effectively address the root causes of migration, safeguard the legal obligations towards forced migrants and ensure the best and most equitable migration outcome for the individual, host and sending countries.

5. Tartan Day and wider Scottish- North American links

In promoting Scotland through Tartan Day, we would urge the Scottish Executive to use such opportunities to pursue cultural links as well as economic and commercial interests, presenting visibly the range and ethnic diversity of contemporary Scottish culture, and sharing Scottish civic values of equality and social justice. There may also be opportunities within Tartan Day initiatives to promote corporate social responsibility and sustainable development as part of a progressive strategy of economic development.
Network of International Development Organisations in Scotland

KEY POINT SUMMARY

"While the Scottish Parliament is the custodian and promoter of democracy, human rights and human development, it has also to play a role in promoting the agenda for development for us as well as the rest of the world. The Scottish Parliament has a responsibility to say what is happening to the people of the world as a result of the process of globalisation."

President Thabo Mbeki of South Africa, in his address to the Scottish Parliament on 13th June 2001

"Our ambitions for Scotland - to develop socially, culturally and economically in a sustainable way - mean that even at a devolved and local level we must look beyond our borders and be internationalist in outlook. We in Scotland will not be all that we can be unless we lift our eyes to the horizon and look beyond our own set of circumstances."

First Minister, Jack McConnell, speaking from the World Summit on Sustainable Development in South Africa in September 2002

NIDOS is of the view that Scotland has the potential to develop further its role internationally, in Europe and beyond, particularly in relation to the global South. Scotland could both gain from and contribute to exchanges of experience with other countries in the South and emerging democracies in and beyond the EU. International development organisations in Scotland already engage directly with partners in ‘developing’ countries. International treaties and agreements on the environment, trade, agriculture and arms, that Scotland is subject to, and which Scotland has an influence in shaping and implementing, also have a direct impact on ‘developing’ countries. This interconnectedness of the global and local in terms of policy and strategy far beyond the borders of the EU, must be mainstreamed in Scottish Executive decision-making to form a coherent external relations policy.

ABOUT NIDOS

The Network of International Development Organisations in Scotland (NIDOS) is a network of 40 relief and development organisations in Scotland. Its members’ work ranges from the management of programmes to eradicate poverty, discrimination and inequality, to advocacy, development education and emergency relief and reconstruction. NIDOS promotes the exchange of experience, ideas and information and provides a structure for collaboration and more effective working in international development issues. Through its work, NIDOS aims to:

• contribute to international development by encouraging communication among organisations in Scotland committed to the elimination of inequality, poverty and discrimination worldwide;
• increase understanding of the international development sector in Scotland;
• build the strength and capacity of the non-government international development sector in Scotland;
• provide a forum to discuss and present opinion on key issues of international development with decision makers within Scotland, the UK and beyond.

NIDOS member organisations wish to work in a Scotland that supports their work to be effective. They will therefore be affected by the implications of this inquiry. International development organisations need to be able to engage with the Parliament, and wish to see an external relations policy that reaches beyond the EU and the USA. There are many areas within the Scottish Parliament’s current devolved remit that need an internationally responsible perspective, such as education, human rights and enterprise. Many NIDOS member organisations with education staff are also members of the International Development Education Association of Scotland (IDEAS) which promotes Global Citizenship in education policy and practice at all levels in Scotland.
RESPONSE TO INQUIRY KEY QUESTIONS:

1. Definition and implementation of a coherent, co-ordinated and resourced strategy for external relations

i. The NIDOS membership supports an external relations policy at the Scottish Executive and believes that this policy should emphasize the importance of external relations to business and trade, but also be one informed by the international roles and engagement of Scottish civil society including NGOs, church groups, public services, education and health workers, and trades unions. A definition of ‘external relations’ beyond one based on PR and marketing would assume a relation with the outside world, and encourage a strategy for relating, not just in terms of what Scotland can gain, but what it can contribute. An analysis of globalization quickly demonstrates our mutual interdependence beyond national boundaries, an awareness of which should be defined in terms of global citizenship. It also demonstrates the interconnectedness between policies on trade, development and global economic flows.

ii. The United Nation’s Millennium Development Goals, signed up to by 189 countries, which set out global poverty reduction targets for 2005 and 2015, must be taken into account in Scotland’s external relations policy if the MDGs have any chance of being met on time.

iii. Global events such as the collapse of economies, migration, terrorism or the failure of multilateral trade talks all have implications in Scotland and are therefore legitimate areas of concern for people living and working here. The dumping of EU milk and the CAP reforms affect Scottish farmers as well as farmers in the global South. Scotland therefore needs to be at the debating table in Europe. Conversely, NIDOS encourages the debating of the global sustainability of such issues in the Scottish Parliament.

iv. Jack McConnell’s presidency of the RegLeg provides a key opportunity for Scotland to engage with the global sustainable development agenda. The greatest challenge facing Scotland’s new government is that presented by sustainable development; to create a good quality of life for all our citizens within the global community, ensuring that our environment is maintained and enhanced. Adequate resourcing for Education for Sustainable Development is essential if we are to meet this challenge.

2. Success of efforts to develop government-to-government links with the European Union and internationally

i. Scotland has been successful at developing strong links with numerous elements of EU institutions. This body of links needs to be maintained even if Scotland receives fewer European Structural Funds after the accession of the new Eastern European states. Scotland must not lose the ground and channels of influence it has already gained in European institutions.

ii. A large amount of EU money currently goes to Scottish aid agencies, running into millions of Euros in total. This justifies further the need for Scotland to be present at the heart of European decision-making, to influence the quantity and allocation of international aid.

iii. Scotland’s international development sector is strong and growing in capacity as it maximizes its organisation and communication through NIDOS. It employs many citizens of Scotland and harnesses the support of hundreds of thousands of Scots who volunteer, donate and support campaigns. It offers a strong skill-set and knowledge base which could be shared with the emerging democracies, such as those EU accessionary states, who are only just developing their international development activities, having, for many years, themselves been recipients of international development funding.

iv. Scotland’s strong wider civil society sector, supported by the Scottish Council for Voluntary Organisations and Scottish Civic Forum, represents an example of good practice in civic participation, that could be shared with other new parliaments. Scotland could facilitate the process with EU accessionary states to engage with the capacity-building of their public institutions and civil society, offering strategic accompaniment and fostering good relations.

v. The Scottish Parliament is visited on a regular basis by delegations through the External Liaison Unit for it serves as a good example of a new democratic governing institution. With this recent experience, it would follow that Scotland should have a body equivalent to the Westminster Foundation for Democracy, that has a budget to send out invigilators to observe elections and advise on other issues affecting emerging democracies, especially as Scotland has a system of proportional representation and a petitions
vi. NIDOS supports the idea of secondments within the EU and between the departments of the Foreign and Commonwealth Office, DfID, and the Scottish Executive, especially as the latter two are both Scottish employers. This would increase understanding of work reserved to Westminster, and would enable Scottish civil servants to seek opportunities for Scotland to influence decision-making in these areas.

vii. Scotland has deep historical links through religious and educational institutions with many areas of the global South. These links find expression, for example, in the proposed linking project with the Eastern Cape, which could be reinvigorated. NIDOS would encourage this form of linking with areas in the global South. NIDOS or IDEAS could also be supported to co-ordinate information on the numerous other educational Scotland - Southern Africa links, for example between SCOTDEC and projects in South Africa, between Clackmannanshire Education Department and Gauteng, between Strathclyde University and Malawi, and through the Initial Teacher Education project at Glasgow University.

viii. Some links with other governments and civil society organisations, can be quite random and opportunistic. NIDOS suggests that much of Scottish collaboration with other countries can be missed out where there is no systematic approach. NIDOS could offer a key element in such a system on the basis of the information it holds on its members’ work through local partners in a vast range of countries, for example in the form of a Scottish database.

ix. There is a large number of consulates in Edinburgh, largely representing the more affluent countries of the world. Initiatives that are developed through this network run the risk of reinforcing the interests of affluent countries only, a point that the Scottish Executive must be aware of. On a related issue, there seems to be little relationship between British High Commissions abroad and the Scottish Parliament. Scottish politicians should be able to use these facilities within countries to further Scotland’s interests and global responsibilities.

3. 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.

i. NIDOS members agree it is vital to be part of the process of co-ordinating efforts, but suggests that it is not in a position to provide a detailed analysis of the Executive’s role in the EU decision-making process.

ii. NIDOS suggests that there is need for a coherent external relations strategy, using international enterprise links, for example through Scottish Enterprise and Scotland Europa, to talk about global justice and trade, encouraging global corporate social responsibility in enterprise strategy. Development Education networks also have strong EU links with governments and civil society, including with accessionary countries, to provide awareness-raising of similar issues arising around sustainable development and globalisation.

iii. There are currently a number of Scottish Executive staff at Scotland House in Brussels, who have been joined by a member of staff from Scottish Parliament. This could be an opportunity for the external relations committee to broaden its influence in Europe.

iv. There is concern in the Scottish international development sector about the international implications of the Common Agricultural Policy. The relevance of the CAP is particularly important to Scotland because of the high level of agricultural production. However, reform must be along an internationally sustainable development agenda, despite the challenges to domestic politics in Scotland. The EU and External Relations Committee must therefore also take into consideration the views of ‘developing’ countries as it supports Scottish interests abroad.
4. Success of efforts to promote Scotland abroad, including through tourism, economic development, trade, education links, culture and heritage and the attraction of a new populace to Scotland. This will include an analysis of the successes of other nations/regions in these areas.

i. NIDOS members would encourage a thorough awareness of the basis on which a new populace is attracted to Scotland, and the global implications of such a strategy, especially in countries of the global South.

