EUROPEAN AND EXTERNAL RELATIONS COMMITTEE

AGENDA

15th Meeting, 2004 (Session 2)

Tuesday 14 September 2004

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

1. Scottish Executive Ministers’ priorities for the Dutch Presidency of the EU (July to December 2004): The Committee will hear from—

   Mr Andy Kerr MSP, Minister for Finance and Public Services
   Alastair Wilson and Tim Simons, External Relations Division, Scottish Executive

2. The Scottish Executive’s European Strategy and activities to date: The Committee will hear from—

   Mr Andy Kerr MSP, Minister for Finance and Public Services
   Alastair Wilson and Tim Simons, External Relations Division, Scottish Executive

3. The Scottish Executive’s Presidency of the Regions with Legislative Power (REGLEG) group and activities to date: The Committee will hear from—

   Mr Andy Kerr MSP, Minister for Finance and Public Services
   Alastair Wilson and Nikki Brown, External Relations Division, Scottish Executive

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

   Letters received from the Scottish Executive and the European Commission on proposals for the creation of EU ‘agencies’, the potential for their location to Scotland and the remit and functions of the EU’s Fisheries Control Agency
Letter from the Scottish Executive on the potential implications of the “Altmark” judgment of the European Court of Justice on Glasgow Underground and other transport undertakings

Monthly report by the Clerk/Chief Executive and the External Liaison Unit on external relations activities in the Parliament

Update on the progress of the Inquiry into the Promotion of Scotland Worldwide and the strategy, policies and activities of the Scottish Executive

Planning for the UK Presidency of the EU

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**
- General Affairs and External Relations Council, 13-14 September
- Competitiveness Council, 24 September

**Previous Councils**
- Employment, Social Policy, Health and Consumer Affairs Council, 1-2 June
- Energy, Transport and Telecommunications Council, 10-11 June
- Agriculture and Fisheries Council, 21 June
- ECOFIN Council, 5 July
- ECOFIN Council, 16 July
- General Affairs and External Relations Council, 12 July
- Agriculture and Fisheries Council, 19 July
- Justice and Home Affairs, 19 July

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  
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The following papers are attached for this meeting:

**Agenda Item 1**

BRIEFING PAPER: “Scottish Executive Ministers’ priorities for the Dutch Presidency of the EU (July to December 2004)” EU/S2/04/15/1

**Agenda Item 2**

BRIEFING PAPER: “The progress of the Scottish Executive’s European Strategy (2003-2007) and activities to date” EU/S2/04/15/2

**Agenda Item 3**

BRIEFING PAPER: “Progress of the Scottish Executive’s Presidency of the Regions with Legislative Power (Regleg) group and activities to date” EU/S2/04/15/3

**PRIVATE BRIEFING PAPER: “Lines of questioning on REGLEG”** EU/S2/04/15/4

**Agenda Item 4**

Convener’s Report EU/S2/04/15/5

**Agenda Item 5**

BRIEFING PAPER: “Pre- and post-Council of the EU analysis and scrutiny” EU/S2/04/15/6

BRIEFING PAPER: “Correspondence received from Scottish Executive on pre- and post-Council scrutiny” EU/S2/04/15/7

**Agenda Item 6**

Sift of EC/EU documents and draft legislation EU/S2/04/15/8
EUROPEAN AND EXTERNAL RELATIONS COMMITTEE

BRIEFING PAPER

“Scottish Executive Ministers’ priorities for the Dutch Presidency of the EU (July to December 2004)"

Introduction

1 With each change of Presidency of the EU, the Scottish Executive provides the Committee with an analysis of their work programme. In doing so, the Executive provides ministerial statements from each relevant minister on the Executive’s priorities with regards to the Presidency work programme. This has been provided as Annex A. Excerpts from this document are sent by the relevant Executive department to the appropriate subject committee(s) in the Parliament for scrutiny.

2 In addition, the Minister for Finance and Public Services makes himself available to the Committee to discuss this analysis and prioritisation. Andy Kerr MSP will make such an appearance at today’s meeting. Where possible, Members should try to limit their questions to areas for which the Minister has direct responsibility. Questions on other policy areas can be tabled and the Minister could be asked to refer these to his cabinet colleagues if this proves necessary.

3 Finally, for information, the Committee will continue its tradition of inviting the Ambassador of the country holding the Presidency to a public meeting in Edinburgh, where the Ambassador provides a briefing on his/her country’s Presidency. His Excellency, the Dutch Ambassador to the UK, is set to visit on 16 September (13h15-14h15, Press Conference Room). Please contact the clerks at europe@scottish.parliament.uk for more information and for reservations.

Stephen Imrie
Clerk to the European and External Relations Committee
The Scottish Parliament
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1 This minister also has general responsibility for the co-ordination of EU and external relations issues within the Scottish Executive.
SCOTTISH EXECUTIVE MINISTERS’ PRIORITIES FOR THE DUTCH PRESIDENCY OF THE EU

INTRODUCTION BY THE MINISTER FOR FINANCE AND PUBLIC SERVICES

European Union policies and issues continue to strongly impact on many areas of Scottish life, and the Scottish Executive is fully committed to playing a proactive role in influencing those that have the potential to affect Scotland. The Executive is also determined to ensure that we make the most of the opportunities arising from EU initiatives as well as continuing to protect Scottish interests.

Our overall aims in Europe are set out in the Executive’s European Strategy adopted in January 2004. This sets out the strategic goals and policy priorities and the mechanisms for delivering our top priorities during the second Scottish Parliament. Central to the Strategy is the need to focus our efforts on the key issues likely to have a significant impact on people’s lives in Scotland by working with our main partners in the EU, the UK and Scotland to secure our objectives.

As with previous EU Presidencies, I am delighted to provide the Executive’s priorities for the Dutch Presidency of the EU which runs from July to December 2004.

This paper outlines the key priorities for the next six months across Minister’s portfolios. It brings together statements from my Cabinet colleagues of their EU policy priorities for the Dutch Presidency and shows that the Executive continues to engage actively in the EU policy process.

I hope that this paper will act as useful guidance to all Scottish Parliament Committees whose remits include an EU dimension.

ANDY KERR
STATEMENT BY THE MINISTER FOR FINANCE AND PUBLIC SERVICES

MINISTERIAL PRIORITIES FOR THE DUTCH PRESIDENCY OF THE EUROPEAN UNION

Prospects for External Relations

The top priorities as stated by the Presidency

Enlargement

The Dutch Presidency must manage the difficult issue of whether Turkey will be allowed to start accession negotiations. It will also strive to bring negotiations on Bulgaria and Romania (on which there are still problems) to a successful conclusion, and start preparing the way for negotiations with Croatia. It will be doing so against the backdrop of a newly enlarged EU.

EU Constitution

The Treaty establishing a Constitution for Europe was agreed by the European Council on 18 June 2004 and replaces the Treaties which currently underpin the European Union (EU) and European Communities. The Dutch will start the process of thinking through the practicalities of implementing the Treaty, including overseeing preparations for its entry into force. The EU Treaty is due to be signed on 29 October 2004 and must then be ratified within two years by all 25 Member States.

EU Governance

In the context of encouraging ratification of the new Treaty, the Dutch Presidency will stress shared EU rights and values; the need for EU governments to inform citizens better about the EU; and an open and detailed debate about what EU integration means.

The Dutch have made Better Regulation a major theme for their Presidency and will take forward this agenda in the light of the “Four Presidencies Initiative” agreed in January 2004. This initiative (between the Presidencies of Ireland, the Netherlands, Luxembourg and the UK) aims to drive forward regulatory reform in the EU over the next two years. The Dutch are planning a seminar on 7-8 October on reducing administrative burdens and the simplification of EU regulations. The Presidency would also like to see improved impact assessment procedures; it also aims to produce a list of legislation for simplification to be discussed at the September Competitiveness Council, with agreement in November.

European Parliament

Catalan Socialist Josep Borrell was elected President of the European Parliament by absolute majority on the first ballot on 20 July.

Following the Parliament’s confirmation of José Manuel Durão Barroso as Commission President, one of the main tasks for the Parliament will be to undertake hearings of the new Commissioners in September and October.
Important issues for the Scottish Executive to be dealt with by the Presidency

EU Constitution

As mentioned above, the EU Constitutional Treaty must be ratified by all 25 Member States within 2 years of signature. In the UK, a referendum is expected to be held after the UK Parliament has completed its scrutiny of the new Treaty. The provisions for this referendum will be contained in a Bill giving effect to the Treaty, which is expected to be put to the UK Parliament during the next Parliamentary session. The Bill would give effect to the Treaty through amendment of the 1972 European Communities Act. The Executive is in close touch with the UK Government to ensure that Scottish issues are reflected in the drafting of the Bill.

Working with the new European Parliament

All seven of Scotland’s MEPs were invited to a briefing session with myself, the First Minister and the Deputy Minister for Finance, Public Services and Parliamentary Business on 24 June. We discussed the opportunities presented by the European Union EP Committees that MEPs might seek to sit on, MEPs’ briefing requirements and how the Executive and MEPs could work together to address EU issues of interest to Scotland, for example through members’ reports. The meeting was productive and another meeting is due be held around the turn of the year when a new Commission will have been appointed and its strategic direction is clearer.

EU Governance and Better Regulation

In addition to contributing to the UK efforts, the Scottish Executive has been pressing hard through REGLEG (the Group of Regions with Legislative Powers in the EU), for better EU regulation, and in particular the development of meaningful impact assessments.

The Scottish Executive is organising a REGLEG discussion on EU governance in October in Brussels. The event will bring together senior official-level representatives of the EU Institutions and regional governments with academics, and will cover the non-subsidiarity aspects of governance.

Promotion of Scotland issues

On 1 July the First Minister launched a new initiative to improve overseas perceptions of Scotland, ensuring that Scotland is seen as a place open to the outside world, a natural place to do business, to visit or in which to live and work. The Executive is developing a comprehensive marketing strategy for both the short and long term.

The Scottish Executive’s International Strategy will be published shortly. The Strategy will demonstrate that the Executive’s diverse international activities are part of a single overall effort. The Strategy will seek opportunities to promote Scotland’s interests overseas and present an overall Scottish approach internationally that is joined-up and effective. The Strategy will serve Scotland’s interests as set out in the 2003 Partnership Agreement.
Prospects for Economy and Public Finance

The top priorities as stated by the Presidency

Financial Perspectives

The European Union’s current financial perspective is due to end in December 2006. The European Commission published its first Communication on the next Financial Perspectives (2007-2013) in February 2004. It proposed an overall budgetary ceiling of €1.25 trillion. That is €133.5bn in 2007 rising to €158.5bn in 2013 (in 2004 prices). This corresponds to 1.14% of EU GNI (Gross National Income) in 2013 and represents a 25% real terms increase on current budget levels.

The Dutch Presidency needs to take this debate forward and will concentrate on three main lines of work:

- a scenarios draft paper for early September;
- principles and guidelines where some agreement might be possible eg. structure and length of the financial perspective, classification of the headings, etc; and
- work on the individual legislative proposals to be taken forward in the relevant sectoral working groups.

The Lisbon Strategy

The Lisbon Strategy, agreed in March 2000, sets out a 10 year strategy to make the EU the world’s most dynamic and competitive economy by 2010. It reflects the belief that a stronger EU economy will drive job creation, while also financing social and environmental policies to ensure sustainable development and social inclusion. The Dutch Presidency wants to press forward with the economic, social and environmental reforms set out in the Agenda and further developed at subsequent meetings of the European Council. The Presidency sees successful implementation by all Member States of the remaining reforms set out in the Lisbon Agenda as critical to reinvigorating the European economy and strengthening its ability to take full advantage of economic upturns.

Important issues for the Scottish Executive to be dealt with by the Presidency

Future Financial Perspective

The Executive would welcome changes that contribute to greater coherence and transparency and lead to greater efficiency in policy delivery. We will be interested to examine the scenarios developed by the Dutch Presidency. Increases in funding for specific EU policy areas can only be accepted where this would provide clear added value at the EU level and where the Commission can demonstrate that this would lead to an efficient use of EU funds.

The Executive supports the UK Government view that the Commission’s current proposals to increase the EU budget substantially over the 2007-13 period cannot be justified in terms of value for money for UK taxpayers. These proposals are also incompatible with the view of six Member States (including the UK) that the overall EU Budget should not exceed 1% of EU GNI.
The Lisbon Strategy

The Scottish Executive welcomes the Dutch Presidency’s commitment to improve delivery of the Lisbon Strategy, and the Executive will work closely with the UK Government on this agenda. The cross-cutting nature of the Lisbon Strategy means individual work streams relate to a variety of policy areas and therefore a number are covered within this document under the statements of other Ministers.

ANDY KERR
STATEMENT BY THE DEPUTY FIRST MINISTER AND MINISTER FOR ENTERPRISE AND LIFELONG LEARNING

MINISTERIAL PRIORITIES FOR THE DUTCH PRESIDENCY OF THE EUROPEAN UNION

Prospects for Enterprise, Research, Employment and Internal Market Policy

Top priorities as stated by the Presidency

**Strengthening the European economy** (applies to the whole Enterprise and Lifelong Learning portfolio) and reducing the administrative burden of EU legislation on industry. The Dutch will focus on implementing the Lisbon agenda, which aims to make the European Union the most competitive and dynamic knowledge-based economy in the world by 2010 and will work closely with Wim Kok’s High Level Group, which will report in October on progress made in delivering the Lisbon Strategy.

Important issues for the Scottish Executive to be dealt with by the Presidency

The Scottish Executive welcomes the continuing commitment to the Lisbon Strategy. The strategy mirrors the Executive’s goal of creating the conditions to maximise sustainable economic growth in Scotland by improving productivity, competitiveness and growth, while respecting the environment and strengthening the social fabric. Structural reforms in the financial and service markets should help Scottish enterprises to take further advantage of market opportunities in continental Europe and develop their business. We also welcome the Presidency’s ambition to simplify legislation and reduce the administrative burden on companies.

With regards to **Better Regulation**, a rigorous impact assessment is the essential starting point for improving the quality of new proposals. The Dutch Presidency is keen to establish a common methodology for measuring the administrative burden of regulatory proposals, with a view to ensuring that this is reflected in impact assessments. The Scottish Executive is strongly supportive of the proposed Dutch approach and is organising a discussion on EU Governance in October in Brussels covering: impact assessment and progress of EU legislation; alternatives to legislation; simplification; and framework legislation.

The Presidency aims to **boost investment in research and development** across the EU. The Commission’s proposals for the 7th Framework Programme and a European Research Council are not now expected to come forward until early 2005 and negotiations are expected to start shortly thereafter. While Employment and Industrial Relations are reserved matters, the Executive will continue to work with Whitehall colleagues on Scottish interests arising from the 2004 Employment Package.

The **Internal Market for Services Directive** covers a broad range of services and will eliminate the obstacles to freedom of establishment for service providers and the free movement of services between Member States. The Executive will continue to work closely with the Department for Trade and Industry (DTI) to ensure Scottish interests are represented.
Implementation issues

With regards to the **Working Time Directive**, the two recent European Court of Justice judgements concerning the definition of working time (SiMAP and Jaeger) have particular impacts on Scotland, especially in the health sector. While the Executive and NHS Scotland are dealing with the front line implications, the recent rulings may also have a bearing on other sectors with a resident/on call element, including the Fire Service and offshore oil workers.

The Executive has also introduced in the last year two schemes to assist Scottish companies and Higher Education Institutions with access to research **Framework Programme funding**.

**Prospects for Energy and Telecommunications Policy**

**The top priorities as stated by the Presidency**

The Dutch Presidency will devote great attention to **renewable energy** and to the European Strategy for **security of energy supplies**, which will be discussed at a high level meeting on 21 September. The Presidency will continue to work on the energy efficiency and Energy Services directive and proposals for a decision on Trans-European Energy Networks. The Dutch Presidency will also begin discussions on the future of ICT policy based on a comparative study of developments in the EU, USA and Asia. The future of the eEurope, eContent plus and safer Internet funding programmes will be considered.

**Important issues for the Scottish Executive to be dealt with by the Presidency**

The Executive is working closely with the UK Government to maintain the secure and reliable energy system that is vital to our modern economy. The Executive is committed to developing Scotland’s renewable energy resource and the Presidency will consider the Commission communication on progress on meeting EU targets for renewable energy. Energy efficiency and promotion of renewable energy sources feature heavily as priorities in the **Intelligent Energy for Europe 2003-2006 programme**, which will also be considered.

The Scottish Executive continues to support fully policies that will help to improve the energy efficiency of enterprises and public sector organisations such as the proposed **Directive on End Use Efficiency and Energy Services**, although such a directive would require close scrutiny, in consultation with the Department for Environment, Food and Rural Affairs (DEFRA) and with industry stakeholders. The Executive also supports **eEurope** aspirations to stimulate secure services, applications and content based on a widely available broadband infrastructure throughout Europe by 2005.

**Implementation Issues**

Currently around 82% of Scotland has access to broadband. Commercial coverage is expected to increase to around 95% by summer 2005 and the Executive will ensure full coverage with the implementation of supply side intervention. The Executive remains committed to the Pathfinder projects in the Highlands and Islands and the South of Scotland, which are aimed primarily at the delivery of higher level bandwidth to the public sector. Discussions are ongoing with local authority partners about re-scoping these projects to reflect what has been learned to date from the procurement process.
**Priorities for Financial Services**

**The top priorities as stated by the Presidency**

The Netherlands will try to conclude as many of the Financial Services Action Plan’s outstanding measures as possible to allow it to be fully implemented by 2005. The Presidency will also take stock of a number of proposed Commission recommendations for the full integration of financial markets, expected by autumn 2004.

**Important issues for the Scottish Executive to be dealt with by the Presidency**

The Financial services sector is a significant part of Scotland’s economy and the Action Plan will impact on Scotland’s firms. Financial Services regulation is reserved, but the Scottish Executive is working with key sector leaders to ensure Scottish interests are recognised.

**Prospects for European Structural Funds**

**The top priorities as stated by the Presidency**

The reform of current regional policy regulations for the 2007-13 period.

**Important issues for the Scottish Executive to be dealt with by the Presidency**

Negotiations on the Structural and Cohesion Fund (SCF) regulation proposals, adopted by the Commission on 14 July, will begin in September. Progress on these negotiations will of course be governed by the outcome of the wider negotiations on the Financial Perspective in which the UK and other net contributors will press for a reduction in the Commission’s proposals. The Executive will be engaging with key partners to consider the implications of Commission’s SCF proposals for Scotland and will continue to liaise closely with the UK Government in developing a UK negotiating line. Executive officials will also be involved in Council Working Group meetings.

**Implementation issues**

The Executive will continue to ensure that Scottish Structural Fund Programmes are spent effectively. In particular, the Executive and partners will work hard to meet 2004 spending targets under the ‘N+2’ rule, which requires Structural Funds committed each year within Programmes to be used before the end of the second year following that of commitment.

**Prospects for Higher Education Policy and the Bologna Process**

**The top priorities as stated by the Presidency**

Under the priority of mobility, the Dutch Presidency plans to lead discussions on the mobility of students and teachers, in particular the portability of student finance. The Presidency also plans to adopt a Council Recommendation for enhanced European cooperation on quality assurance in higher education.
A Presidency conference held in Dublin in March this year concluded that there should be a single European framework for qualifications and a combined higher education and vocational training credit system. The Commission plans to examine the possibility of coordinating the Copenhagen (vocational education and training) and Bologna (enhanced cooperation in higher education) processes.

**Important issues for the Scottish Executive to be dealt with by the Presidency**

Increased transparency amongst European higher education institutions is being considered under the Bologna process which aims to create a co-ordinated and compatible European higher education area by 2010. We continue to support this process which aims to simplify measures to allow mobility and transferability for learners between nation states, and to enhance the attractiveness of European higher education. The Executive is fully engaged with the Bologna process.

Scotland already has an integrated qualifications framework in place through the Scottish Credit and Qualifications Framework (SCQF). Members of the SCQF Development Partners are also providing expert advice to the Bologna working group looking at the elaboration of a European higher education qualifications framework which also includes discussions on parallel developments in vocational education and training.

**Prospects for the Copenhagen Process**

**The top priorities as stated by the Presidency**

The presidency would like to review the direction of the Copenhagen process (co-operation in vocational education and training (VET)) by examining the future priorities of enhanced European co-operation in VET. It plans to achieve this by issuing a set of Council Conclusions in November to be followed up by a communiqué at the Minister conference in Maastricht in December. The conference will bring together key political and practical figures.

**Important issues for the Scottish Executive to be dealt with by the Presidency**

The Scottish Executive is working closely with DfES colleagues to ensure that developments in a European credit transfer system for VET, and the development of common credit reference levels for VET take into account the recent vocational credit-rating activities in Scotland as part of the Scottish Credit and Qualifications Framework (SCQF) Implementation Plan. The Scottish Executive will be proposing that a Scottish Minister should attend the Maastricht Ministerial Conference as part of the UK delegation.

**Prospects for EUROPASS**

**The top priorities as stated by the Presidency**

The Presidency will complete the final stages of the second reading of the Europass Dossier. This is a voluntary scheme designed to facilitate the recognition of qualifications and competencies across member states. This can then be formally agreed at Council.
Important issues for the Scottish Executive to be dealt with by the Presidency

The Scottish Executive has raised concerns about the cost implications to Scotland of implementing Europass. This includes costs to higher education institutions and other training providers who may have to alter the internal management information systems to enable them to produce the information required for Europass. We are keen that progress is made as to the role and remit of the Europass National Agency within member states.

Prospects for Directive on Professional Qualifications

The top priorities as stated by the Presidency

Political agreement on the draft Directive on Professional Qualifications was reached during the Irish Presidency at the May Competitiveness Council. It is now up to the Dutch Presidency to lead the dossier through its second reading in the European Parliament.

Important issues for the Scottish Executive to be dealt with by the Presidency

The UK line is to support the directive’s simplification and flexibility, subject to safeguards in the professional fields. The Department for Education and Skills (DfES) leads negotiations on behalf of the UK. DfES, on behalf of the Scottish Executive, will continue to request that the directive makes explicit commitments to public safety, quality standards and professional consultation.

There are no implementation issues for the above policies.

JIM WALLACE
STATEMENT BY THE MINISTER FOR JUSTICE

MINISTERIAL PRIORITIES FOR THE DUTCH PRESIDENCY OF THE EUROPEAN UNION

Prospects for Justice and Home Affairs

The top priorities as stated by the Presidency

The Dutch Presidency has presented a programme of work in which it makes clear its top priority in JHA will be to agree the next five year JHA programme (“Tampere II”). The Tampere II programme will cover counter terrorism; police and judicial co-operation; asylum, immigration and integration; civil judicial co-operation and homeland security (focussing on how to respond to emergencies). We expect the Programme to be formally agreed at the November European Council, when the Presidency will address the new Commission for the first time. The Presidency plans to make the distinction between different fields of Justice and Home Affairs and accord levels of priority to them. Terrorism will take priority followed by the establishment of a Common Asylum System and Police Co-operation. In Police Co-operation the Dutch will focus on practical on the ground co-operation rather than legislation.

The Dutch programme confirms that the Presidency will seek to:

- Focus on effective operational co-operation that delivers results on the ground; to connect better between the Member States by learning from one another.

- Improve security for Europe's citizens by implementing action plans and work programmes including those directed to combating organised crime, drugs and terrorism as well as other forms of crime which pose a threat to the security to the citizens of the EU. Also making full use of Europol, the European Police College (CEPOL) and the Police Chief’s Task Force. The emphasis will be on strengthening the police and judicial co-operation at the practical level, including use of the European Arrest Warrant and Joint Investigation Teams.

- The anti-terrorist agenda will be a priority for the Dutch Presidency particularly as the recently appointed Counter-Terrorism Co-ordinator is a former Dutch Minister. The Presidency will aim to ensure that targets set in the Action Plan and various Council Conclusions are met and will press for the completion of measures, such as those relating to orders freezing property or evidence by December 2004.

Important issues for the Executive to be dealt with by the Presidency

The Minister for Justice, where appropriate in conjunction with the Lord Advocate, will work to ensure that EU JHA legislation is compatible with the principles of Scots criminal and civil law, that Scotland can play its full part in promoting cross border access to justice and in cooperation to combat organised crime and that Scotland does not become a safe haven for criminals. Work will also be undertaken to develop the exchange of best practice with EU partners on areas such as tackling crime and cross border access to justice.
Scottish Justice Ministers will attend Council meetings during the Dutch Presidency, where this is appropriate as was the case during the Irish Presidency when the Minister for Justice attended the JHA Council on 30 March 2004.

Civil Judicial Co-operation

- There will be further discussions on The Regulation on the law applicable to non-contractual obligations (Rome II). The regulation will decide which country’s law would apply to resolve an international dispute concerning a non-contractual obligation – anything from a negligence action arising from a road traffic accident to defamation to a claim based on environmental pollution. The most difficult area is likely to be defamation because of the need to balance freedom of expression against protection of reputation in a way which is acceptable across Europe. However, the outgoing Irish and incoming Dutch Presidencies have produced a revised provision which would apply the law of the forum in defamation cases, and this is likely to be much less objectionable to media interests than previous suggestions.

- There will be further discussions on the European Order for Payment Procedures. This is a proposal for a simplified procedure for obtaining and enforcing a judgment in uncontested claims. The draft regulation currently being considered applies to both cross border and internal cases. The treaty base for such a regulation has been questioned by a number of member states. Whilst the Scottish Executive fully supports the proposal in so far as it relates to cross border cases it has, along with the other jurisdictions in the United Kingdom, sought to restrict this proposal to cross border cases only, questioning the treaty base for the proposal as it presently stands. Further, the need for such a procedure for internal cases is doubted. There are other similar procedures in each of the UK jurisdictions which are simple and bring about speedy judgements in uncontested claims.

- A proposal for a European Small Claim is scheduled to be presented in September and will be discussed at meetings scheduled for October and November. The aim of this proposal is to simplify and speed up litigation concerning small claims and to abolish intermediate measures with a view to enabling recognition and enforcement of judgments in these cases in other member states.

- We expect the Commission to present a White Paper on Rome II on the law applicable to divorce during the Presidency. This is likely to discuss the possibility of common European rules regulating which country’s law would apply to a “multinational” divorce. At present courts in the UK jurisdictions do not apply foreign law in family cases, so this dossier will require to be closely monitored.

- A Green Paper on Wills and Succession is expected to be published and the Executive will be submitting a response. The Green Paper is expected to look at issues such as mutual recognition of the title of executors to administer estates, and common rules on which country’s law should apply to succession in an international case. This is a very complex area which has already been the subject of unsuccessful attempts at worldwide regulation. An EU solution would be difficult to arrive at, but would add value.

- We expect a proposal on Alternative Dispute Resolution (ADR) to be presented by the Commission and a draft Directive has been issued on certain aspects of mediation in
civil and commercial matters. The Executive generally welcomes the proposals but considers a number of points require to be clarified before the Directive is finalised. A draft code of conduct for mediators has also recently been prepared by Stakeholders and was launched at a conference in Brussels on 2nd July. The Executive is also generally supportive of this code but again considers that its status and effect requires further clarification.

Criminal Law

- The Commission has published a Green Paper on Sentencing to which the Executive will be responding. As part of this process, an Executive official and Professor Christopher Gane of Aberdeen University attended an experts meeting in Brussels in June as part of the UK delegation.

- The Executive, including Crown Office, will also be involved in discussions with the Home Office on establishing the UK negotiating line on the Framework Decisions on the European Evidence Warrant and on Minimum Standards in Criminal Proceedings. The European Evidence Warrant is an order which would be issued by a judicial authority in one Member State to obtain evidence in another Member State, based on the principle of mutual recognition, and would have repercussions for the way in which mutual legal assistance is provided within the EU. However, the creation of a separate Central Authority in Scotland (see below) will make such future changes much simpler to implement. The Framework Decision on Minimum Standards in Criminal Proceedings will also be important as there are likely to be implications for Scots Law in a range of areas arising from these particular proposals. Where it is appropriate the Executive will field officials as part of the UK delegation at the Working Groups in Brussels which will be discussing these draft Framework Decisions.

- We also expect the Commission to publish proposals for Framework Decisions on Combating participation in a criminal organisation and penalties for combating counterfeiting.

- It is anticipated that the Commission will now bring forward a White Paper in the field of mutual recognition, proposing legislative instruments on the subject of disqualifications and on previous convictions.

Police Co-operation

Key issues for the Executive during the Dutch Presidency will focus on their desire to improve practical, operational police co-operation, including strengthening police co-operation by removing obstacles to cross-border actions of police forces. For example:

- further work on promoting the use of Joint Investigation Teams, which can be established involving two or more EU Member States for any criminal investigation involving the Member States concerned.
- combating motor vehicle crime and the further handling of the relevant draft Council Decision.
- combating violence and disorder at sports events, in the context of the EC Football and the Olympic Games, as well as to the Conclusions of the Council on police co-operation for combating football hooliganism.

The Dutch Presidency also attaches much value to the integrity of European police forces. To that end, the Council of Europe adopted in 2002 a ‘Code of Ethics’. The Presidency would like to discuss how such a code could be further shaped within the EU.

The Dutch Presidency is also believed to be keen to press ahead with work on profiling the European Police Chiefs’ Task Force and on building the new institution CEPOL (the European Police College, consisting of a network of existing national training institutes within the EU), and these will also be important areas of work for the Executive.

These policing issues will be considered primarily in the Police Co-operation Working Group in Brussels. Where appropriate the Executive will field an official at this Working Group in Brussels and contribute to the UK negotiating position; and the frequency of our attendance will increase in the lead up to next year’s UK Presidency.

**Asylum and Immigration**

This is a key area in the JHA field with the Dutch Presidency giving impetus to negotiations on readmission agreements. The Presidency will build on work establishing a Common Asylum System and will prioritise work on integration. Although asylum and immigration is reserved there may be implications for Scotland from some of the proposals, e.g. for legal aid, and Executive officials are keeping in close touch with the Home Office on relevant dossiers.

**Implementation**

Recent measures that have been agreed and are or are in the process of being implemented in Scotland include:

- The Regulation on Parental Responsibility which will apply from March 2005, and we are currently working on its implementation. This is likely to require an SSI, new Rules of Court and, more importantly, awareness raising with relevant interest groups, especially the legal professions. The Regulation itself is concerned with setting common rules of jurisdiction and ensuring rapid recognition and enforcement of court orders relating to matrimonial issues or residence of/contact with children.

- The European Order for Payment will apply from October 2005 and the Executive is considering its implementation.

- The Framework Decision on the European Arrest Warrant, which was agreed on 13 June 2002, has been implemented into Scots law by means of the Extradition Act 2003. The new Act came into force in 1 January 2004 and aims to simplify procedures for seeking extradition across the EU. The Crown Office is now a designated Central Authority for the operation of the European Arrest Warrant and is already seeing the advantages of closer and more direct contact with our European neighbours.
• The principal provisions of the Crime (International Co-operation) Act 2003 were brought into force on 26 April 2004, and the Lord Advocate (through the International Cooperation Unit in Crown Office), is now the Central Authority for mutual legal assistance in criminal matters in Scotland. The Crown Office is now working with Scottish enforcement bodies to ensure the benefits of the new simplified process can be properly realised.

• The directive to improve access to justice in cross-border disputes by establishing minimum common rules relating to legal aid in such disputes has to be implemented by 30 November 2004. Changes to the legal aid regulations to give effect to this directive in Scotland are currently under consideration.

Best Practice

We are undertaking a number of measures in the order to exchange best practice with other Member States:

• Through the Scottish Police College, in partnership with Northern Ireland, in a twinning project to improve the training and development of the Latvian State Police.

• Closer links with the Commission through visits, presentations to DG JHA on Scots Law and facilitating a visit to Scotland. A Scots lawyer from the Procurator Fiscal Service will be seconded to DG JHA for 6 months from September 04, to be followed by a lawyer from OSSE on a further 6 month secondment.

• Hosting Justice related events as part of the Scotland in the Netherlands programme in The Hague and University of Leiden in October 2004.

• Working on seminars to take place during the UK Presidency of the EU in Scotland, which will include the conference on policing with young people which was originally to take place this year.

CATHY JAMIESON
STATEMENT BY THE MINISTER FOR EDUCATION AND YOUNG PEOPLE

MINISTERIAL PRIORITIES FOR THE DUTCH PRESIDENCY OF THE EUROPEAN UNION

Prospects for Education, Training and Youth

The top priorities as stated by the Presidency

The Dutch Presidency, like the Irish Presidency before it, regard education and training as having a vital role to play in helping the European Union meet the Lisbon goal of becoming the most competitive, dynamic, knowledge-based economy in the world by 2010. The education theme chosen for the Dutch Presidency is learning from each other. This theme cuts across their four priorities concerning the next generation of education, training and youth programmes, citizenship, mobility and furthering the Copenhagen process (co-operation in vocational education and training).

At the November Council, the Presidency plans to reach political agreement on their proposals for the new round of European Funding programmes in education, training and youth.