ii. There are implications in encouraging skilled workers, for example in health and education, from 'developing' countries to Scotland, for this leads to a brain drain from the global south, leaving 'developing' countries short-staffed in already desperate conditions. This is particularly unwell when southern governments have covered the cost of expensive training, therefore reversing the flow of international development funding back to northern institutions. Scotland can also be affected by this unequal global labour market, for another of its implication is the shift of Scottish jobs to the global South, for example in industries such as call centres, manufacturing and financial services. The implications of an unequal global labour market must be thoroughly thought through to be truly sustainable in both the global North and South.

iii. NIDOS would encourage a north-south analysis of Scottish policy, where the effect of globalization is understood better, understanding why people are migrating and why jobs are moving elsewhere.

iv. The Scottish Executive could instruct Scottish Enterprise to work with NGOs and trades unions on issues of corporate social responsibility (CSR), which would include awareness of supply chains and labour rights. UNISON, for example has helped in the training of shop stewards in the Eastern Cape. AGENDA has also been advocating CSR in Scotland, but has had little engagement with the Scottish Executive and Scottish Enterprise.

v. The work of the British Council in encouraging and assisting links between Scotland and the developing world is extensive, and would repay detailed study by the Committee. Its role in representing specifically Scottish culture and society abroad would also be worth considering.

vi. Tourism in Scotland and in the many ‘developing’ countries that Scots visit on their holidays must be sustainable, ecologically sound and just. Scotland has a responsibility not only in attracting tourism to Scotland, but in nurturing culturally aware, responsible Scottish tourists who can demonstrate an awareness of their global citizenship.

vii. Development Education is an important, growing aspect of Scottish education curricula, that develops and nurtures globally aware, responsible global citizenship in Scotland. Education for global citizenship and development education needs to be made explicit within national priorities and embedded further in policy and practice at all levels in Scotland. A good example of this in practice is the DFID funded Education for Sustainable Development project at the University of Glasgow run in conjunction with IDEAS, the International Development Education Association of Scotland, where global citizenship is being embedded in the Initial Teacher Education programme. There are many successful areas in which further funding from the Scottish Executive could resource Development Education Centres and programmes, promote the work of the Sustainable Development Secondary Schools Project to mainstream many of these initiatives.

5. 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.

i. NIDOS has few views on Tartan Day, as it believes relations with the USA should concern issues of more global consequence. However, it notes that Tartan Day must represent the ethnic diversity of Scotland today. Of much greater concern to NIDOS member organisations, whose work is deeply affected by global and social justice issues, is the policies of US protectionism, which have a huge impact in Scotland and on those countries Scottish international development organisations work with.
EUROPEAN AND EXTERNAL RELATIONS COMMITTEE

BRIEFING PAPER

“Fourth update on the IGC”

Introduction

1 At a previous meeting, the Committee took evidence from Dr Denis MacShane MP, UK Europe Minister, on the progress of the IGC and the constitutional treaty. Since then, the Committee has been provided with an update on the latest position with regards to the proposed treaty as and when there have been developments to note. Under the Irish Presidency, significant progress appears to be being made. This factual paper sets out, as can best be ascertained the latest state-of-play with respect to the development of the constitutional treaty. (see Annex A).

Recommendation

2 Members may like to refer to this paper when discussing this item on the agenda.

Stephen Imrie
Clerk to the European and External Relations Committee
The Scottish Parliament
Tel: 0131 348 5234
Email: europe@scottish.parliament.uk
LATEST DEVELOPMENTS WITH THE EU’S CONSTITUTIONAL TREATY

Background

Members will be aware that the constitution was not agreed to at the December IGC meeting of Heads of Government. It now falls to the Irish Presidency to take forward discussions.

Spring European Council

The most recent meeting of the EU's Heads of Government took place in Brussels (25-26 March). The Irish Government, as current holders of the Presidency of the EU Council, provided an update on the progress of discussions on the draft constitutional treaty.

According to reports afterwards, on the IGC, the Irish Taoiseach stressed that in the early stages of the Irish Presidency few had thought it would be possible to resume negotiations so soon, and paid tribute to the “positive and constructive spirit” and the willingness to be flexible which Heads of State and Government had displayed in Brussels. The political will which they had shown to re-dedicate themselves to the constitutional negotiations was in part due to a general sense that delay could only lead to further complications.

Reports from the European Council and the subsequent European Parliament Plenary (31 March) indicated that the great bulk of the draft constitutional treaty was not in question, and it was clear that most of the compromise proposals which had been brought forward by the Italian Presidency were acceptable “in the context of an overall agreement”. No detailed discussions had been held in the European Council on the main outstanding issues of Commission composition and QMV, though Mr Ahern had offered his peers his sense of where compromise might be found.

On Commission composition, this would be through an initial composition of one Commissioner per member state moving after a certain period to a smaller Commission based on a system of rotation. The QMV double majority should be soluble by adjustment to the thresholds both of member states and of populations, taken together with the arrangements for moving to the new voting system. As for the scope of QMV and codecision, the European Parliament’s desire for an extension had to be balanced against the concerns of some member states, but a satisfactory outcome could be predicted, affording a growth in QMV and codecision “in relation to the present treaties”.

On the mechanics, bilateral meetings and official discussions would continue, with Foreign Ministers then asked to take the work forward in advance of the 17-18 June European Council. If it proved possible to finish the work before June, this would be done, but the formation of new governments in several current and future member states might make this difficult.
A summary note of the European Council has been produced. This is contained in Appendix 1.

Referendum in the UK on the constitutional treaty

In a related issue, press reports over the weekend of 17-18 April have suggested that the UK Government may now consider a referendum on any agreed constitutional treaty.

In a statement to the House of Commons on 20 April, the Prime Minister, outlined the position of the UK Government. The full text is contained in Appendix 2. In parallel, the Foreign Secretary is to publish a White Paper on Europe.

The Prime Minister announced that provided the Treaty embodies the essential British positions, he would agree to it. He also announced that once agreed, either at the June Council which is his preference - or subsequently, the UK Parliament should debate it in detail and decide upon it. He then announced that the people should have the final say.

In his view, the electorate should be asked for their opinion when all the UK Governments questions have been answered, when all the details are known, when the legislation has been finally tempered and scrutinised in the House of Commons, and when the UK Parliament has debated and decided. The question put to the public will be on the Treaty.

Finally, the Prime Minister did not commit to any specific timetable for the referendum.

Involvement of the Scottish Parliament in the ratification of the constitutional treaty

In light of the above statement on the referendum, Members may wish to recall their previous discussion on ratification procedures and their agreement on 7 October 2003 to continue to monitor developments with regards to ratification of the treaty in the UK with a view to a potential involvement of the Scottish Parliament.

Stephen Imrie
Clerk to the European and External Relations Committee
Delegations will find attached a report from the Presidency on the Intergovernmental Conference.
Intergovernmental Conference
Report by Presidency to European Council, 25/26 March 2004

1. At its meeting in Brussels on 12/13 December the European Council noted that it was not possible for the Intergovernmental Conference to reach an overall agreement on a draft Constitutional Treaty at that stage. The Irish Presidency was requested on the basis of consultations to make an assessment of the prospect for progress and to report to the European Council in March.

2. The Presidency has accordingly undertaken an intensive and wide-ranging series of contacts with all current, acceding and candidate Member States, as well as with the European Commission and the European Parliament. They have taken place at both political and senior official level, and have included bilateral discussions between the President of the European Council and his counterparts. In addition, Foreign Ministers had a useful informal discussion at the General Affairs and External Relations Council in January.

3. The Legal and Technical Working Group chaired by the Head of the Council Legal Service has continued its work in accordance with the timetable envisaged under the Italian Presidency. The Group has finalised the texts of Protocols on the abrogation of acts and treaties completing or modifying the EC and EU Treaties and on the first four Accession Treaties. It aims to complete its remaining task, the drafting of the text of a Protocol on the Accession Treaty 2003, by 27 April.

4. There continues to be consensus on the importance and value of the proposed Constitutional Treaty, as a means of better equipping the Union to respond to the demands of its citizens and to play a more effective role in the world. It would introduce important innovations such as the simplification of legislative procedures and legal instruments, clarification of the balance between the Union and its Member States, enhancement of the protection of human rights, and a greater role for directly-elected representatives in both the European Parliament and national parliaments.

5. On the basis of its consultations, the Presidency believes that there is a strong shared sense of the desirability of concluding negotiations as soon as possible, to maintain the momentum imparted by the Convention and by the work of the Intergovernmental Conference under the Italian Presidency, and in view of the other complex and important issues which lie ahead on the Union’s agenda. Indeed, it is widely believed that delay would make agreement more difficult to reach.

6. The IGC must proceed on the basis that nothing is agreed until everything is agreed. Nevertheless, the Presidency was able to confirm that the great bulk of the provisions of the draft Constitutional Treaty prepared by the Convention are not in dispute. Moreover, it also ascertained that many of the proposals made by the Italian Presidency, as set out in the document it presented to the December European Council (CIG 60 ADD 1 and ADD2), would be the subject of a broad positive consensus in the context of an overall agreement.

7. In its consultations the Presidency has been able to identify those issues which continue to raise problems for delegations, and to assess the possibilities for resolving them.
The issues vary in complexity and political sensitivity. The Presidency expects that most of them could be resolved without undue difficulty.

8. The most difficult issues remain the size and composition of the Commission and, in particular, the definition and scope of qualified majority voting. The minimum seat threshold in the European Parliament also remains to be settled. In the view of the Presidency, an overall solution covering these issues, and other remaining points of difficulty, could be found if there is sufficient political will and flexibility.