The Dutch Presidency has initiated a debate on citizenship in education with a special emphasis on the shared fundamental values enumerated in the proposed Constitutional Treaty. The Presidency will undertake further research into the mechanisms through which education may contribute to strengthening citizenship. A report on the cultural role of education and its vital link to achieving the aims of the Lisbon Strategy will go to the Spring Council in 2005.

The Dutch Presidency plans to lead discussions on the mobility of students and teachers, in particular the portability of student finance. The Presidency also plans to adopt a Council Recommendation for enhanced European cooperation on quality assurance in higher education. This is expected to include recommendations for increased transparency at institutional level for Europe’s higher education institutions, in order to aid mobility.

The Presidency will conduct a review of the Copenhagen process in vocational education and training. The Commission plans to examine the possibility of co-ordinating the Copenhagen (vocational education and training) and Bologna (enhanced cooperation in higher education) processes. It plans to establish a group of experts from the two processes to ensure that the EU does not end up with two incompatible instruments. The Commission wants to ensure that Member States have established qualifications frameworks before a European instrument can be developed.

Important issues for the Scottish Executive to be dealt with by the Presidency

The EU does not have competence over education and youth policies. However, the open method of coordination is an effective tool for cooperation at the EU level in a number of mutually advantageous areas.
The Executive will continue to monitor how the recommendations of the Presidency or the Commission impact on, or agree with, our existing policies, and current and future priorities in education, training and youth.

During the Dutch Presidency, areas of particular relevance to Scotland include:

- **Education Funding Programmes**, because Scottish schools, colleges, higher education institutions and other organisations already participate in the current phase of European exchange programmes, which are tremendously beneficial in raising the European dimension in education. The Commission proposal simplifies and unifies the existing Comenius, Leonardo, Erasmus and Grundtvig schemes; the eLearning programme and the Europass initiative into one Integrated Lifelong Learning programme. These sectoral programmes will be complemented by a transversal programme focusing on four cross-cutting issues, namely: support for policy development; language learning; new information and communication technologies; and dissemination and exploitation of results. Furthermore, a separate European Youth programme has been developed and will complement progress in regard to the four areas of the European White Paper on Youth. The Executive is generally content with Commission proposals however we will continue to consult Scottish practitioners and engage with DfES to influence the final legislation.

- **Mobility** of students and teachers and transparency of qualifications impacts on Executive higher education policy. The Executive is fully engaged with the Bologna process and took part in the last Ministerial conference in Berlin in Sept 2003. Executive officials regularly attend the Bologna Process Follow-Up Group as part of the UK delegation; thereby ensuring Scottish interests are represented.

- **The Copenhagen Process** review relates to a number of key developments in Scottish vocational education and training. We will continue to promote Scottish good practice in this area, in particular, the Scottish Credit and Qualifications Framework (SCQF) in regard to the Presidency aim to create a single European framework for the transparency of qualifications and competences and a combined higher education and vocational training credit transfer system.

- **Citizenship** relates to Scotland’s National Priority 4 in Education - *Values and Citizenship*. Scottish educational policy as expressed in National Priority four does not specifically distinguish between national and European citizenship, however, Priority Four does imply that there should be an international dimension in Scottish Education. Schools are encouraged to provide curricula which develop an awareness of international issues, democratic processes and cultural diversity. Scotland recently took part in a Eurydice survey into citizenship in education, initiated by the Presidency. Conclusions were presented at the Informal Meeting of Ministers in Rotterdam in July and included agreement to collaborate further on citizenship education at EU level and to share experiences, for example, in regard to teacher training. The Scottish Executive will continue to engage in discussions at EU level with a view to informing our current curriculum review and review of Initial Teacher Education.

PETER J PEACOCK
STATEMENT BY THE MINISTER FOR HEALTH AND COMMUNITY CARE

MINISTERIAL PRIORITIES FOR THE DUTCH PRESIDENCY OF THE EUROPEAN UNION

Prospects for Health Policy

Top priorities as stated by the Presidency

The Dutch Presidency has chosen health in other Community policies as its theme. It will try to identify dossiers in other fields which have a high importance to health (such as the services directive) and focus attention on them. From a legislative perspective, there is little on the agenda because a number of major dossiers are waiting for the new College of Commissioners before adoption.

Important issues for the Executive to be dealt with by the Presidency

The most important issues to the Executive that will be dealt with by the Presidency are:

Patient mobility and the future of health care development in the EU

As a result of Council Conclusions in June 2002 an informal High Level Process of Reflection on Patient Mobility and Health Care Developments in the EU was formed. This Group contained 14 of the then 15 Member States, together with a number of the Accession States, Commissioners Byrne (Chair, SANCO), Diamantopolou (EMPLOYMENT), and Bolkestein (MARKT). John Hutton represented the UK.

In all it made 19 recommendations to the Commission in December 2003. One of these invited the Commission to consider the development of a permanent mechanism at EU level to support European co-operation in the field of health care and to monitor the impact of the EU on health systems.

The Commission responded by issuing a Decision and setting up a High Level Group on Health Services and Medical Care, chaired by the DG of SANCO, Robert Madelin. This Group is expected to meet 3 times a year at the Commission and will be made up of senior officials from the Member States. Working Groups may also be established to examine specific questions referred to the Group. The Group is to establish its own rules of procedure on the basis of a proposal from the Commission. The Commission will also provide any analytical and organisational support.

Hugh Taylor, the Director for Strategy and Business in the Department of Health attended the first meeting of the group on July 1 2004. It was agreed that there are six areas of work that we expect the group to focus on initially:

- Cross-border healthcare purchasing and provision
- Mobility of Health Professionals
- Information and e-health (including data protection)
- Health impact assessment and health systems
- Health technology assessment
• EU Centres of reference

This work will be taken forward by sub groups of Member States and the High Level Group may report on the work it is taking forward at the Health Council in December depending on the progress that has been made in these areas.

It is proposed that the group will meet a further three times in the autumn. The Department of Health, which maintains close links with devolved administrations on these issues, plans to send a senior civil servant to each of these meetings.

**Directive on services of general economic interest (SGEI)**

There has been a debate for a while within the EU on how to clarify the relationship of Service of General Interest /Services of General Economic Interest with the single market, and ensuring firstly, there is no distortion of the single market; secondly, protecting Member States SGI and SGEI. It is for Member States to determine what their SGEI and SGIs are. The Commission’s role is one of oversight and to ensure no manifest errors occur. This debate is ever more pertinent as a consequence of recent ECJ Judgments (Altmark, Ferring etc).

A Commission paper on health and social services is expected within the next few months.

**Open Method of Co-ordination (OMC) on the modernisation of social protection for the development of high quality, accessible and sustainable health care and long term care**

This Communication stems from the Lisbon Agenda on sustainable economic and social policies, and proposes objectives to promote accessibility of high quality care for all sectors of society alongside financial sustainability. The OMC, already used in the social protection field, will include the establishment of joint objectives and indicators and the evaluation of progress towards these. The Social Protection Committee, which will lead discussion on the OMC, has already started discussion of this issue and will prepare a report responding to the Commission’s communication during the Dutch Presidency.

There will be a debate of all these issues at the December Council, including a report and policy debate on the outcome of the High Level Group on mobility and possibly Council Conclusions on health care in an ageing society.

The healthcare of Scotland’s increasing number of older people has been described as the core business of NHS Scotland. The report of the Chief Medical Officer’s Expert Group “Adding Life to Years” sets out a direction of travel for the healthcare of older people, emphasising integrated person-centred care and the need for planning now to meet the challenges of an ageing population. The major national framework exercise which will report in 2005 will be looking at future needs and how these can best be met, including how services are best structured and delivered.

As well as tackling health care, the Executive is making a significant investment now in health improvement aimed at reducing the incidence of ill-health, including the burden of chronic disease resulting from lifestyle factors such as obesity and smoking, with which people enter old age.
Working Time Directive

As required by Article 138 of the EC Treaty, the Commission is currently consulting with the EU level social partners on a possible review of the Working Time Directive. A second-stage consultation document was issued to the social partners in May, seeking their views on Commission proposals relating to:

- the reference periods over which the weekly working hours average is calculated;
- the interpretation by the Court of Justice of the concept of working time in the SIMAP and Jaeger cases;
- the conditions for implementing Article 18(1)(b)(i) of the current Directive (the opt-out); and
- the need to improve compatibility between work and family life.

The Court judgements (SiMAP and Jaeger) concerning the definitions of working time have particular impacts on the UK and on Scotland, especially in the Health sector. In addition from 1 August, the WTD will be progressively introduced to doctors in training, a group who had previously been excluded from the WTD requirements.

Following consultation with the social partners, the Commission is expected in the next few months (adoption date not known) to adopt a proposal to revise the existing Directive. Assuming that is the case, the Dutch Presidency plans to hold an exchange of views among Member States at October Council and then to seek a political agreement on the revised Directive at the December Council.

e-health

The Commission adopted an Action Plan on e-Health on 30 April which it proposes to promote through the Open Method of Co-ordination. The Commission presented its plan to the June Council under the Irish Presidency and the Council adopted Conclusions supporting the Action Plan. The Action Plan contains a raft of proposed actions in areas as diverse as a European qualification in e-health services and the implementation of the health insurance smart card. The Commission will implement the action plan through a variety of expert groups.

“The European health insurance card (containing health information) will be adopted in 2008, replacing the paper-based forms citizens need for health treatment when in other Member States. The eEurope 2005 target is to build upon this, using Commission proposals for a common approach to patient identifiers and electronic health record architecture, and create an European electronic health card”

Scottish Executive Health Department has an eHealth Strategy which recognises the urgent need to establish an eHealth culture driven by clinical leaders and supported by Ministers. Specifically the Strategy commits to explore the use of the use of The 21st Century Government Citizen’s smartcard as a tool for accessing health records where they are required.

“Citizens should be able to access online health services (information on healthy living and illness prevention, electronic health records, teleconsultation and e-reimbursement, etc.) by the end of 2005. Member States are to develop these
networks between points of care (hospitals, laboratories and homes), rolling out broadband connectivity where required.”

As part of Scotland’s eHealth Strategy we are developing plans for a ‘single information portal’ for citizen access to health information. This work will build upon the success existing projects such as Scottish Health On the Web (SHOW).

An additional strand of activity under eHealth is to make better use of modern information and communication technology in the area of joint working and integration across agency boundaries. This also fits under The Modernising Government Fund which helps to take forward projects involving the innovative provision of improved services to the public and contributes to the development of 21st Century Government for Scotland. A programme of work, eCare, is being supported in the Scottish Executive to take electronic information sharing forward between the public service agencies of Health and Local Government. This work is providing the electronic integration delivery mechanism for policies such as Joint Future and Changing Children’s Services. Part of the citizen empowerment activity will enable children to have direct access to their own assessment and service information on the web.

Community’s influenza pandemic preparedness

The Commission adopted a working document in 2004 on the community’s influenza pandemic preparedness which focused on the need for co-ordination of national strategies in the event of an influenza pandemic. The European Centre for Disease Prevention and control, which was established under the Irish Presidency, will play a part in this work when it is up and running in Stockholm. The Dutch Presidency has asked for a progress report at the December Council.

Scotland welcomes, in principle, the working document. We work closely with other UK countries and contribute to the UK’s strong record of international collaboration on communicable disease control.

Scotland in partnership with other UK countries was one of the first to produce a national pandemic influenza contingency plan in 1997. This is currently under review by the 4 UK health departments.

Public health risks from emerging zoonotic diseases

The Presidency is holding a conference (16-17 September) on the public health risks from emerging zoonotic diseases (diseases passed from animals to humans) and wants to adopt Council Conclusions on this topic at the December Council.

The Scottish Executive recognises the need for cross border working on new and emerging zoonotic infections such as West Nile Virus; and supports research and collaboration in this area.

World Health Organisation Issues – Cross border measures

In the light of the SARS outbreak, WHO has initiated a review of the International Health Regulation. The proposal deals with cross border measures necessary in a communicable disease outbreak and gives WHO extensive new powers where disease outbreaks are deemed
to be of “global concern”. There are significant trade implications in the regulation where the Commission has competence, and, therefore, the member states have given the Commission a mandate to negotiate on their behalf in a number of key areas. The Presidency will therefore be involved in co-ordinating the Member States’ views in order to present a united front within the WHO negotiations. Although this will only be an information item at the Council, it is likely to take up most time in the Health Working Group.

The Scottish Executive already recognises the benefits of collaboration on a UK and European level in public health matters and NHSScotland contributes to these networks; and recognises benefits of contributing in the same way to the development of the European Centre for Disease Prevention and Control taking account of this in developing plans for health protection in Scotland, following consultation last year.

**Action Plan on environment and Health**

An action plan on environment and health was adopted on 9 June 2004. The Plan proposes 13 specific actions, including actions to improve information by better EU wide monitoring, actions to strengthen relevant research in the EU, and training and educational actions to raise public awareness and professional and organisational capacity. The Dutch presidency will deal with this in the Environment working group with reports to both the Environment Council and the Employment, Social Policy, Health and Consumer Affairs Council.

The Scottish Executive –

- welcomes the proposal, in principle, as supportive of the Commission’s strategy on Environment and Health;
- welcomes the Commission’s step by step approach in developing the integrated environment and health information and response system and emphasise the need to take into account other ongoing work to avoid duplication;
- calls for all vulnerable groups such as children, pregnant women, the elderly and the disadvantaged to be included in the Plan;
- seeks to ensure that the Plan is supportive of other Community work programmes;
- welcomes the proposal to address the combined effects of pollutants but stress that there are other potential environmental and health concerns such as microbiological impacts;
- welcomes the proposal to address emerging issues such as the possible environmental and human health impacts of nanoparticles; and
- stresses the need for detailed impact assessments, taking into account the full economic, social and technological aspects on future proposals which may arise from the Commission’s review process.
WHO Framework Convention on Tobacco Control

Following the conclusion of negotiations on WHO’s Framework Convention on Tobacco Control (FCTC), WHO members must ratify the Convention before it can come into force (90 days after 40 members have ratified). The Presidency and commission are keen to ensure that all EU member states will have ratified by the time the FCTC comes into force. The FCTC itself includes broad principles and the next step will be for negotiations to start on protocols to the FCTC where most of the detailed provisions will be included. The first main negotiation on the protocols is likely to take place under the UK Presidency at the end of 2005. Again the EU will try to co-ordinate their views within the WHO negotiations.

The Dutch Presidency wish to continue to drive forward implementation of the first international, legal instrument designed to counter the effects of tobacco consumption, the FCTC. The FCTC is an international treaty which has been developed under the auspices of the World Health Organisation. It covers a wide range of issues such as introducing a comprehensive ban on tobacco advertising and sponsorship, controls on the labelling of products, education about the health effects of tobacco, tackling smuggling, protection of the public from the effects of second-hand smoke and measures to reduce the availability and promotion of tobacco to young people. The FCTC was open for signature until 29 June 2004 and there are currently 168 countries which are signatories.

The measures contained in the FCTC are very much in line with our own domestic policies. The new Tobacco Control Action “A Breath of Fresh Air for Scotland” welcomes UK support for the Convention and commits the Executive to continuing to work closely with the UK Government to promote tobacco control at UK and international level.

Scotland and the rest of the UK already comply with nearly all the requirements of the FCTC. However, new regulations were needed to comply with Article 13 of the FCTC which requires that all advertisements carry health warnings. The Tobacco Advertising and Promotion (specialist tobacconists) Scotland Regulations 2004 require specialist tobacconists to include health warnings on the advertisements for products other than cigarettes and hand rolling tobacco, which they are permitted as an exception to the comprehensive ban on tobacco advertising. The regulations were made on 5 May 2004 and laid in parliament on 7 May 2004. They will come into force on 21 December 2004.

The Scottish Executive will continue to input to UK Government involvement in implementation of the FCTC.

MALCOLM CHISHOLM
STATEMENT BY THE MINISTER FOR ENVIRONMENT AND RURAL DEVELOPMENT

MINISTERIAL PRIORITIES FOR THE DUTCH PRESIDENCY OF THE EUROPEAN UNION

Prospects for the Environment Policy Area

The top priorities as stated by the Presidency

During the course of its Presidency, the Netherlands will focus on 4 priority topics:

(i) re-invigorating the environmental dimension of the Lisbon Agenda;
(ii) discussions on the REACH Regulation on Chemicals;
(iii) international negotiations on Climate Change; and
(iv) Sustainable Mobility.

In addition, the Presidency hopes to make progress on a number of other proposed Directives of key interest to the Scottish Executive, including Directives on Groundwater, the Aarhus Convention (both Community ratification and the Access to Justice proposal) and Batteries. Further detail on these, and other relevant proposals, is provided below.