**Size and Composition of the Commission**

9. There is general agreement that the Commission has to be composed and organised in a manner which both underpins its political legitimacy across the Union, and enables it to act effectively. Many delegations, emphasising the first of these criteria, support the idea that there should be one national from each Member State in the Commission. Others, noting that the principle of a reduced Commission, on the basis of equal rotation, is already contained in the Treaty of Nice, argue that the Commission must be smaller if it is to function effectively, in the interests of the Union as a whole. The Presidency believes that the two perspectives can be reconciled.

**European Parliament**

10. The Presidency believes that it will be possible to reach consensus on a modest increase in the minimum threshold of four seats per Member State in the European Parliament.

**Qualified Majority Voting**

11. A large majority of delegations continues broadly to support or accept the definition of qualified majority voting set out in the Convention text, though many would prefer parity between the population and member state thresholds. Many have emphasised that they regard the maintenance of the principle of double majority as essential. At the same time, a small number of delegations have made clear that they do not accept the Convention proposal as it stands.

12. The Presidency believes that a solution, if it is to command consensus, must be based on the principle of double majority, must allow for greater efficiency in decision-making than the provisions in the current Treaties, and must have due regard to balance among all Member States and to their specific concerns.

13. As regards the scope of qualified majority voting, the Presidency notes that there is a need to balance the particular concerns of Member States in relation to a number of specific issues with the general desire for the extension of QMV, with a view to promoting efficient decision-making in a larger Union. It believes that a satisfactory outcome can be found in the context of a final agreement.

**Overall Assessment**

14. The Presidency’s assessment is that there is a strong case for bringing the Intergovernmental Conference to an early conclusion, and that there is reason to believe that an overall agreement acceptable to all delegations is achievable if the necessary political will exists.

15. The President of the European Council will expand on this report directly to his colleagues, focussing on the prospects for progress. He will not be asking his
colleagues at this meeting of the European Council to enter into the detail of the substantive negotiations or to agree conclusions in that regard. However, he intends to ask them to confirm that there is a shared political will to move to an early overall agreement.
Appendix 2

Full text of the statement by the Prime Minister in the House of Commons (20 April 2004)

With your permission Mr Speaker, I will make a statement on the forthcoming negotiation over the new European Treaty. In parallel, the Foreign Secretary is publishing today a White Paper on Europe.

On 1 May the EU will enlarge from 15 to 25 members. It will be the biggest ever increase in Europe's size. It will reunify Europe after the travails of Communist dictatorship in Eastern and Central Europe. It is an historic event, one this British Government and the one before us have championed. Whatever the problems it poses, and we see that in the anxiety over prospective immigration, let us be in no doubt: the prospect of EU membership, together with the courage of the Governments concerned, is the primary reason why those countries have been able to reform their economies and politics so radically and so beneficially. Such change has been in the interests of all of Europe. I say unhesitatingly that enlargement is right for Europe and for Britain and we should support it.

In addition, Bulgaria and Romania are set for membership in future years, taking the numbers to 27. And Turkey is now making extraordinary strides forward in democracy, human rights, in economic change, in the resolution of the conflict in Cyprus, strides that would have been unimaginable just a few years ago, and all under the impulsion of future EU membership.

So within the space of a few years Europe will be transformed. It will be easily the strongest political union and greatest economic market in the world. Britain should be at the heart of it. That is its right and its destiny.

Because of enlargement, Europe is sensibly seeking to change the way it works. In a Europe of 25 or 27 or 28, a rotating 6-month Presidency makes no sense; the use of the veto should be confined to the areas where it is truly necessary, otherwise decision-making becomes paralysed, and in certain areas, terrorism, security, economic reform, the environment, Europe must do more and do it better.

The new Constitutional Treaty is designed both to answer the challenge of enlargement and also to bring together in one Treaty, what is presently found in two separate treaties. Indeed, a significant part of the new Treaty is a repetition of articles already in force.

I want to make clear in this negotiation that Britain will co-operate fully in helping Europe work better; but work better as a Europe of sovereign nation states. There are certain areas of policy where maintenance of control of our affairs is essential. In those areas like taxation, foreign policy, defence, social security, how the essentials of our common law, criminal justice system work, Treaty change, we believe the national veto must remain. We will insist on the necessary amendments to the present draft Treaty to ensure beyond doubt that they do. On this basis the Treaty does not and will not alter the fundamental nature of the relationship between Member States and the EU.

The new Treaty then would take effect, after ratification by all Member States probably in 2007, with certain key provisions in 2009. Until then, the key provisions of the Nice Treaty will remain in place.

If the new Treaty contains these essentials, we believe it is in Britain's interest to sign it. It will replace the six month rotating Presidency with a full-time Chairman of the Council - a vital step away from Federalism, enabling the Council, which is of course the repository of
the individual Governments, to become the body that sets Europe’s agenda. The new Treaty for the first time will allow National Parliaments, the right to object to Commission proposals for legislation, a big advance in subsidiarity. It adds a greater ability to co-operate in areas like terrorism and cross-border crime that are crucial for the world in which we live. It gives a bigger role for enhanced co-operation between some of the member states, where not all of them wish to participate in certain areas.

This is what the Treaty, if amended in the way we seek, will actually do. Ever since its inception, however, the myths propagated about it have multiplied in those quarters, political and media, who we know are hostile not just to this Treaty but the whole notion of Britain playing a central role in Europe.

That the EU will be renamed the 'United States of Europe’. No it won’t. It is to remain the EU.

That The Queen will be replaced as our Head of State by an EU President of the Council. In fact, we already have a President of the Council and always have had.

That Britain will be forced to join the euro, without a referendum and regardless of our economic tests being passed. No it won’t. The existing agreements on the single currency remain in the new Treaty.

That Britain could not mount a future Falklands War or Iraq campaign without permission from Brussels. Yes we could. Defence is to remain unanimous and the prerogative of the nation state.

That we will lose our seat on the UN Security Council. No such provision exists.

That Brussels will seize control of our oil supplies. No it won’t and the Treaty will make that clear.

That Brussels will have the power to set taxes in Britain. Taxation is to remain with the nation state.

That our Foreign Policy will now be decided by the EU because the new Treaty obliges Member States to support Europe’s CFSP “in a spirit of loyalty and mutual solidarity”. Actually these words are taken from the Maastricht Treaty and in any event CFSP is decided unanimously.

That we will surrender control over our borders. It is already agreed that our right to control our borders will be specifically retained in the new Treaty.

That the assumption of ‘innocent until proven guilty’ in British law will be scrapped. No such provision exists.

All this and many others like the hardy perennials about being forced to drive on the right, the Germans taking over our nuclear weapons and no doubt the shape of our bananas too.

Even yesterday, we had the RHG the Leader of the Opposition asserting that if this Treaty were in place, I would be unable as British Prime Minister to go to Washington to talk to President Bush.

All of it, nonsense, myth designed to distance people’s understanding of what Europe is about and loosen this country’s belief in its place in Europe.

It has been an unrelenting but, I have to accept, partially at least, successful campaign to persuade Britain that Europe is a conspiracy aimed at us rather than a partnership designed
for us and others to pursue our national interest properly in a modern, interdependent world. It is right to confront this campaign head-on.

Provided the Treaty embodies the essential British positions, we shall agree to it.

Once agreed, either at the June Council which is our preference - or subsequently, Parliament should debate it in detail and decide upon it. Then let the people have the final say.

The electorate should be asked for their opinion when all our questions have been answered, when all the details are known, when the legislation has been finally tempered and scrutinised in the House, and when Parliament has debated and decided.

The question will be on the Treaty. But the implications go far wider. It is time to resolve once and for all whether this country, Britain, wants to be at the centre and heart of European decision-making or not; time to decide whether our destiny lies as a leading partner and ally of Europe or on its margins. Let the Eurosceptics whose true agenda we will expose, make their case. Let those of us who believe in Britain in Europe not because we believe in Europe alone but because, above all we believe in Britain, make ours.

Let the issue be put. Let the battle be joined.
CONVENER’S REPORT

1. Briefing note received from the Scottish Executive on progress with the work programme of the Regions with Legislative Power (Regleg) group. At a previous meeting, the Committee requested an update on the contribution of the Scottish Executive to the work of the Regleg group in its role as holders of the ‘presidency’ between November 2003 and 2004. A response has now been received from the Executive (Annex A). The Convener now recommends that:

   Members welcome the response from the Executive, note the planned events to be organised by the Executive, but note that no reply has yet been received from the First Minister on whether he will address the Committee in light of in his personal capacity as holder of the annual ‘presidency’ of Regleg.

2. 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 B). The Convener now recommends that:

   Members welcome the information provided and ask that the parliamentary delegation which attended the Tartan Day events provide the Committee with a copy of their written report given its relevance to the inquiry into the Promotion of Scotland.

Richard Lochhead MSP
Convener
19 April 2004
LETTER FROM THE SCOTTISH EXECUTIVE ON REGLEG (Regions with Legislative Power)

Background and Objectives

REGLEG is the Group of Regions with Legislative Powers. It represents over seventy regions with legislative powers within the European Union that have directly elected parliaments and governments and responsibility for transposing European legislation.

The First Minister took over the Presidency of the Group at its 4th Conference in Salzburg on 11-12 November 2003. The Group helped to achieve significant steps forward for regional involvement in the EU through the draft EU Constitutional Treaty. Scotland has worked closely with the UK Government and the Welsh Assembly Government throughout this process and together we drew up a policy paper on 'Europe and the Regions'\(^1\) which Peter Hain submitted to the Convention on the Future of Europe in February 2003. During the year of the Scottish Presidency, we will:

(a) continue to pursue the gains made by the regions in the Convention’s draft Treaty, which has not yet been agreed at the Intergovernmental Conference (IGC). Specifically, REGLEG will work to ensure that the role of the regions and principle of subsidiarity are properly reflected in any future Treaty;

(b) prepare for and ensure effective implementation of any new provisions;

(c) represent more generally the interests of the regions with legislative powers, including pressing through the Commission’s governance initiative for direct pre-legislative consultation in any relevant EU decision-making process; and

(d) establish REGLEG as a network for strategic co-ordination and a forum for exchange of best practice.

The organisation’s website is at [www.regleg.org](http://www.regleg.org)

In his speech to the Chamber of the Regions of the Council of Europe, delivered on 23 March 2004, First Minister outlined the reasons for our involvement with REGLEG. He said:

“More than two hundred million EU citizens depend upon regional governments to deliver the environmental, economic and social benefits that the Union provides.

Of course, Europe remains a Europe of Member States - but, it’s important to accommodate the diversity of those Member States and their regions.

If our decisions are to bring the greatest benefit to the lives of the people we serve, they need to be relevant to people. And that means taking them as close as possible to the people.

By showing that decisions are taken at the most local level possible we can help address the disenchantment with government that continues to grow across Europe. We can ensure citizens are closer to the exercise of power. That is why REGLEG’s work is so crucial.”

\(^1\) [http://www.cor.eu.int/pdf/convention/uk_government_paper_300103_1.pdf](http://www.cor.eu.int/pdf/convention/uk_government_paper_300103_1.pdf)
He also used examples from fisheries, structural fund programmes and crime prevention to illustrate the value of regional management, regional administration and regional co-ordination to the citizens of the EU.

**Activities and Programme**

In pursuit of this agenda, and as President of REGLEG, First Minister will attend appropriate meetings of European associations, meet the President of the European Commission and other EU Commissioners and represent the views of the regions with legislative powers in relevant Commission initiatives.

In addition, the Scottish Presidency will organise events in Brussels and Scotland to press case of the regions with legislative powers.

Already confirmed are:

- **April 27:** A “sub rosa” (i.e. Chatham House rules) event in Brussels on the issue of subsidiarity which will bring together senior officials and academics from Scotland and around Europe.

- **May 10:** First Minister will attend a meeting in Brussels at which President of the Commission, Romano Prodi, will meet associations of local and regional authorities as part of the Commission’s move to create a structured dialogue with these groups.

- **July 5-6:** European conference on Policing Youth Justice to be held in Dunblane.

- **November 29-30:** 5th Annual Conference of the Presidents of the Regions with Legislative Powers to be held in Edinburgh.

Other events will be held as opportunities to reach key European decision-makers arise.

In addition to Ministerial and political level activities, the Co-ordination Committee of REGLEG – consisting of senior officials from key regions with legislative powers – meets frequently throughout the year. The Co-ordination Committee pursues the political priorities set for REGLEG at official level.
ANNEX B

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

EXTERNAL LIAISON UNIT - MARCH/APRIL VISITS

MARCH INWARD VISITS

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

Thursday 04 March - During their visit to the Scottish Parliament, the Ceann Comhairle and delegation from The Dail Eireann met with Members and officials to discuss a number of topics of mutual interest. Those included, the legislation of 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 were scheduled within the programme to provide informal opportunities for discussion and the strengthening of links between the two Parliaments

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 was a case study of the new parliament building and the visit to the Scottish parliament was to help his study. He also observed First Ministers Question Time and met with Margo MacDonald MSP

Wednesday 10 March - Thursday 11 March - Visit by the Secretary General in connection with the Commonwealth Day celebrations. He met with parliament officials and attended the Commonwealth Day reception and dinner with High Commissioners

Wednesday 10 March - President, Vice President and the Board of Directors of FC Barcelona met with the Presiding Officer on the Hoyrood Site. The delegation were given a short tour before the media interviews.

Wednesday 10 March - Parliament's annual celebration of Commonwealth Day. Debate was held in the Chamber followed by reception in Rainy Hall. Participants included Commonwealth High Commissioners, Consul Generals, representatives from civic Scotland and staff and students from various Universities across Scotland

Thursday 11 March - Mr Liu Jingxue visited the Presiding Officer to discuss the forthcoming visit by His Holiness the Dalai Lama
Tuesday 16 March - A delegation of 16 Norwegian MPs visited the Scottish Parliament on Tuesday 16 March to meet with the Education Committee. The delegation were Members of the Standing Committee on Education, Research and Church Affairs of the Norwegian Parliament and the aim of their visit was to gain insight into the work and experiences in Scotland in the field of "quality development and assessment" in basic education.

Tuesday 16 March - A delegation of Lawyers and Solicitors who were participating in a Government Study Programme in Edinburgh visited 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 met with the delegation to discuss both issues.

Wednesday 17 March - Azmi Bishara, leader of the Balad Party in Knesset visited Scotland to attend a conference organised by the Scottish Palestinian Forum & Churches House at Dunblane. He visited the Parliament to discuss areas of mutual interest and parliamentary experiences.

Thursday 18 March - US students visited Scotland on a two day programme. They dined with the First Minister and observed parliamentary questions and met with a cross section of Members from the parliament.

Thursday 18 March - Senator Mary O'Rourke, Leader of the Seanad Éireann in the Irish Parliament, visited the Scottish Parliament. The programme included attendance at First Minister's Questions and a tour of the Holyrood site.

Thursday 18 March - Friday 19 March - A delegation from the States of Jersey visited the Parliament to allow their scrutiny panel to examine the Committee system within the Scottish Parliament.

Monday 22 March - A delegation of MPs from the Kazakhstan Parliament visited the Scottish Parliament. As the main purpose of their visit to the Parliament was to attend the opening of a photographic exhibition on "Semipalatinsk", the External Liaison Unit's programme for their visit included a meeting with MSPs to discuss the current situation in Semipalatinsk, as well as a briefing on the Scottish Parliament and Devolution and a presentation on the new building.

Thursday 25 March - A group of French journalists visited the Scottish Parliament to attend Plenary and to meet with Members of the European and External Relations Committee over lunch. The journalists' visit to Scotland had been arranged by the London Correspondent Service (LCS), a section within the FCO specialising in services for UK-based correspondents for foreign media. The LCS had asked that their visit to Scotland be built around Devolution and the Entente Cordiale and the SE and SP programmes were prepared accordingly.

Friday 26 March - External Liaison Officers, Alison Dickie and Margaret Neal, met with a delegation of Norwegian Social Scientists in the George InterContinental Hotel in Edinburgh on Friday 26 March 2004 to give presentations on "The Scottish Parliament and Devolution" and "The Scottish Parliament and External Liaison"
The delegation, who were from the national committee of the union "Samfunnsviterne" and who mainly work in local and national administration, were participating in an annual study visit abroad for educational and awarding purposes.

OUTWARD MARCH VISITS

Tuesday 09 March - Wednesday 10 March - Phil Gallie MSP participated in the Culture and Education Committee of the Council of Europe's CLRAE in Strasbourg

Friday 26 March - Sunday 28 March - Helen Eadie MSP attended a conference in Oxford, organised by Encounter, entitled 'Reviving Democracy-from indifference to Involvement'. The conference focussed on the theme of the perceived remoteness of decision-making in both Britain and Ireland and involved parliamentarians, senior civil servants, academics, and other key opinion formers

Monday 29 March - Iain Smith MSP visited Brussels to continue the British-Irish Inter-Parliamentary Body's inquiry into waste management

APRIL INWARD VISITS

Tuesday 13 April - Visit by Andre Gagnon, Principal Clerk from the Journals Branch, Page Programme and Private Members’ Business Office within the Canadian House of Commons, to discuss e-petitions and the electronic voting systems.

Thursday 15 April - Visit by the Namibian High Commissioner. She will lunch with a Member from the Executive Committee as well as meet with the Lord Provost.

Monday 19 April - Hon Sheila McHale, Minister for Community Development, Women's Interests, Seniors and Youth; Disability Services; Culture and the Arts will visit the Parliament. More details to follow on receipt of visitors enquiry form

Tuesday 20 April - Members from the Ekiti State House of Assembly will visit Westminster, National Assembly for Wales and the Scottish Parliament. Will meet with MSPs to learn and engage about the workings of the Parliament

Wednesday 21 and Thursday 22 - The Clerk, Paul Silk and the Deputy Clerk, Dianne Bevan, will visit the Scottish Parliament to be briefed on the working practices of the Parliament, its management structure and how it operates. The programme includes meetings with a number of Directors/Heads of Office to discuss the work of their Directorates/Departments, as well as attendance at Committee meetings and Plenary

Thursday 22 April - Mr Masaki Orita, Ambassador of Japan to the UK will pay a courtesy call to the Presiding Officer, observe First Minister's Questions Time and lunch with a cross section of Members

Monday 26 April – Visit by the Czech Parliament’s European Integration Committee, organised by the Europe and External Relations Committee.
APRIL OUTWARD VISITS

Saturday 03 April - Saturday 10 April - . The Presiding Officer led a delegation of David McLetchie, Michael McMahon, Donald Gorrie, and Kenny MacAskill to undertake meetings in New York, Washington DC, Ottawa and Québec as part of the Tartan Day 2004 celebrations. The delegation will meet with a wide range of officials and government representatives to promote Scotland and build political, cultural and economic relations.

Friday 09 April - Saturday 10 April - . George Reid, Presiding Officer payed a courtesy call and lunch with the Speaker of the Icelandic Parliament, Mr Halldór Blöndal, en route from Tartan Day.

Sunday 18 April - Tuesday 20 April - . Murray Tosh MSP, David McLetchie MSP, Iain Smith MSP, Margaret Ewing MSP and Michael McMahon MSP will travel out to Cork for the next Plenary Session of the British-Irish Interparliamentary Body.