Important Issues for the Scottish Executive to be dealt with by the Presidency

My officials have been working on these issues for some time, in collaboration with counterparts in UK departments and in EU discussions. Of particular interest is the Scottish work on catchment management deployed within the EU Council Working Group on revision of the Bathing Waters Directive and officials’ participation in international fora on climate change.

Hazardous Substances

The Regulation on REACH (Registration, Evaluation and Authorisation of Chemicals) will be a priority for the Dutch Presidency. The Scottish Executive has three priorities regarding the proposal:

- to develop a fast, efficient and workable process to test and screen chemicals and tackle those of most concern;
- to minimise animal testing; and
- to maintain the competitiveness of the chemicals industry and downstream users.

Ministers discussed three key areas of the proposal at the June Environment Council: (i) authorisation and restriction of the most dangerous chemicals; (ii) substitution of chemicals of concern; and (iii) quality of data. During the Dutch Presidency, the ad hoc working group set up in the Council will continue to discuss these key issues. A major seminar on impact assessment will also be held at the end of October. Political agreement will be not be reached during the Dutch Presidency given the complexity and range of outstanding issues, but there will be a policy debate at the December Environment Council. In the European Parliament, the Environment Committee is not expected to adopt a first
reading position until the first quarter of 2005. A first reading in plenary will likely follow in the second quarter.

**Water Issues**

The Presidency will look to take forward the proposed new *Groundwater* Directive. The proposal:

- calls on Member States to set standards for specific substances at a national, regional or local level;
- proposes a mechanism for the monitoring of trends in groundwater pollution; and
- provides for the control of indirect discharges of certain substances into groundwater.

The Presidency hopes to reach political agreement at December Council, but progress will depend on the European Parliament delivering a first reading in time. It will be important to ensure that the agreed text fully reflects the diverse nature of different groundwaters across the EU and allows for risk-based, locally determined, standards. In Scotland, only around 5% of drinking water comes from groundwater sources.

Political agreement was reached on the proposed revision to the *Bathing Waters* Directive at June Environment Council. There will be a second reading on the proposal in the European Parliament during the course of the Dutch Presidency, but final agreement will not be reached before the Luxembourg Presidency (January to June 2005).

On 15 July, the Commission adopted a Communication on *Flood Risk Management*, looking at the possibilities for enhanced cooperation and exchange of information between countries that share European river basins. The Commission proposes that Member States co-operate to develop and implement flood risk management plans at river basin level and within coastal areas in order to prevent problems being transferred from one area to another. The development of flood risk maps is also envisaged. The Presidency held an exchange of views on the proposal at the Informal Environment Council in July and intends to do so again at the October Environment Council. Council Conclusions may be adopted.

**Waste Issues**

The Presidency hopes to reach political agreement at December Council on the proposed revision to the *Batteries* Directive. As drafted, the proposal - covering all batteries and accumulators - would require Member States to encourage producers to increase overall environmental performance of batteries/accumulators throughout their life-cycle and ban the disposal of automotive and industrial batteries in landfill and by incineration. Member States would be required to ensure that all batteries/accumulators are collected, while producers would have to finance (individually or collectively) collection, treatment, and recycling of all portable batteries. The proposal also sets collection and recycling targets. The European Parliament gave the proposal a first reading in April, proposing a ban on the use of cadmium and lead batteries (with some exemptions) and a fundamental change in recycling and collection targets.

Ministers held a first policy debate at June Council on a proposed directive on *Mining Waste* which will regulate waste from prospecting and extraction, treatment and storage of mineral resources. Following that, the Dutch Presidency hopes to be able to reach political agreement

**Climate Change**

The Presidency will need to co-ordinate and prepare the EU position for the COP (Conference of the Parties) 10 meeting on **Climate Change** in Buenos Aires on 6-17 December. Themes to be discussed at COP10 are likely to include:

- accomplishments to date and future challenges;
- impacts and risks of, and adaptation to, climate change;
- energy and climate change; and
- investing in climate change.

A decision by Russia on whether or not to ratify the Kyoto Protocol will clearly have a significant impact on the meeting and the Dutch Presidency has invited President Putin to attend a conference in the autumn on Kyoto. The outcome of the US elections in November will also be of relevance to the direction of international discussions.

The Presidency will also look to reach political agreement at the October Council on the proposed Regulation on **Fluorinated Gases**. The draft regulation is intended to help Member States deliver on their Kyoto commitments by controlling emissions of fluorinated gases with the potential to cause global warming (HFCs (hydrofluorocarbons), PFCs (perfluorocarbons) and SF6 (sulphur hexafluoride)) during the design, manufacture, installation, operation and disposal of equipment including fridges, heat pumps, and fire protection systems.

**Miscellaneous Issues**

The Presidency intends to deal with the outstanding **Aarhus Convention** related proposals as a single package, bringing together: (i) the Regulation and Decision required for the EU and its institutions to ratify the Convention; and (ii) the proposal for a Directive on Access to Justice. The Presidency aims to reach political agreement on the package at December Council.

The **Access to Justice** proposal, which would implement the third pillar of the Convention, would give members of the public with a sufficient interest access to judicial or other impartial procedures to challenge actions which contravene environmental law. Under the proposal, members of the public may also be entitled to make a request for a decision to be reviewed internally by the authority that made it before going to Court. As recognised in the Aarhus Convention, the provisions of the proposal will need to be developed in accordance with the provisions of national law. The Scottish Executive will therefore need to ensure that it reflects the position of Scots Law.

The Commission adopted its long-awaited Communication on **Financing Natura 2000** on July 15. The Communication looks at the future financing of the Natura 2000 network of natural sites designated for protection by Member State authorities, with an estimate that the maintenance of this will cost around €6.1bn per year. Rather than propose a new, stand-alone fund, the Commission proposes to deliver financing through existing instruments. Given the
number of Natura 2000 sites in Scotland, the Communication is of particular interest to the 
Executive. There will be an exchange of views on the Communication at October Council.

Implementation Issues

None directly. Environment dossiers tend to be longer term. In due course there will be 
targets for some eg climate change, batteries recycling.

Prospects for the Food and Agriculture Policy Area

The top priorities as stated by the Presidency

The main focus of the Dutch Presidency will be on sustainable agriculture in relation to 
economic, social and environmental impacts. Subordinate objectives relate to reducing the 
administrative burden, further reform of the CAP and integration of the new Member States.

Important issues for the Scottish Executive to be dealt with by the Presidency

SEERAD officials have been fully involved in discussions and negotiations to date at both 
EU and UK level on the key topics listed below particularly animal health and beef 
marketing. This engagement will continue until issues are resolved and in some cases, such 
as the Rural Development Regulation which is of great importance to Scotland, the 
involvement will increase over the next few months.

Rural Development

The current rural development programming period comes to a close at the end of 2006 and a 
new Rural Development Regulation (RDR) will be needed from 1 January 2007. The 
Commission has published its initial proposals for a new regulation and these will be 
progressed under the Dutch Presidency (although the final package is unlikely to be agreed 
until late 2005). The main objectives of the new RDR are to promote (i) competitiveness and 
restructuring, (ii) environmental improvements and (iii) diversification.

Key issues for Scotland will be:

- the future distribution of EU funds between Member States. Currently the UK, and 
therefore Scotland, receives a very small allocation and is pressing for a more 
equitable distribution of the available funding.

- adequate flexibility to use funds to meet national priorities. The new RDR will be the 
outlet for the modulated funding diverted from direct (Pillar 1) payments to farmers 
and will provide the platform for the development of Land Management Contracts in 
Scotland as envisaged in A Forward Strategy for Scottish Agriculture. It is important 
that we are not unduly constrained in the way we use this funding if Scotland is to 
derive maximum benefit.

- future support for less favoured areas. Currently 85% of Scotland’s agricultural land 
is classified as less favoured area (LFA) and farmers receives additional financial 
support as a result. The Commission proposes a review of the eligibility criteria for
LFA designation which will have implications for Scotland. We will be closely involved in the ongoing negotiations to look after Scotland’s interests.

**CAP reform**

Though the main commodity regimes were covered by the 2003 CAP reform package, there are a few remaining areas up for reform under the Dutch Presidency. There is a Commission proposal for changes to the **sugar** regime which will be controversial but of limited interest in Scotland. More significant may be consideration of the Common Market Organisation in **fruit and vegetables** which will be pertinent to Scottish growers. This is at an early stage but any emerging proposals will need to be carefully scrutinised.

**Animal health and welfare**

Proposals are expected on broiler hens, welfare at slaughter and a review of pig welfare legislation. The controversial issue of **welfare of livestock during transport**, which stalled earlier in the year, is unlikely to re-appear but may do only if the Presidency sees any real prospect of making progress against a background of widely differing positions held by Member States. Discussions may also take place on a proposed new Avian Influenza Directive amending the current base for High Pathogenic Influenza and introducing a requirement for responding to outbreaks of Low Pathogenic Avian Influenza.

**Beef marketing issues**

The first half of the year produced some encouraging signs in the drive to have the restrictions on beef sales and exports eased. This remains a priority for Scotland and the Executive will continue to press for relaxations of controls where scientific evidence clearly indicates that this would pose no risk to consumers. Decisions on the future of the Over Thirty Month (OTM) rule, which prevents older cattle from entering the food chain, will be relevant here.

Satisfactory progress was made during the Irish Presidency on beef labelling but there remain a few loose ends to be tidied up including consideration of combining batches of mince from different abattoirs and Member States in one batch and harmonisation of cattle categories for labelling purposes. We need to monitor developments and ensure that Scottish interests are covered.

**Plant Health**

Discussion and possible vote on the ongoing EC review of the Potato Cyst Nematode, Potato Brown Rot and Potato Ring Rot Control Directives expected during the Dutch Presidency.

**Implementation issues**

The main implementation issue for the Executive will continue to be completion of preparations for the introduction of the main 2003 CAP reform package by 1 January 2005.
Prospects for the Fisheries Policy Area

The top priorities as stated by the Presidency

The Dutch Presidency team has identified three specific fisheries themes as its own priorities for facilitating progress under their Presidency. These will inform the approach to handling Council business. They are:

- Establishing recovery plans for fish stocks outside safe biological limits;
- Improving control methods to ensure that CFP rules are being obeyed; and
- Simplification of the CFP regulations

Making progress in all three of these areas is a priority that is shared by the United Kingdom Government, and by the Scottish Executive. This reflects the overarching themes that were identified in the 2004-2006 multi-annual Presidency programme. Implementation of the multi-annual Presidency programme began under the recent Irish Presidency; the programme also embraces the forthcoming United Kingdom Presidency. The six Presidencies concerned worked collaboratively in advance, in order to progress a shared agenda over the three years. A relevant and useful Dutch Presidency can therefore be anticipated: guided by principles and priorities that have been agreed, and are shared by the Scottish Executive. This is expected to continue under Luxembourg Presidency, as the Dutch team will assume operational responsibility for most fisheries matters on behalf of the Luxembourg Presidency.

The Dutch Presidency will also continue to progress unfinished business inherited from the Irish Presidency, including final ratification of the EU-Greenland bilateral agreement and the debate on future development of environmentally friendly fishing methods. The Dutch Presidency will also handle routinely scheduled Council business, including the annual round of TAC and Quota negotiations, which will need to be concluded at the December Council.

The detailed agenda of fisheries items to be considered under the Dutch Presidency will, as published, include all of the following:

- To amend TACs and Quotas for 2004
- To establish the TACs and Quotas for 2005
- To establish TACs for Deep Sea Species in 2005
- To establish guide prices for fish species for 2005
- To establish short term regulations for conserving the European eel stock
- To debate the establishment of the Community Fisheries Control Agency
- To debate reforms to structural measures in the fisheries sector (FIFG)
- To debate a proposal on Vessel Monitoring System (VMS)
- To debate a report on access restrictions (including Shetland Box)
- To debate measures for recovery of North Sea plaice
- To debate measures for recovery of Celtic sea cod
- To present proposals for the simplification of CFP regulations
Only the first five of these agenda items require Council decisions before the end of 2004: the opinions of a recently-elected European Parliament will be required before much progress is made on the various other of the Commission’s proposals.

**Important Issues for the Scottish Executive to be dealt with by the Presidency**

There are a number of agenda items that are scheduled for discussion under the Dutch Presidency that are of particular importance in Scotland. The Scottish Executive aims to ensure that progress on these items takes full account of the Scottish particular interest. These items include:

- An allowance of additional days at sea for ‘haddock-permit’ vessels, under the proposal to amend 2004 TAC and Quota regulations.
- Equitable and reasonable TACs and Quotas decisions for 2005, consistent with sustainable management of Scottish fisheries and the previously agreed stock recovery plans.
- Discussion of the socio-economic dimension of access arrangements; in particular the importance of maintaining or improving the Shetland Box.
- Establishment of Regional Advisory Councils (RACs), especially in those fisheries regions where we have a leading interest: we aim to facilitate a successful launch the North Sea RAC later this year, and we will continue our work with stakeholders to develop proposals for the North West Waters RAC and the Pelagic RAC.
- Effective contribution to the debate on the establishment of an EU Fisheries Control Agency, including a detailed examination of the Commission’s proposals on this item and the related proposals for Electronic Logbooks and Vessel Monitoring Systems.
- We will welcome in principle the proposal for simplification of the CFP regulations in principle, and we will examine it in detail before next year’s discussions.
- We will also contribute fully to the next stages in the development of the recently proposed European Fisheries Fund (EFF) which will replace the current Financial Instrument for Fisheries Guidance (FIFG) when it ends in 2006. The Commission presented its proposal at July Council; a policy debate is planned for the October Council. Commission proposes that EFF will have available an average of € 700 million per year for 2007-13, with key objectives that will include reducing fishing pressure to allow stock recovery, encouraging the use of more environmentally friendly equipment and the development of sustainable aquaculture. The new fund would also provide aid for fishing regions most affected by job losses, to help them diversify into other economic activity. In line with CFP reform, aid for fleet renewal, vessel export or creating joint enterprises will no longer be possible.
The Dutch Presidency agenda does not envisage Council deliberations on aquaculture, but we will maintain a strong interest in its sustainable development - in line with the recently agreed strategic framework. We will also continue to press for the introduction of safeguard measures (tariff related import quotas) to provide stability in the European salmon market while other, longer term, market stabilisation measures are explored.

Implementation Issues

The Dutch Presidency will be the first full Presidency to be conducted in an enlarged European Union. This will have serious implications for fisheries management processes. These include an increased requirement for translation, which is likely to delay decision-making. In addition, tactical constraints will be introduced by the new voting arrangements, which are likely to make the achievement of all our objectives more difficult. The over-riding implementation issue in fisheries remains that the Scottish Executive will be required to continue participation in the United Kingdom’s delegation, as a routine matter, and remain closely engaged in the meetings of Council and all of its working groups.

ROSS FINNIE
STATEMENT BY THE MINISTER FOR COMMUNITIES

MINISTERIAL PRIORITIES FOR THE DUTCH PRESIDENCY OF THE EUROPEAN UNION

Prospects for the Communities Policy Area

The top priorities as stated by the Presidency

Progressing the Lisbon Strategy of social, economic and environmental reforms.

Important issues for the Executive to be dealt with by the Presidency

The December Council will discuss best practice in employment across Europe. The Executive will monitor the outcomes of these discussions for their relevance to the Closing the Opportunity Gap objective of increasing the chances of sustained employment for vulnerable and disadvantaged groups, and for the Employability Strategy that we are currently developing.

Efforts will be made at the December Council to reach political agreement on the proposed new Article 13 directive on equal treatment between women and men in the access to and the supply of goods and services. The Executive supports the UK government’s position which is to ensure that the current unworkable proposals to rule out the use of gender-based factors in the calculation of insurance premiums and other financial products are modified. (The majority of the discriminatory activities covered in the draft Directive are already unlawful in Great Britain under the Sex Discrimination Act 1975.)

The Commission is currently drawing up a new social policy agenda of legislative proposals and initiatives for the period 2006-2010, which will be presented to the 2005 Spring European Council for adoption.

To inform its work, the Commission has established a high level group to prepare a report by the end of October 2004. Member states will be consulted on the key conclusions of the report, and I will feed in our views via UK Ministers. I will be particularly interested in how the new agenda can complement and reinforce our new Closing the Opportunity Gap targets that I will announce shortly.

The Presidency intends to hold a number of conferences, culminating in the “A Social Europe: Let’s Deliver!” keynote conference of 8-9 November, which will allow preparation of a report to inform the Commission’s work. If conditions allow, I aim to attend this conference to share our experiences and highlight our successes in Closing the Opportunity Gap for Scotland’s most disadvantaged groups and areas, and to outline our new targets for Closing the Opportunity Gap.