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
Further background notes on international issues are available on
- SCAN at http://intranet/speir/services/scan/sub-in.htm#cm

Status of outward visit reports this session:
- February 2004: CPA Annual Regional Conference – report cleared by participants and to be posted shortly.
- March 2004: Encounter Round Table – Helen Eadie MSP’s report to be posted shortly.
EUROPEAN AND EXTERNAL RELATIONS COMMITTEE

BRIEFING PAPER

“Draft Committee Annual Report”

Introduction

1 Each committee of the Parliament is required to report annually on its activities within a standardised format. A draft of the European and External Relations Committee’s report for May 2003-2004 has been provided (see Annex A).

Recommendation

2 Members are requested to approve the text in Annex A.

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

Draft Annual Report of the European and External Relations Committee for the Parliamentary Year 7 May 2003 to 6 May 2004

The Committee reports to the Parliament as follows—

Introduction

The first year of the new parliamentary session has proved to be a busy one for the Committee, given the developments in the EU with enlargement, the proposals for a new constitution and discussions on a new budget for 2007-13. Coupled with the steady flow of visitors to the Parliament, Members of the Committee have been kept hard at work.

Inquiries and Reports

Since its establishment, the Committee has hit the ground running with the launch of three new Inquiries. First, into proposed changes to EU regional policy and the implications for Scotland. With sums in excess of hundreds of millions of pounds at stake, this is a very important matter. Part of this Inquiry included a videoconference with the Finnish Parliament’s Grand Committee on the EU (12 November 2003). The Committee expects to report in May 2004.

Second, launching a major Inquiry into the strategy and activities of the Scottish Executive to promote Scotland worldwide through trade, tourism, culture and sports, including the Fresh Talent initiative. The Committee expects to report in the summer of 2004.

Third, a Reporter’s Inquiry into the implications for low-cost airlines in Scotland of the recent EC Decision in the case of Ryanair and Charleroi airport in Belgium.

We continue also with our ‘watching brief’ on the development of the EU’s proposed constitution and as part of this we were pleased to take evidence from Dr Denis MacShane MP, Minister of State in the UK Foreign and Commonwealth Office (7 January 2004). It is important to us to continue to hear from UK Government ministers given the shared interests in EU matters and legislation.

Finally, by division, the Committee agreed to support the use of all postal voting in Scotland for the elections to the European Parliament in June 2004. Final decisions on this are a matter for the UK Government.

Other activities

We’ve also been successful in our efforts to raise the profile of EU issues within the Parliament, sponsoring two debates in the full Chamber, one celebrating the EU’s enlargement (21 April 2004).

Networking and building alliances continue to be a priority for us. In March 2004, we attended the first formal meeting of our Network of Regional Parliamentary European
Committees (NORPEC) in the Catalan Parliament. We've also continued the link with our sister committees across the UK’s parliaments and assemblies as part of the ‘European Committees-United Kingdom’ (EC-UK) group (12 January 2004 in Aberdeen). Both these networks are important in terms of sharing ideas and good practice.

**Bills**

The European and External Relations Committee does not consider Executive primary legislation. It has, however, received over 1,000 different documents relating to EC/EU legislation and policy. These have been brought to the attention of the main subject committees as part of efforts to ‘mainstream’ EU issues in the Parliament.

**Subordinate Legislation**

The European and External Relations Committee does not consider Executive secondary legislation in the same way as other subject Committees. The Committee is, however, currently reviewing procedures and processes for scrutiny of the Executive’s transposition and implementation of EC/EU legislation in devolved areas, much of which is done through subordinate legislation.

**Petitions**

The Committee has not yet been referred any petitions by the Parliament’s Public Petitions Committee although we are tracking developments in relation to petitions on the draft constitutional treaty and on the EC’s food supplements legislation.

**Visits**

Finally, we continue the tradition of receiving visitors to the Scottish Parliament and ensuring they leave with a good impression of Scotland. Amongst others, we have been honoured to meet visitors as diverse as the Italian and Irish Ambassadors (3 September 2003 and 12 February 2004 respectively), a delegation from the Czech Parliament (26-29 April 2004), a delegation from the House of Commons (18 September 2004), the Governor of the US State of Colorado (6 November 2003) and two Directors-General from the European Commission (23 March 2004 and 4 May 2004).

**Meetings**

The Committee met 19 times from 7 May 2003 to 6 May 2004. Of the total number of meetings, 1 was held entirely in private, and 1 was partly in private. Both were to consider a draft Inquiry report.

All the meetings were held in Edinburgh.
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>Agriculture and Fisheries Council, 26-27 April 2004</td>
<td>Yes</td>
<td>To welcome information provided and note developments on animal welfare and on fisheries issues (TACs etc)</td>
</tr>
<tr>
<td>General Affairs and External Relations Council, 26-27 April 2004</td>
<td>Yes</td>
<td>To welcome information provided and ask that the subsequent post-Council report focuses on feedback in relation to the discussions on the draft constitution and the new financial framework for 2007-13</td>
</tr>
<tr>
<td>Justice and Home Affairs Council, 29-30 April 2004</td>
<td>Yes</td>
<td>To welcome information provided and note developments on the European Enforcement Order which will have implications on Court rules in Scotland</td>
</tr>
<tr>
<td>ECOFIN Council, 11 May 2004</td>
<td>Due 20.4.04</td>
<td></td>
</tr>
<tr>
<td>Competitiveness Council, 17-18 May 2004</td>
<td>Due 26.4.04</td>
<td></td>
</tr>
<tr>
<td>General Affairs and External Relations Council, 17-18 May 2004</td>
<td>Due 26.4.04</td>
<td></td>
</tr>
<tr>
<td><strong>Post-Council scrutiny</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Transport and Telecommunications Council, 8-9 March 2004</td>
<td>Yes</td>
<td>To welcome information provided and note progress with the proposals for a ‘eurovignette’</td>
</tr>
<tr>
<td>ECOFIN Council, 9 March 2004</td>
<td>Yes</td>
<td>To welcome information provided</td>
</tr>
<tr>
<td>Competitiveness Council, 11 March 2004</td>
<td>Yes</td>
<td>To welcome information provided and note developments on the REACH proposals (chemicals legislation)</td>
</tr>
<tr>
<td>Agriculture and Fisheries Council, 22-23 March 2004</td>
<td>Due 13.4.04</td>
<td></td>
</tr>
<tr>
<td>General Affairs and External Relations Council, 22-23 March 2004</td>
<td>Yes</td>
<td>To welcome information provided</td>
</tr>
<tr>
<td>Justice and Home Affairs Council, 30 March 2004</td>
<td>Due 20.4.04</td>
<td></td>
</tr>
</tbody>
</table>
Pre-Council Report – Agriculture and Fisheries Council, 26-27 April 2004

NB – The agenda for this Council is not yet available. The following has been prepared on the basis of what we consider might feature on the agenda.

**Agriculture**

Key discussion on Welfare of Animals during Transport is expected based on Commission proposals and a Presidency compromise text to accommodate serious concerns amongst Member States. A political agreement may be achieved.

*This is an important issue for Scottish interests having regard to the distances between many rural areas and the main markets. The Presidency compromise, which deals primarily with travel/rest cycles and stocking densities, appears to offer a more acceptable balance of business considerations and animal welfare considerations.*

**Fisheries**

Commission will bring forward amendments to the TACs and Quotas regulations agreed at December Council.

*The Executive strongly supports these amendments, which will contain important alterations to the North Sea haddock management scheme established at December Council.*

Commission is expected to bring forward a regulation to fix maximum annual fishing effort in Western waters

*The new Western Waters regulations have been subject to lengthy negotiation within the EU, with a number of amendments and compromises reached on earlier proposals that we regard as helpful. We are content with the outcome of the negotiations.*

Commission is expected to bring forward a proposal for a Council Decision on a Community financial contribution towards Member States’ fisheries control programmes.

*The Executive supports these proposals, which are intended in part to help new Member States upgrade their fisheries control programmes in line with Community standards.*
Pre-Council Report – General Affairs and External Relations Council, 26-27 April 2004

Session on General Affairs

1. Progress of work in other Council configurations

The Council will discuss a report from the Presidency on work underway in the Council’s other configurations, covering meetings held since the last report on 22 March.

2. (Poss.) Follow up to the Spring European Council

The Council will discuss the main issues arising from the 25-26 March Spring European Council. The main issues due to be discussed at that meeting were:

- combating terrorism in the light of the Madrid attacks
- assessing the prospects for progress in the Intergovernmental Conference on the draft EU Constitutional Treaty
- agreeing procedure for preparation of the EU’s financial perspective for 2007-13
- review progress on the Lisbon Agenda.

3. (Poss.) Enlargement / Accession

Enlargement is due to take place on May 1 with the accession of ten new states. This will be an update on the process of joining.

4. (Poss.) New Financial Perspective

This agenda item will discuss the EU’s new financial perspective for 2007-13.

Session on External Relations

This section relates to reserved issues

1. EU-Africa (including follow up to the EU-AU Troika meeting)

2. EU-Russia: Preparation for Summit

3. Middle East Peace Process

4. Western Balkans

5. Development issues
   - Follow-up to Monterrey
   - ACP-EU relations
   - UNCTAD XI
   - Land Reform
Possible "A" items

This section relates to reserved issues

– Temporary reception of Palestinians: Review of Common Position 02/400 of 19.5.2003
– Burma/Myanmar: prorogation of Common Position 03/297 of 28.4.2003
– Switzerland: EU position for the ongoing bilateral negotiations
– Indonesia: adoption of Council Conclusions
– Staff regulations applicable to officials and other servants of the European Communities: adoption
– Establishment of EU position for the Association Council with Morocco
– Establishment of EU position for the 21st EEA Council

In the margins of the Council

– Russia Permanent Partnership Council
– EEA Council
– Association Council with Morocco

Please note that this Pre Council Report is based on a provisional agenda set in January 2004. The agenda may be subject to substantial change. We expect this Council to be dominated by Asylum and Immigration issues and we also expect the Home Secretary to attend.