MARGARET CURRAN
STATEMENT BY THE MINISTER FOR TOURISM, CULTURE AND SPORT

MINISTERIAL PRIORITIES FOR THE DUTCH PRESIDENCY OF THE EUROPEAN UNION

Prospects for Cultural Policy Area

The top priorities as stated by the Presidency

The stated priorities include mobility of art and other collections, the digitisation of heritage works, cultural education and protection of cultural property. During their Presidency, the Dutch wish to agree and progress a new cultural work programme for the Council for at least the next two years.

A number of legislative dossiers will also be taken forward under the Dutch Presidency. This will include the proposal for the successor to the Culture 2000 funding programme, Culture 2007.

The Dutch Presidency will also be taking forward the proposal for a new funding programme for films and media, MEDIA 2007, which will replace the current Media Plus programme. The Commission wishes this new programme to target the media industry through training as well as promotion and distribution of works.

The date of the Education, Youth and Culture Council is 15-16 November, in Brussels.

Important issues for the Scottish Executive to be dealt with by the Presidency

In terms of the Culture 2007 proposals, the Executive welcomes in particular the intentions of the Commission to ensure that EU work in the culture arena supplements work being carried out at national and regional levels. We are keen to ensure that the Commission continues to recognise the importance of reviewing overall information provision and the improvement of dissemination of this to eligible parties throughout Europe.

We welcome the opportunities presented by the MEDIA programme for Scottish filmmakers to develop their work through co-production, training, and access to European audiences.

Given its own economic priorities, the Executive has a clear interest in discussions centring on the role of culture and creativity in achieving the Lisbon objective target, which aimed, by 2010, to make Europe the most competitive knowledge economy.

Implementation issues

In principle, we are in favour of initiatives which can assist in the international mobility of collections – to afford people in the UK access to international collections and to enable our own museums and galleries to showcase their fine collections overseas. Scottish institutions regularly stage excellent shows of work, compiled with loans from across the world. This is achieved within existing arrangements but we should be pleased to engage them directly in these EU discussions to consider what kinds of obstacles require to be overcome to mount such exhibitions, and how mobility might be further facilitated.
Similarly, we are supportive of moves to increase mobility of artists. Indeed our Co-operation Agreements with European partners (eg. the Region of Tuscany) seek to promote bilateral exchanges between our cultural bodies and to identify opportunities for the exchange of skills, knowledge and expertise between organisations and between practitioners.

Development of the screen industries in Scotland is a partnership agreement commitment.

We also have have a stated commitment to creating the conditions that allow creativity to flourish in Scotland and to ensuring that our cultural sector is a key driver in achieving this, and will be happy to share our development experiences with European partners.

Prospects for Sport Policy Area

The top priorities as stated by the Presidency

The Education priorities for the Presidency, which include Culture and Sport under the title *learning from each other*, are the next generation of spending programmes, citizenship, mobility and the Copenhagen process (co-operation in vocational education and training).

Important issues for the Scottish Executive to be dealt with by the Presidency

2004 is the European Year of Education through Sport (EYES). The conclusion of the European Year of Education through Sport will be marked by a conference to be held on 2-3 December in Papendal. The purpose of this event will be to look back at the most significant projects conducted during the year and to seek support for recommended follow up activities. Additionally, EU Sports Directors will meet on 23 and 24 September.

The EYES wide open international conference will be held as Scotland’s contribution to EYES, in Glasgow on 17 September 2004. It is the first of its kind in Europe and will look at how countries are improving young people’s physical, personal and social knowledge and skills. Around 150 national and local government and national agency delegates will attend on 17 September 2004 from across the United Kingdom (UK) and Europe.

The EYES wide open international conference will also formalise the European Capital Cities of Sport partnership, a network of major European cities working to ensure better communication across Europe and exploring the potential for different kinds of partnerships in the future.

Implementation issues

There are no implementation issues as such. My officials expect to attend the EYES wide open international conference to participate in discussions about follow up action, with a particular focus on actions relevant to the themes covered in the Glasgow Conference and to assess the opportunities for sport in Scotland of EYES projects elsewhere.

Prospects for Tourism Policy Area

Tourism is not currently within the competence of the EU (although it does feature to a degree in the Constitution), and does not feature in the priority list of the Dutch Presidency. The EU has a small Tourism Unit within DG Enterprise, and its Communication on Tourism recognises the economic importance of tourism to Europe, and the importance of its sustainable development. The EU Tourism Unit organises an annual European Tourism
Forum, which my officials attend in order to keep abreast of tourism developments in other member states; this year it will build on the themes in the Communication.

FRANK McAVEETY
STATEMENT BY THE MINISTER FOR TRANSPORT

MINISTERIAL PRIORITIES FOR THE DUTCH PRESIDENCY OF THE EUROPEAN UNION

Prospects for Transport

The Presidency’s particular priorities are the ‘Eurovignette’ Directive, the Driver Licences Directive, River Information Services for inland waterways, and an Aviation agreement with neighbouring countries.

The ‘Eurovignette’ Directive

This Directive would revise the 1999 regulation which currently permits only either a time based or distance based charge for lorries on the motorway network of any Member State. Agreement on the interoperability of Member State systems is important for implementation of the UK’s plans to introduce Lorry Road User Charging (LRUC) effectively and within a realistic timescale (currently targeted to be introduced in 2008). LRUC is in fact a tax and its implementation is reserved for Westminster however the haulage industry in Scotland is keenly interested in LRUC and its possible effects here. We are therefore keeping in touch with Customs and Excise (who have the implementation lead in the UK). In terms of developing LRUC technology, there may also be an overlap with the Executive’s policies on road user charging. The UK Government supports the principle of amending the Directive to become consistent with an EC White Paper issued in 2001 and with DfT plans; at this stage we see no reason why the Executive’s view should vary from that of DfT’s.

Driving Licences Directive

On the proposal to amend the Driving Licences Directive, the Presidency will continue its detailed examination in the Council Working Group. The Presidency has indicated that it wishes to reach a general approach at the 7 October Transport Council, with the possibility that a political agreement will be formally adopted soon afterwards. In general, the Directive aims to harmonise further administrative procedures. There are a number of measures aimed at enhancing the security of the driving licence. There would also be some changes to categories of vehicle and access to them, which the Commission argues will improve road safety. There are no particular Scottish implications relating to the Directive.

River Information Services

The Presidency will prioritise the proposal to establish River Information Services (RIS) for inland waterways. The intention is to reduce waiting and transit time for ships crossing between different RIS systems and to give a greater incentive for freight travelling via other modes to be shifted onto inland waterways. The proposal would only cover traffic on major (“UN Class IV”) waterways crossing national borders, and so would not be directly applicable in the UK.
Aviation Agreement With Neighbouring Countries

An aviation agreement with neighbouring countries (especially Morocco and Balkan states) is probable and the Presidency would prioritise this if necessary.

Other Issues

Third Rail Package

The Executive has concerns about the cost-effectiveness of some of the proposals, in particular elements of those on international passengers' rights, train driver licensing and freight contractual quality requirements. We will undertake further analysis of the proposals and make representations to the UK Government. Proposals that add significantly to the net costs of the industry will result in reduced services or higher fares and freight charges. This is not to the benefit of consumers. The UK Government expressed the same views in relation to the Commission's proposals on compensation for air passengers which were adopted in April 2004 (Regulation 261/2004).

Before finalising its position, the UK Government will also take into account the conclusions of the current rail review including the proposals for devolution of further responsibilities for rail functions to Scottish Ministers. The review focuses upon the structural and organisational changes needed so that Britain's railways can operate more effectively for its customers. Some of the Commission proposals appear to complicate rather than simplify current industry and regulatory relationships.

Prospects for Public Service Requirements for Rail Policy

An issue for possible policy debate is the Proposal for a Regulation of the European Parliament and of the Council on action by Member States concerning public service requirements and the award of public service contracts in passenger transport.

This issue is reserved, but could have implications for Glasgow Underground. The Executive made representations to the UK Government which led to acceptance by the Government that Glasgow Underground should be exempted from having to comply with the proposed requirement to tender the operation of services. This exception was based on its unique infrastructure and on the high transaction costs of compliance, and effectively brought Glasgow Underground into line with London Underground. This position was accepted in the European Parliament’s consideration of the proposed Regulation.

However, the Altmark case in the European Court of Justice could have serious implications for the way public transport is procured. The Council has still to set out their view of the main implications of the judgement, but it is important that the UK maintains a position which recognises the practical constraints on policy in this area.

NICOL STEPHEN
Introduction

1 Members will recall that the Committee has already discussed (Committee Meeting, 24 February 2004) the Executive’s European Strategy for the second parliamentary session (2003-2007). During this meeting it was agreed that the Executive would provide a six-monthly update on the progress with the implementation of this Strategy. This would include an analysis of progress against targets and objectives.

2 Andy Kerr MSP will attend today’s meeting to provide such a progress report and update. A copy of the European Strategy has been set out in Annex A.

Richard Lochhead MSP
Convener

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1 http://www.scotland.gov.uk/library5/government/sees-00.asp
2 Official Report, European and External Relations Committee, 24 February, Col 429.
THE SCOTTISH EXECUTIVE’S EUROPEAN STRATEGY

Foreword by the Minister for Finance and Public Services

Europe is of massive importance to Scotland.

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

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

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

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

Andy Kerr, MSP
Minister for Finance and Public Services

Introduction

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

   • sets out the strategic goals for the Executive’s engagement on EU issues;
   • outlines the EU policy priorities on which Scottish Ministers plan to engage; and
   • identifies the key levers that the Executive plans to use to achieve its goals.
Background

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

Strategic Goals for our European Policy

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

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

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

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

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

(a) Promoting Scottish policy interests in Europe. As well as working through the UK, Scottish Ministers will continue to seize opportunities to promote, represent and advocate Scotland’s interests directly in Europe. This will be accomplished by working:

   • Bilaterally, by promoting Scotland’s interests directly with the EU institutions (in particular Scotland’s MEPs, and the European Commission), Member States and Regions; and

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

(b) Maximising our influence with the UK Government on EU issues. We will work effectively with the UK Government to exert influence in the Council of Ministers. Our aims are to:

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

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

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

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

   • Support and expand business connections with Europe; and
• Attract fresh talent and tourists to Scotland.

6. To achieve these objectives the Executive will:

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

• Clearly define our desired outcome(s). We recognise limitations in terms of our resources and negotiating flexibility. We will not try to fight too many battles or spread our effort too thinly. We will ensure that EU work is mainstreamed in the Executive’s priorities so that the impacts for Scotland are fully addressed;

• Identify the most appropriate and effective strategies for achieving outcomes and delivering positions that reflect Scotland’s interests, including intervening early;

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

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

The EU Policy Priorities on which we need to Engage

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

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

(a) Increasing Scottish trade and EU investment in Scotland. The EU’s Lisbon Agenda of economic and social reform - focusing on boosting growth in the EU, creating a more effective economic area, with more and better jobs, modernising the social welfare model and fostering a knowledge-based economy — will be a crucial determining factor in delivering increased trade and investment. We need to make this agenda real for Scotland. The long-term success of the UK Government’s economic policies and the Executive’s Framework for Economic Development in Scotland and Smart Successful Scotland strategies are also critical.

(b) Increasing tourism from Europe. With VisitScotland and using the Route Development Fund, we will build on recent successes: the Rosyth — Zeebrugge ferry and
several new direct air links to Europe. Mainland Europe presents enormous opportunities for Scottish tourism, particularly in view of the growing trend for short breaks. In view of this trend, VisitScotland will continue to focus on markets with direct routes to Scotland, and these will be targeted with themed campaigns which will aim to develop business especially outside the peak season. Campaigns will be enhanced by attractive carrier messages, presenting Scotland as accessible and affordable. VisitScotland will continue to work with partners through the Route Development Fund to assess the scope of opportunity for new routes. In doing so, VisitScotland considers the strength of the inbound/outbound potential and partnership opportunities. As new routes into Scotland are announced, VisitScotland will continue to be proactive in working up partnerships and promotions with carriers.

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

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

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

(f) **Agricultural reform.** The June 2003 reform of the Common Agricultural Policy represents a success story of our EU engagement achieved by working in partnership with Whitehall. The reform package agreed contains flexibilities below Member State level. This provides significant opportunities to achieve our objectives for Scottish agriculture as set out in *A Forward Strategy for Scottish Agriculture*. The main challenge for Scotland is to use these opportunities, following extensive consultation, to benefit Scottish agriculture and rural areas more generally.

(ii) **Delivering excellent public services.** New EU legislation on the award of public contracts for goods, works and services will be a priority during this period. The new public procurement Directive makes significant changes to the current rules and we will seek to ensure that implementation in Scotland is consistent with Best Value and that Scottish public bodies receive appropriate support in adapting to these changes. We will also seek to ensure that proposed EU initiatives on Services of General Economic Interest support Scottish Ministers’ policies on public services.

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

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

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

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

(a) Follow-up to the Intergovernmental Conference (IGC). Ongoing work following the IGC will in part determine the extent to which legislative regions like Scotland will have influence in the new institutional structure of an enlarged Europe. We will make the most of this opportunity to ensure that Scotland’s interests are fully taken into account and to re-energise democracy in the EU more widely. Our priorities will be to ensure the maximum use by Scotland of the new opportunities offered to us by the new EU Governance provisions, such as the new commitment to wide pre-legislative consultation and extended impact assessments of draft legislation; and to work towards early agreement on other proposals from the Future of Europe Convention for reinforcing the subsidiarity principle. These are all developments that the Executive was in the lead in pressing for. The challenge now is to use them for the benefit of the people of Scotland. Our Presidency of REGLEG offers an immediate opportunity to influence positively the development of such helpful innovations.

(b) Expanding the role of Scotland in Europe. We will build on the last 4 years and our rise in influence as a key EU regional player, particularly through our membership of the Committee of the Regions, our work with our MEPs and our leading role in REGLEG. We will develop our co-operation agreements with Catalonia, Tuscany, North Rhine-Westphalia and Bavaria and consider entering into further partnerships where they are likely to deliver benefits for Scotland.

Key Mechanisms for Delivering our Top Priorities

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

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

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

(a) Working with Scottish MEPs. The European Parliament already has in many areas powers of co-decision over EU legislation comparable to those of Member States in the Council. These co-decision powers are likely to be extended into new areas in the future. We will continue to work with Scotland’s MEPs in pursuit of Scotland’s interests. This will include a series of 6-monthly meetings to consider the priorities of Scottish Ministers.
(b) **EU and Bilateral meetings.** At EU and international meetings we will exploit opportunities to engage with other Member State delegations and use bilaterals to support our objectives.

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

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

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

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

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

11. **Working with the UK**

(a) **Whitehall.** We will improve the understanding and appreciation of Scottish views in Whitehall. We will build on the recognition that Scottish Ministers can bring added value to negotiations. We will increase contact and liaison with UK counterparts — at Ministerial and official level - and maintain this throughout the duration of negotiations. We will also report back on meetings attended in Europe and with Whitehall counterparts to secure a co-ordinated approach to Whitehall on EU matters across the Executive. We will use the new EU Impact Assessment and consultation processes to present our views on the detail of EU proposals to Whitehall Departments.
(b) **Joint Ministerial Committee (Europe) (JMC(E)).** JMC(E) is an important forum for formal discussion by UK and Devolved Administration Ministers of strategic EU issues. As from December 2003 it incorporates the Ministerial European Coordination Committee (MINECOR) which deals with presentational aspects of EU policy. We will use JMC(E) meetings to further strengthen links with Whitehall Ministers and to maximise influence on the UK line on EU issues of importance to us.

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

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

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

12. **Working within Scotland**

(a) In the Scottish Executive:

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

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

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

(b) In the Parliament:

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

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

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

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

**Targets and Milestones**

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

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

- We shall ensure that the Global Connections Strategy and our European priorities are properly aligned;
- Through our Fresh Talent initiative and the activities of VisitScotland, we will actively promote Scotland as a place in which to live and work and to visit;
- Through our European links and networks, including those of the UK Government, we will promote Scotland to EU businesses and administrations as a country to do business with; and
- Through our Co-operation Agreements and the further links that we forge with other countries and Accession States, we will seek to secure tangible political and economic benefits for Scotland.

15. **Strategic Goal 2** is to bring effective influence to bear on the UK Government, EU Member States, regions and institutions on all EU policy issues affecting Scotland. For this goal:

- We will employ the mechanisms outlined in the Strategy, including where relevant the preparation of Impact Assessments, to:

  (a) Work with the UK Government and REGLEG partners to ensure that the Convention’s proposals for greater regional involvement in the EU are implemented through the Governance programme where possible, or taken forward in the follow-up to the IGC;
  
  (b) Promote an effective regional policy in Europe, and communicate clearly the Scottish interest in the debate about Structural Funds reform;
  
  (c) Make effective use of the enhanced flexibilities under the new Common Agricultural Policy regime coming into force in 2005 to make Scottish agriculture more competitive and sustainable;
  
  (d) Establish Regional Advisory Committees successfully covering key Scottish fisheries in the North Sea and West of Scotland as a first step towards effective regional management within the framework of the Common Fisheries Policy. Negotiate a cod recovery plan which delivers conservation objectives, whilst respecting the need to retain economic viability in the Scottish whitefish fleet;
  
  (e) Engage with the Commission to deliver lifeline ferry services which meet Scotland’s unique needs; and
  
  (f) Ensure that Scottish interests, including respect for the basic principles of Scots criminal and civil law, are properly reflected in the development of new EU legislative proposals in the field of JHA, and to promote the exchange best practice with EU partners in areas such as youth crime, cross border access to justice and action to tackle drugs.

**Conclusion**

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

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

Scottish Executive
External Relations Division
January 2004
EUROPEAN AND EXTERNAL RELATIONS COMMITTEE

BRIEFING PAPER

“Progress of the Scottish Executive’s Presidency of the Regions with Legislative Power (REGLEG) group and activities to date”

Introduction

1 Members will recall that the Committee has written previously on a variety of occasions regarding the progress of the Scottish Executive’s Presidency of the Regions with Legislative Power Group (REGLEG). The Executive has now responded to these letters and a copy of the response is set out in Annex A.

2 In addition, Members may wish to note that the Clerk has met with officials from the Executive’s External Relations Division (on 7 July 2004) to receive an informal briefing on the work of REGLEG. On behalf of the Committee, the Clerk re-emphasised the need for the Executive to address the questions posed in the Committee’s letters to the Executive.

3 In order to supplement this written briefing, Andy Kerr MSP will make an appearance at today’s meeting to answer any further questions.

Richard Lochhead MSP
Convener
ANNEX A

QUESTIONS POSED BY THE COMMITTEE IN ITS LETTER DATED 7 MAY

1. Does the Executive have any further information on the planned events and publications of REGLEG between now [May 2004] and November 2004?

2. Can the Executive give us some more information on the planned conference in November 2004 (including draft programmes, invitees, objectives and planned outputs/declarations etc)? Would there be a role for a joint event with the Committee (perhaps a reception) and could Members of the Committee be involved in the conference itself?

3. Can the Executive give us some more information on the meetings of the REGLEG troika and co-ordination committee (including details of when they met and the minutes of these meetings, and when they plan to meet in the future)?

4. How does the Executive plan to represent the views of the regions with legislative power in relation to relevant Commission initiatives and how is that process undertaken? We know that the Executive has visited a number of regions, but how does the Executive gather the work and views together and thus represent the views of REGLEG to the Commission? In responding, can the Executive give us specific examples of how the views of REGLEG have been fed into a Commission legislative proposal, which regions provided information to the Executive and what did the Commission do in response?

5. In due course, can the Executive provide us with details of your discussions with President Prodi and other EU Commissioners which we believe will take place in mid May? In particular, we would be interested to know how President Prodi responds to the Executive’s call on behalf of REGLEG for direct consultation rights.

EXECUTIVE’S RESPONSE DATED 20 AUGUST 2004

In your letter of 7 May to the First Minister you asked a number of questions about the work of REGLEG, the Group of Regions with Legislative Powers. The First Minister suggested in his response that I would be able to answer the questions when I met the Committee to discuss his Presidency of REGLEG. However, in view of the length of time before our meeting, which I understand has now been fixed for 14 September, I thought that it would be helpful if I were to let you have some information to answer the Committee’s questions now. I can, of course, offer further detail when we meet, if that would be helpful.

You asked for information on the planned events and publications of REGLEG between now and November 2004.

We intend to hold a “Sub Rosa” (or “Chatham House Rules”) discussion on EU Governance in Brussels on 22 October. This will have a similar pattern to the very successful event on subsidiarity that we ran in Brussels on 27 April. It will bring together senior officials from Brussels and regional governments with academics.
Discussion will cover several topics related to better EU regulation, such as consultation, impact assessments, simplification of current EU legislation and alternatives to legislation. As with the subsidiarity event, the output will be a report produced independently by academic experts which will help to inform discussions around Europe on the implementation of the new Constitutional Treaty.

The Scottish Executive’s EU Office and partner offices of a number of REGLEG regions are taking part in an Open Days event, co-organised by the Committee of the Regions and the European Commission’s Regional Policy Directorate-General, in Brussels in the period 27-30 September. As the Executive’s contribution, we will hold a seminar to help ensure that the key conclusions of the Sub Rosa discussion on subsidiarity reach as wide an audience as possible.

We are also preparing an explanatory leaflet on the objectives and work of REGLEG to be made widely available in Brussels and around Europe. I would be glad to let you have a copy of the leaflet as soon as it is ready.

You asked about the annual Conference of Minister Presidents planned for 29-30 November.

As well as Minister Presidents themselves, we will be inviting representatives of the EU Institutions and a range of European associations. Representatives of certain other legislative regions from around the world are also likely to attend as observers. We would be delighted if a representative of the Committee could join us at the Conference, and I shall ensure that you receive an invitation.

We expect that the Conference will agree a Declaration covering key achievements and outlining REGLEG’s political priorities and forward work programme, as has happened at previous annual conferences. Although details of the programme are still in preparation, the Conference is likely to run from lunchtime on 29 November to lunchtime on 30 November. It will be held at the Edinburgh International Conference Centre.

You requested information on the REGLEG Co-ordination Committee and the “troika”.

The Co-ordination Committee has been remitted by the Conference of REGLEG Minister Presidents to co-ordinate the work of REGLEG throughout the year. It comprises representatives at official level from up to four legislative regions from each Member State represented in REGLEG. It meets every 6-8 weeks or so as necessary through the year, but often more frequently in the run-up to each annual conference as officials prepare the agenda and a draft Declaration for Ministers. The next few meetings are planned for 30 September, 13 October and 3 November. Given the intergovernmental and therefore confidential nature of discussion at Co-ordination Committee meetings, the minutes are not made public by members.

Under the “troika” arrangements past, present and forthcoming presidencies liaise closely on REGLEG initiatives when quick decisions need to be made between Co-ordination Committee meetings. Troika Ministers can also represent REGLEG at European events if a Presidency Minister is not available.
You asked how REGLEG represents the views of regions with legislative powers on Commission initiatives.

REGLEG exists primarily to promote the interests of the legislative regions on EU constitutional issues. For example, it has been very active in pressing for greater involvement for the regions in EU decision-making and continued to lobby strongly following the absence of agreement on a new Treaty at the European Council meeting in December 2003. The recognition given to regions in the new Constitutional Treaty agreed in June 2004 is a very welcome outcome of this work.

REGLEG can also serve as an effective network for sharing information about the positions likely to be adopted on particular policies by members. What it does not do is represent to the Commission the views of members on specific sectoral dossiers. Other organisations, such as the Committee of the Regions, exist for that purpose.

Finally, you sought details of the contacts the First Minister had with President Prodi in May.

The First Minister represented REGLEG at the inaugural meeting of the systematic dialogue between the European Commission and associations of regional and local authorities which took place in Brussels on 10 May. The First Minister welcomed the Commission’s initiative in establishing the dialogue but emphasised that it was important that future meetings between Commissioners and regional and local authorities constituted a genuine two-way exchange of views. He repeated REGLEG calls for the Commission to consult the legislative regions directly at the pre-legislative stage. As you know, the Commission has recently introduced improved minimum standards for consultation, so it is moving in the right direction, but we will need to keep up the pressure on direct consultation. This is a message that we will be pressing on the new Commission as soon as it is established, and I welcome your support on this.

I hope that the Committee finds this information helpful and that it will be able to take up my offer of observing the proceedings of the annual REGLEG Conference in November. I look forward to our meeting on 14 September.

ANDY KERR MSP
CONVENER’S REPORT

1. Letters received from the Scottish Executive and the European Commission on proposals for the creation of new EU ‘agencies’, the potential for their location to Scotland and the remit and functions of the EU’s Fisheries Control Agency. On 3 March, 31 March and finally the 10 June, the Convener wrote to the Scottish Executive for information on the creation and location of EU Agencies and other such bodies. A series of replies have been received from the Executive, most recently on the 2 July. In addition, a very helpful and informative response from the European Commission has been received by the Convener in reply to his request for more information on future proposals for prospective EU Agencies (see Annex A for copies of correspondence). The Convener now recommends that:

Members welcome the latest replies from the Scottish Executive (2 July) and particularly the European Commission (29 June). However, in doing so, Members may wish to note the disparity between the extensive list of prospective ‘agencies’ and such bodies provided by the European Commission with the shorter and more limited list provided by the Executive in its letter of 2 July. Members may wish to reaffirm to the Executive the importance of forging a closer liaison with the UK Cabinet Office to ensure early intelligence on all prospective ‘agencies’ and furthermore to suggest to the Executive that we work collaboratively to intervene early, launch an effective lobbying and marketing campaign at UK and EU level and seek to secure an ‘agency’ for Scotland. This will require a clear statement from ministers on their intent and their priorities. Finally, we should begin to make our own investigations into, and/or make sure the Environment and Rural Development Committee is aware of, the work to finalise the role and remit of the proposed EU Fisheries Control Agency.

2. Letter from the Scottish Executive on the potential implications of the “Altmark” judgment¹ of the European Court of Justice on Glasgow Underground and other transport undertakings. The Committee has received a letter from the Executive (see Annex B for Executive’s letter). Members may recall that the Executive had previously informed the Committee that the Glasgow Underground would be exempt from the provisions aimed at introducing the regular re-tendering of contracts. However, a recent judgment by the European Court of Justice (the

¹ Judgment of 24 July 2003 in Case C-280/00, Altmark Trans
“Altmark” judgment) may have implications with regards to this. The Convener now recommends that:

Members welcome the update from the Executive and note that the Executive appears to be well-prepared to address the potential implications that the “Altmark” judgment may raise. Members may wish to agree that the Executive be asked to keep this and other relevant subject committees informed of progress and any potential issues or concerns that arise.

3. Monthly report by the Clerk/Chief Executive and the External Liaison Unit on external relations activities in the Parliament. The Committee has received the latest update from the Clerk/Chief Executive and External Liaison Unit (Annex C). The Convener now recommends that:

Members welcome the information provided.

4. Update on the progress of the Inquiry into the Promotion of Scotland Worldwide and the strategy, policies and activities of the Scottish Executive. Annex D contains an update on the latest position with regards to the scheduling of witnesses for the remainder of this Inquiry. The Convener now recommends that:

Members note this information.

5. Planning for the UK Presidency of the EU. Members will be aware that the UK takes the Presidency of the EU in the second half of 2005 (1 July to 31 December). This will be a major opportunity for the UK to shape the EU’s legislative work programme. It is also a major opportunity for the Scottish Executive and for the Scottish Parliament to be involved. The Convener now recommends that:

Members note this development, request information from the Executive on its plans regarding the UK Presidency, consider inviting a representative of the UK Government to provide a briefing on its plans for the Presidency in due course and generally support any efforts for the Parliament to be involved in UK Presidency events.

Richard Lochhead MSP
Convener
6 September 2004
EXCHANGE OF LETTERS WITH THE EXECUTIVE ON EU AGENCIES

Committee’s Letter (3 March 2004)

Dear Andy,

Re. Location of EU agencies

At our meeting of 24 February, we discussed the issue of the inward location of the proposed “Europass” agency and the wider issue of Executive policy on EU agencies per se.

It was agreed that I write to ask whether a decision has been taken to establish the Europass national agencies and whether there have been any discussions with the UK Government on locations in Scotland for such an agency, particularly with the Cabinet Office.

It was also agreed that we would ask the Executive for a written briefing on the status/location of those EU agencies that have been allocated, details on those agencies (including prospective agencies) that are still in the pipeline and which we could bid for a location in Scotland, and information on the Executive’s strategy, priorities and activities in this area.

I would be grateful if this information could be provided for Monday 29 March as this would enable us to consider it at our meeting the following day. I look forward to your reply.

Yours sincerely

Committee’s Letter (31 March 2004)

Dear Andy,

Thank you for your letter of 29 March 2004. This was considered by the Committee at our meeting of 30 March. Whilst the Members welcomed the information provided, we did not think it addressed all of the original questions.

In my letter of the 3 March, the Committee asked for details of EU agencies, or even potential proposals for such bodies, that are still “in the pipeline” and for which we could still bid for a location in Scotland if they become established. We also asked for information on the Executive’s strategy, priorities and activities in this area. This was not provided in your letter of 29 March. Therefore, the Committee agreed to ask you for further information on agencies not yet established and for whom the issue of location has not yet been agreed. We would like to receive material on forthcoming EU agencies, even if the creation of these is not yet a formality, whether the Executive plans to bid for any of these, what its priorities are and how you plan to go about that.

In a related issue, the Committee agreed to ask about the proposed Community Fisheries Control Agency. Clearly this has great significance for Scotland. My
understanding is that the location of this Agency is to be Galicia (Spain) following a decision of the European Council. I would be grateful if you could confirm that this is the case. I would also be grateful if you could outline whether the Executive was aware of the creation of this Agency, whether efforts were made to secure the location of the Agency for Scotland, what the efforts were and how any bid developed. For example, did the UK Delegation offer Scotland as an appropriate location at the relevant Council or preparatory working group.

I would be grateful if this information could be provided to us by 4 May as this would enable us to consider it at our meeting of 11 May. I thank you in advance for this information.

Yours sincerely

Executive’s response (7 June 2004)

Thank you for your letter of 3 March about the location of EU agencies.

I share your views on the desirability of attracting EU Agencies to Scotland. However, following the agreement on Agencies locations at the December 2003 European Council, we do not currently expect any new additional Agencies to be proposed in the near future [our emphasis]. We will nevertheless monitor this closely and keep the Committee fully informed. We shall also ensure that we consider whether it would make sense for us to propose Scotland as the location for any possible Agency in the future.

You also asked about the proposed Community Fisheries Control Agency. The background is that the possibility of setting up a Community Joint Inspection Structure (JIS) was identified in the EC Green Paper on “The Future of the Common Fisheries Policy”, to co-ordinate national and Community inspection policies and activities. The need for improved effectiveness and standards of fisheries enforcement and control across the Community is supported by the Executive and is agreed UK policy.

The decision to allocate agencies emerged at the European Council on 13 December 2003 following the cessation of talks on the EU Constitutional Treaty. Prior to the Council the UK had two priorities for securing agencies in the UK which were the European Police College for Bramshill and the European Maritime Safety Agency for Glasgow. The UK managed to achieve one of its priorities at the Council by securing the European Police College for Bramshill. However, the European Maritime Safety Agency was allocated to Portugal. As part of these negotiations, it was also agreed that there should be a Community Fisheries Control Agency and that it should be located in Spain.

A feasibility study for the Community Fisheries Control Agency is being undertaken on behalf of the Commission by external consultants, in consultation with Member States. The Commission published on 28 April, a proposal to establish the Agency, which envisages a small EU wide Agency. It will be a specialised, technical body and its core task will be the operational co-ordination of inspection and surveillance by Member States. These proposals will be informed by the consultants final conclusions and considered (by Council) during 2004. The Agency is intended to be operational by the end of 2005.
I hope this is helpful as an explanation of the position on the CFCA for the Committee. Please be assured that the Scottish Executive, and Defra, will be seeking further discussions and negotiations within the EU to ensure an appropriate scope and remit for the Agency and its activities.

Andy Kerr MSP

Committee’s Letter (10 June 2004)

Dear Andy,

Re. EU Agencies

Thank you for your letter of 7 June in which you helpfully provided information on the location of EU agencies. This was considered at our meeting of 8 June 2004. During our discussions it was felt that certain questions relating to the Fisheries Control Agency had not been answered in your letter. These were:

Whether the Executive was aware of the creation of this Agency?
Whether efforts were made to secure the location of the Agency for Scotland?
What efforts were undertaken by the Scottish Executive and/or the UK Government and how any bid develop? For example, did the UK Delegation offer Scotland as an appropriate location at the relevant Council or preparatory working group?

I would be grateful if you could address these specific questions and also agree to keep us informed with any deliberations the Executive has about prospective EU agencies in the future. Our last meeting before the recess is 22nd June. If possible, a reply before then would be gratefully received. If that is not possible, we would be grateful for a reply shortly thereafter.

Yours sincerely

Executive’s Response (2 July 2004)

I refer to your letter of 10 June about the creation and location of the Community Fisheries Control Agency.

The UK and Scottish Executive were indeed aware of the possibility of setting up a Fisheries Control Agency; however it was not originally on the Agenda for decision at the December European Council.