Asylum and Immigration

Directive on the conditions of entry and residence of third country nationals for the purpose of study, vocational training or voluntary service

(poss) Directive on the conditions of entry and residence of third country nationals for the purpose of research.

Directive on the obligation of carriers to communicate passenger data

Proposal for a Council Regulation establishing a European agency for the management of operational co-operation at the external borders

Proposal for a Council Regulation laying down the requirement for the competent authorities of the Member States to stamp systematically the travel documents of third-country nationals when they cross the external borders of the Member States and amending the Convention implementing the Schengen agreement and the common manual to this end.

(Poss) Decision establishing a European return programme and return fund

(poss) Regulation restructuring the Common Manual on External Borders

The Executive has a co-ordination role with regard to the provision of services for asylum seekers and refugees. Any changes to operations in Scotland will be for the Home Office to implement.

POLICE CO-OPERATION

Europol Budget, work programme, financing plan etc

No substantive issues for Scotland.

CRIMINAL AND JUDICIAL CO-OPERATION

Proposal for a Council Directive to provide minimum standard of compensation to victims of violent crime throughout the community

There has been real difficulty over the legal base of this Commission proposal and at present there is no agreement between Member States on allowing States to reduce or limit compensation. The proposal fulfils a remit from the Tampere conclusions to create minimum standards of access to justice and compensation rights for victims. It complements the 2001 Framework Decision on the standing of victims in criminal proceedings. The proposal requires Member States to pay minimum levels of state compensation to victims, linked to
the levels of compensation awarded by civil courts in personal injury cases. It applies to Member States’ nationals and other legal residents who suffer personal injury from an international crime committed on the territory of a Member State. Discussed at the 30 March Council where the Presidency concluded that, subject to the UK and one other Member State’s Parliamentary Scrutiny Reserves, a general approach had been reached on the Presidency’s compromise which will remove the criteria for minimum standards but does require Member States to establish compensation schemes for victims.

(poss) Communication on the fight against terrorism and a proposal for a Framework Decision on the exchange of information on terrorism.

Following events in Madrid the EU has appointed a Counter-Terrorism Co-ordinator (Gijs de Vries). The EU has also adopted a European Council declaration on terrorism.

Civil and Judicial Co-operation

Proposal for a Council Regulation creating a European Enforcement Order for uncontested claims

This dossier was agreed by the European Parliament on 30 March 04 and will go to Council for Minister’s formal agreement. Executive officials have been involved in Working Group discussions on the dossier which will impact on Court rules. The purpose of the proposal is to enable uncontested judgements of the court, and equivalent instruments to be enforced in other Member States without any intermediate scrutiny or procedure.
Pre-Council Report - ECOFIN Council, 11 May 2004

Awaiting information from the Executive.
Pre-Council Report – Competitiveness Council, 17-18 May 2004

Awaiting information from the Executive.

Awaiting information from the Executive.

Transport

This minute provides a summary of the EU Transport Council meeting in Brussels on 8 March. The UK’s interest was represented by Alistair Darling, Secretary of State for Transport.

Third Railway Package

The Council took note of the 4 new legislative proposals contained in the ‘Third Railway Package’, namely:

- A Directive concerning the opening up of the international rail passenger transport market;
- A Regulation on quality requirements for rail freight services;
- A Directive on the certification of train drivers operating on the Community’s rail network; and
- A Regulation on international rail passengers’ rights and obligations.

Infrastructure Charging: ‘Eurovignette’

Some progress was achieved on the draft Directive amending Directive 1999/62/EC on the charging of heavy goods vehicles for the use of certain infrastructures (Eurovignette). A main obstacle to reaching agreement, however, was the principle of hypothecation ie the re-use of revenues from tolls for road infrastructure, in relation to which the Commission, although very flexible with regard to the compromise proposal as a whole, and a number of delegations held differing views.

The Council invited the Permanent Representatives Committee to examine the forthcoming first reading opinion of the European Parliament with a view to preparing a text for political agreement at a future session of the Council.

GALILEO

The Council welcomed the decisive progress achieved in the negotiations with the USA on compatibility and interoperability between the European GALILEO and the US GPS systems on 24-25 February, which resulted in a mutually agreed text on all issues of substance. The Council was confident that the agreement can be signed by June 2004 together with a jointly elaborated associated document on mutually acceptable national security compatibility criteria.

EU/US Negotiations for an Air Transport Agreement

The Council took note of information from the Commission regarding the third round of EU/US negotiations on an Air Transport Agreement, which took place in Washington from 17-19 February. The Presidency concluded that it would not be possible to conclude an agreement with the USA this year that would deliver the full objectives of an Open Aviation Area, as set out in the negotiating mandate. The proposals for an initial agreement this year,
including a movement by the USA to 49% foreign ownership of its airlines, would, in principle, be acceptable only if a tangible improvement could be made to bring about a better balance of the interests between the EU and the USA, and if both sides were committed to further negotiations within a specified timeframe on achieving the full Open Aviation Area concept. The Council invited the Commission to continue the negotiations and to come back to this issue at its next meeting in June 2004.

Telecoms

Summary

1. Stephen Timms, Minister of State for Energy, E-commerce & Postal Services, represented the UK’s interest. Council conclusions regarding the eEurope midterm review were adopted. The Council concluded additional actions are needed to complement existing EC law and combat unsolicited communications.

eEurope midterm review

2. The Council conclusions on the 2005 midterm review were adopted. The review identifies areas for adjustment, such as the reinforcing of the pan-European dimension in all eEurope areas and the move to a demand driven approach that emphasises service delivery, end user value for all and functionality while continuing to stimulate access to the network for end-users. The council also noted that the 2005 targets remain valid and that the Action Plan had acted as a stimulus to many national and regional efforts.


Situation Of The Electronic Communications Sector In Europe

4. The Council welcomed The Communication from the Commission on Connecting Europe at high speed and recognised the importance of commitment to the objectives of the eEurope 2005 Action Plan and support for the midterm review process.

5. Member states were invited to prepare and implement national broadband strategies and to focus on stimulating demand for broadband to increase coverage and take-up.

6. The Council welcomed the Commission’s intention to publish a Communication to the Council and the European Parliament on national broadband strategies in May 2004; this should help identify actions on outstanding issues that could be addressed at EU-level, in order to accelerate and facilitate the implementation of these strategies.

Unsolicited Communications For Direct Marketing Purposes Or “SPAM”

7. The Council concluded that that additional co-ordinated actions are needed, in order to complement the existing EC law provisions for the benefit of citizens, consumers and businesses in the European Union.
8. Member states were invited to continue to develop international co-operation in the fight against “spam”, taking into account the ongoing work at the Organisation for Economic Co-operation and Development (OECD) and the Declaration and Action Plan adopted at the first session of the United Nations World Summit on the Information Society (WSIS, Geneva 2003)

9. The Council welcomed the Commission’s intentions to evaluate the effectiveness of actions taken by relevant parties to address “spam” and to assess, by the end of 2004, whether additional action is required.

10. The Commission was invited to explore whether funding possibilities would be available under current or future Community funding programmes to support actions in the fight against “spam”.


UK Participant: John Grant, Ambassador

ITEMS APPROVED WITHOUT DEBATE

BUDGET
- Follow-up report on 2001 financial year.

EXTERNAL RELATIONS
- Relations with Canada: preparation for Ottawa summit on 18th March.
- Bulgaria, Romania, and Turkey: directives to enable Commission to negotiate adaptations to EU’s agreements with these countries, taking account of EU enlargement.
- Special reports by Court of Auditors about PHARE and ISPA funding of environmental projects in candidate countries, and about Twinning in candidate countries.

DEVELOPMENT COOPERATION
- Implementation of operations under 6th, 7th and 8th EDFs.

ITEMS DEBATED

PREPARATION FOR EUROPEAN COUNCIL ON 25th AND 26th MARCH
Council adopted key issues paper: key message is that a sharper focus is needed on implementation of Lisbon strategy (which aims to increase rate of sustainable economic growth and enable Europe to become the most dynamic knowledge-based economy in the world).

Council adopted conclusions on national contributions to European Growth Initiative.

STABILITY AND GROWTH PACT
Council examined stability programmes of Belgium, Germany, Spain and Portugal. The aim of these programmes is to show how MS intend to meet objectives of the Stability and Growth Pact, in particular the medium-term goal of a budget close to balance or in surplus, and how they have complied with recommendations of the Broad Economic Policy Guidelines.

SAVINGS TAX DIRECTIVE
Council welcomed framework for negotiation of a monetary agreement with Andorra.

Council heard report on negotiations for savings tax agreement with British and Dutch dependent/associated territories, and with European 3rd countries (Andorra, Liechtenstein, Monaco, San Marino, Switzerland).

VAT: REDUCED RATES
Brief discussion of possibility of MS having more autonomy to apply lower VAT rates.

COMMUNITY BUDGET
Council adopted recommendation for discharge to be given to Commission to implement 2002 budget. This procedure enables Council to have regular overview of how Community funds have been spent.
Council adopted conclusions which should be taken into account by Commission when preparing draft budget for 2005. Council’s conclusions underline importance of maintaining overall budget discipline, including applying the same degree of budgetary constraint as exercised by MS.

**OTHER BUSINESS**

Council discussed impact of Eurostat decision on classification of certain pension schemes where government is involved as manager of contributions and benefits or as guarantor for risk of default on payment of pensions; government schemes for civil servants are not involved.