Originally there were nine Agency locations planned for discussion at the December European Council, and in the event a further two agencies were added to the negotiations by the Italian Presidency at the last moment – the Human Rights Agency and the Fisheries Control Agency. As I said in my last letter of 7 June, the UK’s priorities for securing agencies of the original nine were the European Police College and the European Maritime Safety Agency for Glasgow. As you know, as part of the package of measures the UK secured the location of the European Police College for Bramshill, and in the circumstances this was felt to be a reasonably good result for the UK.
There is no apparent prospect of the location for the Fisheries Control Agency being reviewed. The main issue now is to ensure that its role and remit are appropriate. Officials have already met with consultants appointed by the Commission to undertake a feasibility study and draw up proposals; and are involved in EU-level discussions. We will continue to work hard with UK colleagues in negotiations to ensure that this is the case.

Andy Kerr MSP

Letter from the European Commission (29 June 2004)

Thank you for your letter of 11 June and for your good wishes. I promised to deal with your enquiry in detail on my return from The Hague. Since getting back, I have received useful information from the Secretariat General via my colleague Peter Dixon in Brussels. A list of agencies is attached with this e-mailed letter.

It sets out: existing regulatory agencies; regulatory agencies currently being set up; proposed regulatory agencies; regulatory agencies under consideration; executive agencies (existing); executive agencies (under consideration); other EU entities already set up; and agencies/institutes under consideration. I know that it is prospective agencies or proposals for agencies that particularly interest you. I understand that there are no plans to relocate previously established agencies.

I hope that this is helpful. Please let me know if I can provide further information on any particular point.

Elizabeth Holt

**EXISTING REGULATORY AGENCIES**

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<th>Full name</th>
<th>Constituent act (year of creation)</th>
<th>Location</th>
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</thead>
<tbody>
<tr>
<td>CEDEFOP</td>
<td>European Centre for the Development of Vocational Training</td>
<td>Reg.No. 337/75 of 10 February 1975</td>
<td>Thessaloniki</td>
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<tr>
<td>EUROFOUND</td>
<td>European Foundation for the Improvement of Living and Working Conditions</td>
<td>Reg.No. 1365/75 of 26 May 1975</td>
<td>Dublin</td>
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<tr>
<td>EEA</td>
<td>European Environment Agency</td>
<td>Reg.No. 1210/90 of 7 May 1990</td>
<td>Copenhagen</td>
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<td>ETF</td>
<td>European Training Foundation</td>
<td>Reg.No. 1360/90 of 7 May 1990</td>
<td>Turin</td>
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<td>EMCDDA</td>
<td>European Monitoring Centre for Drugs and Drug Addiction</td>
<td>Reg.No. 302/93 of 8 February 1993</td>
<td>Lisbon</td>
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<td>Acronym</td>
<td>Full name</td>
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<td>Location</td>
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<td>OHIM</td>
<td>Office for Harmonisation in the Internal Market</td>
<td>Reg.No. 40/94 of 20 December 1993</td>
<td>Alicante</td>
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<td>EU-OSHA</td>
<td>European Agency for Safety and Health at Work</td>
<td>Reg.No. 2062/94 of 18 July 1994</td>
<td>Bilbao</td>
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<td>CPVO</td>
<td>Community Plant Variety office</td>
<td>Reg.No. 2100/94 of 27 July 1994</td>
<td>Angers</td>
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<td>CdT</td>
<td>Translation Centre for the Bodies of the European Union</td>
<td>Reg.No. 2965/94 of 28 November 1994</td>
<td>Luxembourg</td>
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<td>EUMC</td>
<td>European Monitoring Centre on Racism and Xenophobia</td>
<td>Reg.No. 1035/97 of 2 June 1997</td>
<td>Vienna</td>
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<tr>
<td>EAR</td>
<td>European Agency for Reconstruction</td>
<td>Reg.No. 2454/1999 of 15 November 1999</td>
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**REGULATORY AGENCIES CURRENTLY BEING SET UP**

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<tr>
<td></td>
<td>European Railway Agency</td>
<td>Reg.No. 881/2004 of the EP and of the Council of 29 April 2004</td>
<td>Lille-Valenciennes</td>
<td>To be operational within 24 months of the adoption of the Regulation</td>
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### PROPOSED REGULATORY AGENCIES

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### REGULATORY AGENCIES UNDER CONSIDERATION

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<tr>
<td>Human Rights Agency</td>
<td>JAI – would incorporate the Centre on Racism and Xenophobia (see above) - Adoption of Communication foreseen in September 2004; proposal expected in May 2005.</td>
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### EXECUTIVE AGENCIES (EXISTING)

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## EXECUTIVE AGENCIES (UNDER CONSIDERATION)

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<tr>
<td>Agence exécutive dans le domaine de l’éducation et de la culture</td>
<td>EAC interservice consultation 10488, launched 30.4.2004</td>
<td>Brussels</td>
<td>1 January 2005 – 31 December 2010 : also to cover programmes under FPs to 2013</td>
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<td>Executive agency for the Euro Info Centres network (in the context of the proposed programme of Community Support for Entrepreneurship and Enterprise Competitiveness)</td>
<td>ENTR interservice consultation 75719, launched 3.6.2004</td>
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<tr>
<td>Research - an executive agency; a Union agency of the conventional type; or a specific structure (for example, a foundation), set up under Article 171 of the Treaty</td>
<td>COM (2004) 353 of 16.6.2004 - Science and technology, the key to Europe’s future - Guidelines for future European Union policy to support research</td>
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<td>Agency to manage transport TENs (to be confirmed)</td>
<td>TREN</td>
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<td>Agency to manage technical assistance under LIFE+ programme</td>
<td>ENV</td>
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<tr>
<td>Agency to manage information systems in area of borders and visas</td>
<td>JAI</td>
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## OTHER EU ENTITIES ALREADY SET UP

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<td>ESA</td>
<td>Euratom Supply Agency</td>
<td>Euratom Treaty, Article 52</td>
<td>Brussels / Luxembourg</td>
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<td>EUSC</td>
<td>EU Satellite Centre</td>
<td>Council Joint Action of 20 July 2001</td>
<td>Torrejón de Ardoz</td>
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## AGENCIES/INSTITUTES UNDER CONSIDERATION

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<th>Name</th>
<th>Reference</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>European Migration Observatory</td>
<td></td>
<td>JAI</td>
<td></td>
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<tr>
<td>European Consumer Institute (to be confirmed)</td>
<td></td>
<td>SANCO</td>
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LETTER FROM THE SCOTTISH EXECUTIVE ON THE "ALTMARK" JUDGEMENT OF THE EUROPEAN COURT OF JUSTICE AND POTENTIAL IMPLICATIONS FOR GLASGOW UNDERGROUND (17 June 2004)

Dear Richard,

In his presentation to your Committee in February, Andy Kerr mentioned that the Glasgow Underground had been exempted from having to comply with the proposed public sector requirements which are aimed at introducing the re-tendering of contracts on a regular basis. Andrew Welsh recently confirmed that he was interested to know of any other transport implications arising from the public sector requirements.

Although the proposals made by the European Commission for the regulation of financial assistance to transport operators and the award of public service contracts are important and require careful scrutiny, our initial assessment of their possible impact on the Scottish Executive is that no specific changes are required to our current arrangements for the implementation of public service contracts and obligations.

The recent “Altmann” judgement of the European Court of Justice may have implications for the arrangements for the compensation of transport undertakings that provide services that are deemed to be in the general economic interest. We have been in close contact with the Commission on these issues. The European Commission intends to bring forward detailed proposals to address the concerns raised by the judgement. We will give close attention to the Commission’s proposals when they become available.
I am copying this reply to the Minister for Finance and Public Services, the Convener of the Local Government and Transport Committee, and Ian McIver in the Executive's External Relations Branch for information.

Kind regards

Nicol Stephen

NICOL STEPHEN
MONTHLY REPORT FROM ELU AND THE CLERK/CHIEF EXECUTIVE

Inward/Outward visits and events organised on behalf of the Scottish Parliament by External Liaison Unit.

JUNE

INWARD VISITS

Wednesday 02 June - His Holiness The 14th Dalai Lama of Tibet led Time for Reflection followed by an address and question and answer session with MSPs and other invited guests in Committee Room 1. After that His Holiness had an audience with schoolchildren from across Scotland. The Presiding Officer hosted a lunch with party leaders and leaders of Scottish faiths.

Wednesday 09 June - AmorVerw, a study group of civil servants working for the government of the State of Lower Saxony in Hannover, visited the Scottish Parliament on Wednesday 9 June 2004. Each year the study group visit a famous European city and Edinburgh had been chosen for the 2004 study visit. The visit included meetings on the Scottish Parliament and devolution, the work of the Procedures Committee, an overview of the European and External Relations Committee and a discussion on the European Union.

Thursday 10 June - A delegation of 25 to 30 participants in the 2004 John Smith Fellows Programme visited the Scottish Parliament. The visit included meetings on the Scottish Parliament and devolution, the work of the Communities Committee and social inclusion in Scotland, the work of the Equal Opportunities Committee and a discussion on human rights within Scotland. In addition, the Presiding Officer participated in a photocall and question and answer session with the delegation before their lunch with the Deputy Presiding Officer, Murray Tosh MSP, and Members.

Wednesday 23 June - His Holiness Sri Sri Ravi Shankar (who does not confine himself to one particular religion, believing that everyone has the right to choose their own paths whilst respecting the chosen paths of others) will lead Time for Reflection. Prior to that he will meet MSPs over lunch.

Wednesday 23 June - The Speaker of the Croatian Parliament, Dr Vladimir Seks, and delegation will visit the Scottish Parliament. The visit will include a courtesy call with the Presiding Officer, meetings on the Scottish Parliament and devolution, the work of the Procedures Committee, an overview of the European and External Relations Committee and a discussion on Europe. In addition, the delegation will attend Plenary and receive a presentation on the new Parliament building.

Monday 28 June - Tuesday 29 June - Speaker Bissonnet of the National Assembly of Quebec, accompanied by the 2 leaders, 2 whips, plus their Chiefs of Staff and Secretary general will visit the Scottish Parliament, Westminster and Assemble Nationale of France.
Wednesday 30 June - Eveline Herfkens, United Nations Secretary General's Executive Coordinator for the Millennium Development Goals Campaign, will be the guest speaker at the International Development Group's meeting in Edinburgh on Wednesday 30 June. Ms Herfkens will have a courtesy call with the PO and a meeting with the International Development Group members.

OUTWARD VISITS

Wednesday 16 June - Thursday 17 June. Irene Oldfather MSP will attend Committee of the Regions plenary in Brussels.

Tuesday 22 June. Irene Oldfather MSP and Nicola Sturgeon MSP will form part of the UK delegation to the Committee of the Regions meeting in London.

Monday 28 June - Tuesday 29 June. Murray Tosh MSP will attend the BIIPB Steering Committee in Dublin.

JULY

INWARD VISITS

Thursday 01 July - A delegation of Parliamentarians and Officials from an IT Working Group in the Bavarian Parliament visited the Scottish Parliament. As requested by the delegation, the programme included meetings which focused on the Scottish Parliament website, such as live chamber and committee coverage and chamber/committee archives, as well as issues concerning the website in general. There was also a meeting to discuss the Official Report within the Scottish Parliament. In addition to a meeting on the Scottish Parliament and devolution and a presentation on the new Parliamentary building, there was also a lunch with Members

Thursday 01 July - Delegation from Thai Parliament visited through the auspices of the Inter Parliamentary Union. Attended First Minister's Questions and lunch hosted by Murray Tosh MSP in the Signet Library.

Thursday 01 July - Tony Dambrauskas, Head of Official Report in Victoria, British Columbia visited the Parliament and met with officials with an interest in the Parliament's broadcasting and publication services

OUTWARD VISITS

Saturday 03 July - Saturday 10 July - The Scotland Branch Executive Committee nominated Christine Grahame MSP to attend the CPA Study Group on Access to Information held in Accra, Ghana.

Monday 19 July - Friday 23 July - Alison Walker, Justice Committee Clerk was the Scottish Parliament's delegate to the National Conference of State Legislatures (NCSL) Annual Meeting in Salt Lake City, Utah. The theme was 'The New Legislative Reality'.
AUGUST

INWARD VISITS

Friday 27 August - Japanese Policy and Research Forum delegation led by Mr Takashi Yonezawa, Chairman of the Japanese Foreign Affairs Committee, House of Representatives to meet with Members and receive a presentation on devolution and the Scottish Parliament.

SEPTEMBER

INWARD VISITS

Thursday 09 September - The Honourable Ray Hollis, Speaker of the Queensland Parliament, Australia, will visit the Scottish Parliament to discuss information technology advancements regarding parliamentary business (E-petitioning etc). He will also attend First Minister’s Questions, have a courtesy call with Murray Tosh MSP DPO and lunch with members of the CPA Scotland Branch Executive Committee.

Monday 13 September - Representatives of Mivan Thailand will receive a tour of the Holyrood building and meet with the Holyrood Project Team. (HPT lead)

Monday 13 September - President of the Legislative Council the Hon. John Cowdell, MLC and Mr Peter McHugh, Clerk of the Legislative Assembly, Parliament of Western Australia will meet MSPs to discuss procedure, education and the clerking and administrative system. There will also have lunch with Paul Grice and members of the CPA Scotland Branch Executive Committee and have a courtesy call with Trish Godman MSP DPO.

Wednesday 15 September - Shadow Minister for Justice, Northern Territory Legislative Assembly, Jodeen Carney will have a lunch meeting with members of the Cross Party Group on Men’s Violence Against Women and Children to discuss domestic violence related issues.

Wednesday 22 September - Thursday 23 September - Sue MacLeod, Clerk of Committees in the Tasmanian Legislative Council, will be on a two week attachment to the House of Commons in September. She will come on a short term attachment with the Scottish Parliament in order to exchange information regarding the work and procedures of committees.

OUTWARD VISITS

Wednesday 01 September - Thursday 09 September - The 50th Commonwealth Parliamentary Conference will hosted by the Canadian Branches of the CPA and held in Quebec City and Toronto. The Scotland Branch will send Andrew Welsh MSP as delegate plus Cathy Peattie MSP as observer, with the Secretary of the CPA (Wales Branch) providing the accompanying Secretary.
**Friday 17 September** - The Presiding Officer will represent the Parliament at the commemoration of Scottish involvement in the liberation of Dutch towns in 1944 at events in Arnhem.

**OCTOBER**

**INWARD VISITS**

**Friday 01 October - Tuesday 30 November** - As part of the Scottish Parliament's Entente Cordiale programme the Presiding Officer has invited the President of the Assemble Nationale and a cross-party delegation to visit the Scottish Parliament during this period. The visit will mostly focus on devolution and how it affects Scotland and the United Kingdom but will also include a parliamentary event to commemorate the 100th Anniversary of Entente Cordiale in liaison with the French Consulate and the French Institute. **To be confirmed.**

**Tuesday 19 October** - Mr Jose Juan Bremer, Mexican ambassador to the UK is visiting Scotland in October as part his first working visit since his posting in march 2004. Mr Bremer is looking to establish greater links between Scotland and Mexico in the Arts and Culture Sector. Mr Bremer is seeking appointments with the Minister for Tourism, Culture and Sport, the Scottish Executive, the National Galleries of Scotland, representatives from the Edinburgh International Festival and Fringe, Edinburgh Chamber of Commerce, University of Edinburgh and the Lord Provosts of both Glasgow and Edinburgh

**Thursday 28 October** - The Vice President of the Assembly of AP Vojvodina in Serbia and a delegation of their highest officials will visit the Scottish Parliament to discuss Scotland and devolution and to learn about the working practices and procedures of the Scottish Parliament. Further details to follow on receipt of the visit enquiry form - **To be confirmed.**

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

- Web at [http://www.scottish.parliament.uk/sp/elu/elu-visits.htm#april](http://www.scottish.parliament.uk/sp/elu/elu-visits.htm#april)

Outward visit reports can be normally accessed at: [http://www.scottish.parliament.uk/sp/elu/elu-pub.htm](http://www.scottish.parliament.uk/sp/elu/elu-pub.htm).

Status of outward visit reports this session is as listed below, but we are experiencing some technical difficulties accessing some of these reports and have asked IT to remedy this as quickly as possible. Any members wishing to get copies of the “missing” reports meantime are invited to contact the Unit.

- August 2003: CPA visit to Canada – posted.
• October 2003: CALRE conference – posted.
• March 2004: Encounter Round Table – Helen Eadie MSP’s report posted.
• April 2004: Meeting with Icelandic Speaker – posted.
UPDATE ON THE PROGRESS OF THE PROMOTION OF SCOTLAND INQUIRY

As per the discussions and agreements at the informal meeting held on 30 June, the clerks have approached the various organisations and individuals identified to give evidence to the committee in person over the next few months. The following is an update on the progress of the clerk’s inquiries in terms of organisations/individuals that have been, or are set to be, invited to address the Committee.