Council discussed the impact of regulation on economic performance, in particular the possibility of reducing the burden on enterprises.

Summary

Targeted conclusions agreed on competitiveness as input to Spring Council. Services liberalisation proposals broadly welcomed. First reading deal prepared on consumer enforcement.

Contribution to Spring European Council

Council had an in-depth policy debate based on a wide range of issues affecting competitiveness at European level. Following discussions Council approved the "Key Issues and Priorities Paper" as its contribution to the Spring European Council. Council’s priorities set as: improved market functioning; regulatory reform; research and innovation; specific industrial challenges; and review of the Lisbon process. The Commission welcomed the conclusion, especially the emphasis on better regulation.

Stimulating Entrepreneurship

Council conclusions on entrepreneurship agreed. Council welcomed the fact that the Commission’s communication "Action Plan: The European agenda for Entrepreneurship" identifies principal areas where the environment for entrepreneurship needs to be improved, as well as a range of actions to create a more favourable environment for and to give a strong impetus to entrepreneurship by raising its general profile and also welcomed the progress achieved in implementing the European Charter for small enterprises.

REACH (Registration, Evaluation, Authorisation and Restricting of Chemicals)

The main goals of the Community’s chemicals policy are to avoid chemical contamination of air, water, soil and buildings to prevent damage to biodiversity and to improve the health and safety of workers and the general public. It is aimed at preserving a sensitive balance between the environmental benefits of REACH and its effects on the competitiveness of European industry.

Council noted Presidency progress report on REACH and that the ad hoc Working Party will continue to meet and will now begin examination of the text. The Competitiveness Council and the Environment Council will hold policy debates on REACH at their May and June Councils.

Temporary Defence Mechanism for Shipbuilding

Council approved by qualified majority.

Regulation on Consumer Protection Cooperation

The Regulation aims to link up national enforcement authorities (the Office of Fair Trading and their counterparts) through an obligation to provide mutual assistance against cross-border scams.

Council took note of a progress report as well as of interventions made by some delegations.
on the state of play on the draft Regulation. Council invited the Permanent Representatives Committee to continue examining this file with a view to reaching a first-reading agreement with the European Parliament.

**Community Patent**

Council held extensive discussions on a limited number of questions still outstanding. No agreement reached on the issues. Presidency concluded that it would reflect on how to proceed.

**Directive on Services in the Internal Market**

Council stressed the importance of the proposed Directive to which it will give high priority with a view to making speedy progress. This was the first opportunity for Ministers to discuss the Commission’s new proposal. The Directive would cover most of the sectors of an economic nature. Its aim is to reduce red tape, modernise administrative procedures and improve cross-border provision of services by imposing a country of origin regime (businesses that operate legally in their home country should be allowed to operate without further regulation in the whole of the EU). Most delegations welcomed the Directive although a number listed particular sensitivities.

**Enforcement of intellectual property rights directive**

This directive harmonises minimum standards for enforcement of all types of intellectual property rights through civil procedures. The Presidency announced that the European Parliament had accepted the Council's amendments to the directive and that the directive would soon be adopted by written procedure.

**Europe and Basic Research**

Council welcomed the fact that the Commission, in its Communication "Europe and Basic research", examines the impact of basic research on the competitiveness, growth and quality of life in Europe and puts forward suggestions for exploring the means of strengthening Europe's performance in basic research. Following an exchange of views it was agreed to return to this issue following further input from the Commission.
Post-Council Report – Agriculture and Fisheries Council, 22-23 March 2004

Awaiting information from the Executive.

The Foreign Secretary represented the UK at the General Affairs and External Relations Council (GAERC) in Brussels on 22 March 2004.

Conclusions were agreed on the strategic partnership for the Middle East, the assassination of Sheikh Yassin, Iran, Western Balkans, UN Commission on Human Rights, Afghanistan, EU military rapid response, EU ACP partnership – water facility, and protection of EU seafarers in third countries – The Tasman Spirit.

GENERAL AFFAIRS SESSION

PROGRESS OF WORK IN OTHER COUNCIL CONFIGURATIONS

The Council took note of a progress report from the Presidency on work under way in the Council’s other configurations (Economic and Financial Affairs; Employment, Social Policy, Health and Consumer Affairs; Competitiveness; Environment; and Education, Youth and Culture).

PREPARATION FOR THE SPRING EUROPEAN COUNCIL

The GAERC finalised an annotated draft agenda and draft conclusions prepared by the Presidency for the 25–26 March European Council in Brussels.

The European Council will examine a package of measures presented by the Presidency with the aim of giving a renewed impulse to efforts to combat terrorism following the 11 March terrorist attacks in Madrid. It will review the international situation and assess the prospects for progress in the Intergovernmental Conference on the draft EU Constitutional Treaty. The European Council is also expected to agree on the procedure to be followed for preparation of the EU’s financial perspective for 2007–13 and (as is customary at Spring Councils) it will pursue work on the structural reform strategy that it laid down at Lisbon in March 2000.

COMBATING TERRORISM

The GAERC examined a package of measures (prepared by a 19 March Justice and Home Affairs Council) aimed at giving a renewed impulse to efforts to combat terrorism following the 11 March terrorist attacks in Madrid. The GAERC agreed to forward the measures to the European Council for approval.

EXTERNAL RELATIONS SESSION

This section relates to reserved issues.

WESTERN BALKANS

The Council discussed Kosovo following recent events in the region and adopted Conclusions calling for an immediate and definitive end to the violence and condemning all acts of ethnically motivated violence. There were also Conclusions on Serbia and
Montenegro, where the Council expressed readiness to co-operate with the newly formed government but made clear that further progress towards European Integration is contingent on concrete action to implement political and economic reforms. And there were short Conclusions on Macedonia’s presentation of its application to join the EU.

ASEM

The Council took stock of preparations for the 17-18 April Asia–Europe Foreign Ministers Meeting (ASEM) at Kildare. It examined how to approach the issue of Burma’s request to participate at the fifth ASEM summit at Hanoi on 8-9 October. The Presidency will continue consultations in order to find a solution on this issue.

STRATEGIC PARTNERSHIP WITH THE MEDITERRANEAN AND THE MIDDLE EAST

The Council welcomed the Presidency’s interim report on the Strategic Partnership with the Mediterranean and the Middle East and looked forward to the June European Council when it will be able to consider the final article.

Short conclusions condemning the killing of Sheikh Ahmed Yassin were also adopted.

IRAN

Conclusions were adopted on the Iranian nuclear programme in light of the 8-13 March meeting of the International Atomic Energy Agency’s Board of Governors. The Conclusions called on Iran to comply fully with the provisions set out in 13 March Board of Governors’ resolution and welcomed Iran’s decision to extend the scope of its suspension of enrichment-related and reprocessing activities.

AOB: RUSSIA

The Council had a brief discussion on the extension of the EU-Russia Partnership and Cooperation Agreement (PCA) to the new EU Member States. The GAERC noted that contacts were ongoing to ensure that the extension was in place by 1 May.
Awaiting information from the Executive.
On Fisheries, the main item of business was a discussion on the Commission’s proposals for a Regulation to reduce the level of small cetacean bycatch. After a long debate, political agreement was reached on the Regulation, marking an important step forward in Community protection of these important species. During the debate, many Member States expressed concerns about the resource implications of the proposal, both for the fishing industry and government. The UK lifted its request for exemptions from mandatory use of acoustic deterrent devices (“pingers”) in the 0-6 nautical mile zone while arguing against a wide exemption for under 12 metre vessels. The UK also expressed concerns about an exemption for vessels under 15 metres from observer requirements. In the final agreement reached, however, these vessel exemptions were carried. Nevertheless, the UK welcomes political agreement on the Regulation. Importantly, the debate shaped the Regulation so that it now offers increased flexibility for those Member States that already have robust bycatch data to design appropriate monitoring schemes alongside provisions for mandatory monitoring schemes for those that do not. Pilot projects will now be introduced to study the impact of pinger usage and to assess bycatch on vessels under 15 metres. Such schemes have to be designed to deliver good quality scientific data which will be used to review the Regulation after two years’ experience. Agreement was also reached on phasing in the use of pingers in the Eastern English Channel (ICES sub-area VIIId). Finally, the Regulation also provides for the progressive phasing out of drift nets in the Baltic, which will culminate in a total ban on 1 January 2008.

A regulation was also adopted to provide long-term protection to an area of cold water coral reefs off the north west of Scotland (known as the Darwin Mounds) from the impact of damaging fishing activities. The UK welcomed the fact that agreement had been reached to set the emergency, temporary measures for protecting the area, put in place at the UK’s request in August last year, on a more permanent footing.

On Agriculture, the only item of business was further discussion of the Commission’s proposals for reform of the olive oil, cotton, tobacco and hops regimes, together with some technical amendment of existing regulations to accommodate the new Member States joining the EU in May this year. The Presidency acknowledged that several delegations were not in a position to conclude negotiations at this Council and announced an additional Council on 19-20 April in Luxembourg to deal specifically with this package. Discussion concentrated on cotton, olive oil and tobacco and largely re-confirmed existing positions. I stressed the case for the Commission’s proposal of 100% decoupling in the tobacco sector and joined those arguing for a higher level of decoupling than that proposed for cotton.

Under other business, Commissioner Byrne reported on a recent visit to the USA, Commissioner Fischler reported on progress in EU/Mercosur trade talks and Austria raised a point on harmonisation of approval procedures for pesticides.
EUROPEAN AND EXTERNAL RELATIONS COMMITTEE

BRIEFING PAPER

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

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 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

Thank you for your letters of the 5 and 21 November regarding the pre and post Council Reports on meetings of the Agriculture and Fisheries Council of the European Union.

I regret that on the occasions you mention the agreed reporting arrangements were not adhered to. Officials are taking steps to ensure that procedures will be followed in future. I apologise for any inconvenience caused to the Committee by this apparent lapse in process.
In your letter of the 5 November you also raise three further points regarding Regional Advisory Councils (RACs), possible EU grants for control and enforcement of the CFP and the welfare of animals in transit. In the event, these items did not feature on the final agenda for the November Council, but any discussion on these matters at a future Council will be covered in our routine report.
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.
Sift of EC/EU legislative proposals and other documents

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 to. 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>Enterprise and Culture</td>
<td>1-2</td>
</tr>
<tr>
<td>Environment and Rural Development</td>
<td>3</td>
</tr>
<tr>
<td>Finance</td>
<td>4</td>
</tr>
<tr>
<td>Justice</td>
<td>5</td>
</tr>
<tr>
<td>Local Government and Transport</td>
<td>6</td>
</tr>
<tr>
<td>Other</td>
<td>7-10</td>
</tr>
</tbody>
</table>
## 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>Justice 1 and 2 Committees</td>
<td>970</td>
<td>COM (2004) 165</td>
<td>Communication from the Commission to the Council and the European Parliament: crime prevention in the European Union</td>
<td>May be of interest to the Justice Committees and worth noting. The document follows up previous documents and work in the area of crime prevention at an EU level. The draft constitution reconfirmed, in Article III 173, the need for the EU to continue to pay attention to crime prevention. This states that European law or framework laws may establish measures to promote and support the action of Member States in the field of crime prevention. The document limits itself to the prevention of non-organised crime. The document seeks to avoid duplication of efforts and to focus on using resources more efficiently by developing further cooperation on crime prevention methods at an EU level. UK Government Explanatory Memorandum available on request.</td>
</tr>
</tbody>
</table>
Sift of EC/EU legislative proposals and other documents

Committee Relevancy: Next Meeting 27-Apr-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>953</td>
<td>6564/04</td>
<td>Common Position adopted by the Council on 17 December 2003 with a view to the adoption of a Directive of the European Parliament and of the Council on the minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents (electromagnetic fields) - Preparation of an agreement on the basis of the Parliament's draft second reading amendments (Article 251(3) of the Treaty)</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>964</td>
<td>COM(2004) 178</td>
<td>COMMUNICATION FROM THE COMMISSION TO THE COUNCIL AND THE EUROPEAN PARLIAMENT on the presentation of a proposal for a directive and two proposals for recommendations on the admission of third-country nationals to carry out scientific research in the European Community. Proposal for a COUNCIL DIRECTIVE on a specific procedure for admitting third country nationals for purposes of scientific research. Proposal for a COUNCIL RECOMMENDATION to facilitate the admission of third-country nationals to carry out scientific research in the European Community. Proposal for a COUNCIL RECOMMENDATION to facilitate the issue by the Member States of uniform short-stay visas for researchers from third countries travelling within the European Community for the purpose of carrying out scientific research. (presented by the Commission).</td>
<td></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>Environment and Rural Developement</td>
<td>976</td>
<td>COM(2004) 200</td>
<td>Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions; Reinforcing the Civil Protection Capacity of the European Union</td>
</tr>
</tbody>
</table>
### Committee Relevancy: Next Meeting  **27-Apr-2004**

<table>
<thead>
<tr>
<th>Committee</th>
<th>SP Ref</th>
<th>EU Ref</th>
<th>Document Title</th>
</tr>
</thead>
<tbody>
<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>964</td>
<td>COM(2004) 178</td>
<td>COMMUNICATION FROM THE COMMISSION TO THE COUNCIL AND THE EUROPEAN PARLIAMENT on the presentation of a proposal for a directive and two proposals for recommendations on the admission of third-country nationals to carry out scientific research in the European Community Proposal for a COUNCIL DIRECTIVE on a specific procedure for admitting third country nationals for purposes of scientific research Proposal for a COUNCIL RECOMMENDATION to facilitate the admission of third-country nationals to carry out scientific research in the European Community Proposal for a COUNCIL RECOMMENDATION to facilitate the issue by the Member States of uniform short-stay visas for researchers from third countries travelling within the European Community for the purpose of carrying out scientific research (presented by the Commission)</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>
</tbody>
</table>
### Committee Relevancy: Next Meeting 27-Apr-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>950</td>
<td>COM(2004) 119</td>
<td>Proposal for a Council Regulation amending Council Regulation (EC) No 1784/2000 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of certain malleable cast iron tube or pipe fittings originating in Brazil, the Czech Republic, Japan, the People’s Republic of China, the Republic of Korea and Thailand</td>
</tr>
<tr>
<td></td>
<td>952</td>
<td>COM(2004) 117</td>
<td>Proposal for a Council Regulation imposing definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of large rainbow trout originating in Norway and the Faeroe Islands</td>
</tr>
<tr>
<td></td>
<td>954</td>
<td>6896/04</td>
<td>Council Opinion on the updated Stability Programme of Belgium</td>
</tr>
<tr>
<td></td>
<td>955</td>
<td>6897/04</td>
<td>Council Opinion on the updated Stability Programme of Germany</td>
</tr>
<tr>
<td></td>
<td>956</td>
<td>6898/04</td>
<td>Council Opinion on the updated Stability Programme of Spain</td>
</tr>
<tr>
<td></td>
<td>957</td>
<td>6899/04</td>
<td>Council Opinion on the updated Stability Programme of Portugal</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>959</td>
<td>COM(2004) 183</td>
<td>Proposal for a Council Regulation on the conclusion of the Agreement in the form of an Exchange of Letters concerning the extension of the Protocol setting out the fishing opportunities and financial contribution provided for in the Agreement between the European Economic Community and the Republic of Cape Verde on fishing off the coast of Cape Verde for the period 1 July 2004 to 30 June 2005</td>
</tr>
<tr>
<td></td>
<td>960</td>
<td>COM(2004) 186</td>
<td>Proposal for a Council Decision on the signature on behalf of the European Community and the provisional application of the Agreement in the form of an Exchange of Letters concerning the extension of the Protocol setting out the fishing opportunities and financial contribution provided for in the Agreement between the European Economic Community and the Republic of Cape Verde on fishing off the coast of Cape Verde for the period 1 July 2004 to 30 June 2005</td>
</tr>
</tbody>
</table>
### Committee Relevancy: Next Meeting 27-Apr-2004

<table>
<thead>
<tr>
<th>Committee</th>
<th>SP Ref</th>
<th>EU Ref</th>
<th>Document Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>971</td>
<td></td>
<td>COM(2004) 174</td>
<td>Proposal for a Council Decision on the conclusion of the Agreements in the form of an Exchange of Letters between the European Community and, of the one part, Barbados, Belize, the Republic of the Congo, Fiji, the Cooperative Republic of Guyana, the Republic of Côte d'Ivoire, Jamaica, the Republic of Kenya, the Republic of Madagascar, the Republic of Malawi, the Republic of Mauritius, the Republic of Surinam, Saint Christopher and Nevis, the Kingdom of Swaziland, the United Republic of Tanzania, the Republic of Trinidad and Tobago, the Republic of Uganda, the Republic of Zambia and the Republic of Zimbabwe and, of the other part, the Republic of India on the guaranteed prices for cane sugar for the 2003/04 and 2004/05 delivery periods</td>
</tr>
<tr>
<td>972</td>
<td></td>
<td>COM(2004) 188</td>
<td>Proposals for Council Decision on a Community position regarding the draft Decision of the Joint Committee established under the Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons</td>
</tr>
<tr>
<td>977</td>
<td></td>
<td>COM(2004) 208</td>
<td>Proposal for a Council decision on the position to be adopted by the Community within the ACP-EC Council of Ministers regarding a decision on the use of the reserve of the long-term development envelope of the ninth European Development Fund</td>
</tr>
<tr>
<td>979</td>
<td></td>
<td>COM(2004) 218</td>
<td>Proposal for a Council regulation on the conclusion of the Protocol defining for the period 1 January 2004 to 31 December 2006 the tuna fishing opportunities and the financial contribution provided for in the Agreement between the European Economic Community and the Democratic Republic of Madagascar on fishing off Madagascar</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>981</td>
<td></td>
<td>COM(2004) 215</td>
<td>Proposal for a Council (EC, EURATOM) Regulation fixing from 1 May 2004 the correction coefficients applying to the remuneration of officials and other servants of the European Communities in the new Member States</td>
</tr>
<tr>
<td>985</td>
<td></td>
<td>COM(2004) 192</td>
<td>Proposal for a Council regulation (EC, EURATOM) fixing from 1 May 2004 the correction coefficients applying to the pensions of officials and other servants of the European Communities</td>
</tr>
<tr>
<td>986</td>
<td></td>
<td>COM(2004) 194</td>
<td>Proposal for a Council Decision on the conclusion of the Agreement in the form of an Exchange of Letters on the provisional application of the Protocol defining, for the period 3 December 2003 to 2 December 2007, the fishing opportunities and the financial compensation provided for by the Agreement between the European Economic Community and the Government of Mauritius on fishing in the waters of Mauritius</td>
</tr>
<tr>
<td>987</td>
<td></td>
<td>COM(2004) 197</td>
<td>Proposal for a Council Regulation on the conclusion of the Protocol defining, for the period 3 December 2003 to 2 December 2007, the fishing opportunities and the financial compensation provided for by the Agreement between the European Economic Community and the Government of Mauritius on fishing in the waters of Mauritius</td>
</tr>
<tr>
<td>993</td>
<td></td>
<td>COM(2004) 159</td>
<td>Proposal for a Council decision on consultation and information procedures in matters of credit insurance, credit guarantees and financial credits (codified version)</td>
</tr>
</tbody>
</table>