28 September 2004 – arts and culture theme

Witnesses invited:
Graham Berry, Scottish Arts Council
Dominic Hill, Dundee Rep Theatre
Robert Burns Federation
Scottish Screen
Comunn na Gaidlaigh
Scottish Publishers Association

26 October 2004 – sports theme

Witnesses invited:
David Taylor, Scottish Football Association
Phil Anderton, Scottish Rugby Union
Scottish Women’s Rugby Union
Alan Wilson, SportsScotland
Various “sporting ambassadors” appointed by the Executive
David Williams, EventScotland

9 November 2004 - various

Witnesses invited:
Westminster Foundation for Democracy
Commonwealth Parliamentary Association

23 November 2004 – political representatives

Witnesses invited:
Panel of politicians or former politicians who have held posts relevant to international promotion, foreign affairs, international development etc

7 December 2004 -

Witnesses to be invited:
Susan Stewart, First Secretary Scottish Affairs, British Embassy, Washington D.C.
21 December 2004 – Scottish Executive ministers

Witnesses to be invited:
Jim Wallace MSP (Enterprise, trade issues)
Frank McAveety MSP (Tourism, arts/cultural etc. issues)
Andy Kerr MSP (European and external relations issues, including on European strategy and proposed new external relations/international strategy, Scotland’s image project etc)

NB. It may be more appropriate and effective if Mr Wallace MSP and Mr McAveety MSP were invited to other meetings (e.g. 26/10/04, 9/11/04 etc.) and Mr Kerr MSP retained at the end to complete the overview of all the evidence heard prior to this last session and to hear about the Executive’s overarching “international strategy”.
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
Email: europe@scottish.parliament.uk
# ANNEX A

## 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>
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<tr>
<td>General Affairs and External Relations Council, 13-14 September</td>
<td>Yes</td>
<td>To note the report. To agree that should the Committee have any questions it would like to pose of the candidate Commissioners that they be sent to Scotland’s MEPs as soon as possible. The Committee may wish to encourage others, such as other parliamentary committees and the Scottish Executive, to do likewise.</td>
</tr>
<tr>
<td>Competitiveness Council, 24 September</td>
<td>Yes</td>
<td>To note the report and ask for more information from the Executive on its views with regards the Commission’s Action Plan on Better Regulation and reform of the EU’s regulatory framework.</td>
</tr>
<tr>
<td><strong>Post-Council scrutiny</strong></td>
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<tr>
<td>Employment, Social Policy, Health and Consumer Affairs Council, 1-2 June</td>
<td>Yes</td>
<td>To note the proposed creation of the European Gender Institute. Remind the department of the need to report on any ministerial attendance.</td>
</tr>
<tr>
<td>Energy, Transport and Telecommunications Council, 10-11 June</td>
<td>Yes</td>
<td>Note that the proposed “Eurovignette” proposal was not yet agreed to. Remind the department of the need to report on any ministerial attendance.</td>
</tr>
<tr>
<td>Agriculture and Fisheries Council, 21 June</td>
<td>Yes</td>
<td>To note the report. Remind the department of the need to report on any ministerial attendance.</td>
</tr>
<tr>
<td>ECOFIN Council, 5 July</td>
<td>Yes</td>
<td>To note the report</td>
</tr>
<tr>
<td>ECOFIN Council, 16 July</td>
<td>Yes</td>
<td>To note the report</td>
</tr>
<tr>
<td>General Affairs and External Relations Council, 12 July</td>
<td>Yes</td>
<td>To note the report</td>
</tr>
<tr>
<td>Agriculture and Fisheries Council, 19 July</td>
<td>Yes</td>
<td>To note the views expressed by the UK Government on: (i) the marketing of GM maize, and (ii) the Rural Development Regulation. Also, to remind the department of the need to report on any ministerial attendance.</td>
</tr>
<tr>
<td>Justice and Home Affairs, 19 July</td>
<td>Yes</td>
<td>To note that the Council is beginning to draft up a new work programme for Justice and Home Affairs area which will provide useful information of legislative intent. It will be important for the Department to keep the relevant parliamentary committees informed of the progress of this and the implications for Scotland.</td>
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Pre-Council Report- General Affairs and External Relations Council, 13-14 September

Session on General Affairs

1. Resolutions, opinions and decisions adopted by the European Parliament at its period of session in Strasbourg on 20-23 July 2004

The following decisions were taken by the European Parliament:
   President of EP elected
   Vice-Presidents of EP elected
   Quaestors of EP elected
   Number of members in each committee
   Actual membership of the committees
   Election of the Commission President

The debate on appointments to committees was voted on Thursday 22 July and then all committees met to elect their chairs and vice-chairs.

The only official text adopted during the July plenary concerned the numerical strength of committees.

2. (poss.) Nomination of Members of the Commission

The Council will discuss the nominations for the next Commission agreed by Commission President Barroso in August. The European Parliament will vote to approve the new Commissioners during October. The European Council will then vote by qualified majority voting to approve the new Commission ahead of them taking office on the 1 November 2004.

Session on External Relations

This section relates to reserved issues.

1. Afghanistan
2. ASEM
3. Western Balkans
4. (poss.) Effective Multilateralism/UN
5. (poss.) EU – South-Korea
6. (poss.) Budgetisation of the EDF
7. (poss.) Iran
**Likely to become "A" items**

Progress of work in other Council configurations

Africa

*review of Common Position on Human Rights*

Non-Proliferation

(poss.) Council Regulation on the implementation of concessions further to the conclusion of the GATT Article XXIV.6 negotiations

Relations with FYROM

*establishment of the position for the Stabilisation and Association Council on 14 September*

(poss.) ESDP

(poss.) EU Training Concept in ESDP

ICTY

Relations with Georgia

*establishment of the position of the EU for the 6th Cooperation Council on 14 September 2004*

Relations with Armenia

*establishment of the position of the EU for the 6th Cooperation Council on 14 September 2004*

Relations with Azerbaijan

*establishment of the position of the EU for the 6th Cooperation Council on 14 September 2004*
Pre-Council Report – Competitiveness Council, 24 September

HORIZONTAL

Current economic situation
  – Presidency report

Industrial policy and structural change
  – overall economic issues
  – sectoral issues
    = Exchange of views
    = Conclusions

Better Regulation
  – Policy debate
The burden of national and European legislation on companies is being tackled in Brussels by means of the Action Plan for Simplifying and Improving the Regulatory Environment, whereby the impact of new EU legislation on companies is assessed and existing legislation is being simplified. The Action Plan is meant to be implemented by the end of 2004 and will then be evaluated. The EU Better Regulation Task Force is carrying out a project to support the Commission's new simplification programme. The Task Force has launched a consultation on this project.

Improving the regulatory environment has a part to play towards improving the competitiveness of Scotland and the Scottish Executive continues to work closely with the administrations at Westminster in agreeing a UK common position on Improving the Regulatory Environment.

Implementation of Internal Market legislation
  – Internal Market Scoreboard 2004 and Transposition Recommendation
    = Exchange of views
The Scoreboard examines the records of Member States (MS) in ensuring that the Internal Market works in practice. It does this by examining how quickly and well each MS transposes Internal Market Directives into national law. It also highlights the number of infringement proceedings taken against each MS. The current scoreboard shows that the transposition deficit for Internal Market directives is 2.2%. The UK along with 4 other MS is commended for again meeting the 1.5% interim target set by EU Heads of State and Government. The scoreboard can be accessed through this link http://europa.eu.int/comm/internal_market/score/docs/score13/score13-printed_en.pdf

INDIVIDUAL POLICY FILES

  and amending Directive 95/16/EC
  – (poss.) Political agreement

A reserved issue with no peculiarly Scottish aspects
Amended proposal for a Regulation of the European Parliament and of the Council concerning sales promotion in the Internal Market

– Political agreement

In 1996 a survey conducted by the Commission resulted in a Green Paper on Commercial Communications. This concluded that outmoded and differing national legislation created legal uncertainty for companies and was a barrier to sales promotion within the EU. The Green Paper was followed two years later by a Commission Communication that identified sales promotion as a priority area for Community legislation. Subsequently in October 2001 the Commission issued a proposal for a regulation on Sale Promotion.

The Regulation 2001/0227(COD) is part of the Internal Market for Services Strategy. It aims to replace existing restrictions with a clear and legally certain environment. The goal is to encourage cross border activity for the benefit of both business and the consumer:

- Business will be able to conduct pan-EU sales promotions without incurring the cost and disincentive of different regulatory regimes.
- Consumers will benefit from increased choice and competition as more EU markets make use of sales promotions and consumers are able to access those markets more effectively. New information and transparency requirements will add to existing consumer protection measures.

The Commission modified its proposal in October 2002 following first reading by the Parliament, but has since encountered difficulties in Council Working Group. Key Member States are blocking the proposal, in particular out of concerns over the application of country of origin and mutual recognition principles. Despite intense negotiations, the Regulation failed to reach a qualified majority at the May Competitiveness Council. Negotiations are now set to resume, with a view to seeking agreement at the September Competitiveness Council, though it remains open to question whether the proposal will attain the necessary consensus.

The regulation of international trade and consumer protection are reserved matters. However, the Scottish Executive is in contact with the Department of Trade and Industry in respect of developments on the Internal Market for Services Strategy where future proposals for action may cover some areas where domestic responsibility is devolved to the Scottish Parliament.

European RTD Policy

a) (poss.) Implementation of the sixth framework programme
– Report on instruments

The Marimon Report on the effectiveness of the new instruments introduced under FP6 was published on 3 July 2004. The information was derived from the first calls for proposals and feedback received from participants and so the conclusions can be regarded as preliminary. Generally, the new instruments received a mixed reception: the report concluded that the new instruments should be continued in FP7, particularly to avoid too much discontinuity, but that there needed to be design and implementation changes.
Integrated Projects (IPs) have been generally well received but some of the processes around consortia-building, proposal submission, proposal evaluation and contract negotiation need to be improved.

Networks of Excellence have met with a significant level of criticism but the general concept of structuring and strengthening the ERA has been well received.

Respondents suggested that a greater role must be played by Instruments such as Specific Targeted Research Projects (STREPS) and small consortium IPs. The ability of SMEs to participate in projects has been made more difficult and they prefer more traditional Instruments such as STREPS and CRAFT.

These points are similar to those fed in by the Executive and its agencies to the consultation by DTI on the make up of FP7.

b) Commission Communication: Science and Technology - the key to Europe's future: guidelines for future European Union policy to support research
   = Exchange of views
   = Conclusions

The Commission has just launched a consultation on the future of European Policy to support research. The consultation follows the publication of the communication “Science and technology, the key to Europe’s future” which outlines proposals for new technology partnerships, a new agency to support basic research, and a new management structure for EU funded initiatives. The communication also proposes a major increase to the EU research budget.

The results of the consultation will be used by the Commission when preparing its proposal for the Seventh Framework Programme (FP7).

Policy on EU research is reserved and Scottish Executive officials will liaise with stakeholder groups and DTI to input views on the communication and its proposals.

ITER – Conclusion of International Agreement on EU participation and Euratom Decision
   – Progress report

Commission Communication on Nanotechnology
   – Exchange of views/Council conclusions

The Commission Communication on Nanotechnology was published on 12 May 2004 and proposes actions as part of an integrated approach to maintain and strengthen European R&D in nanosciences and nanotechnologies. It considers the issues that are important to ensure the creation and exploitation of the knowledge generated via R&D for the benefit of society. In this context, the Commission believes the time is right for launching a debate at an institutional-level in view of coherent action to:

– increase investment and coordination of R&D to re-inforce the industrial exploitation of nanotechnologies whilst maintaining scientific excellence and competition;
– develop world-class competitive R&D infrastructure (“poles of excellence”) that take into account the needs of both industry and research organisations;
– promote the interdisciplinary education and training of research personnel together with a stronger entrepreneurial mindset;
– ensure favourable conditions for technology transfer and innovation to ensure that European R&D excellence is translated into wealth-generating products and processes;
– integrate societal considerations into the R&D process at an early stage;
– address any potential public health, safety, environmental and consumer risks upfront by generating the data needed for risk assessment, integrating risk assessment into every step of the life cycle of nanotechnology-based products, and adapting existing methodologies and, as necessary, developing novel ones;
– complement the above actions with appropriate cooperation and initiatives at international level.

Policy on research and development at a European level is a reserved matter, however, officials at the Scottish Executive are liaising with counterparts in DTI and stakeholder groups to allow us to input views to this process. We are generally supportive of the themes and actions laid out in the document. The issues raised in the document are similar to those addressed by the recently published report by the Royal Society and the Royal Academy of Engineering: Executive officials are taking part in a Nanotechnology Issues Dialogue Group which is considering the report.

The text of the Commission document can be found at [http://www.cordis.lu/nanotechnology/](http://www.cordis.lu/nanotechnology/).

Summary

Good outcome for the UK on the article 13 sex discrimination directive as a majority of Member States signal they cannot accept the Commission proposal unchanged. Council gives unanimous support for creation of European Gender Institute. UK successfully resists pressure to make its disability benefits exportable under an amended social security regulation. Council agrees 2004 Employment Guidelines and Recommendations.

Council agrees Conclusions on patient mobility which support the permanent mechanism reporting directly to Council on patient mobility and the impact of the EU on health care systems. Council also adopts further conclusions on promoting heart health, e-Health, community influenza pandemic preparedness planning, alcohol and young people, and childhood asthma, as well as adopting a Decision to adopt the negotiating directives for the revision of the WHO International Health Regulations.

Article 13 Sex Discrimination Directive

In an orientation debate on the proposed directive extending the principle of equal treatment to goods and services, Council discussion focussed on article 4 which prohibits the use of sex-based actuarial factors in the pricing of insurance products. 17 Member States, including the UK, signified that they could not, as currently drafted, accept the Commission text. A number of delegations from all sides of the argument called for a detailed study of the directive's impact on consumers and the industry before a decision could be taken. The Commission took note of the divergent views and promised to examine any compromise proposal for reaching agreement. The Presidency concluded that the directive impacted on different insurance products in various Member States in different ways and that any compromise solution would need to take account of the requirement for unanimity.

Social Security Systems Co-ordination

Council reached political agreement on a common position on a regulation making miscellaneous amendments to social security co-ordination regulation 1408/71. Non-contributory disability benefits will continue not to be paid outside the UK, despite the view of the majority. The Commission reserved the right to review the rules once the ECJ had ruled on this question.

Employment Package 2004

Council reached political agreement on a draft Decision establishing the Employment Guidelines and Recommendations. The Commission emphasised the need to create more jobs and the need to take immediate action based on the Kok Taskforce report. In the absence of discussion on the Employment package, the Presidency invited delegations to share their national experiences and results on; integration of older workers into the labour market; vocational training; use of ESF funds to develop a knowledge-based society; modernisation of public employment services; and, use of ESF funds to increase equal opportunities in access to the labour market.
European Gender Institute

Council held a debate on the merits of establishing a European Gender Institute. Delegations supported in principle the setting-up of an Institute and the Presidency noted Member State concerns about budget, duplication with existing bodies and independence from the gender lobby. The Institute would collect, co-ordinate and disseminate data. The June European Council will now be asked to approve the establishment of the Institute.

Council Conclusions on Promoting Heart Health

Council adopted Conclusions following brief presentations by the Presidency and the Commission who stressed that effective prevention of certain lifestyle behaviours such as tobacco use, and the promotion of others such as healthy diets and physical activity were key to addressing the heavy burden posed by heart disease.

E-Health

The Presidency and the Commission both highlighted the benefits of improved use of e-health resources, which included productivity gains for health systems, and enhanced quality of care, centred round the patient. The Commission added that, as set out in its Communication, it aimed to establish a European e-Health Area through a programme of activities to address common challenges faced by Member States. The Conclusions were adopted without debate.

Patient Mobility

The Commission felt its Communication represented a major step forward in addressing Member States' (MS) concerns about healthcare developments in Europe. It had therefore established, in response to Council's calls for a permanent mechanism, a High Level Group on Health Care and Medical Services (HLG) to enhance cooperation between MS. In its views a Council-led group was outside the Treaty provisions and therefore could not be legally established. It felt success was dependent on MS' active participation but emphasised that overlap should be avoided with the work programme of existing bodies such as the Social Protection Committee. But to alleviate concerns suggested that MS could lead on specific projects, which could be discussed at the HLG's inaugural meeting on 1 July. Further meetings were planned for the Autumn and progress would be reported to Council in December. In response Council stated its intention to establish a permanent mechanism that reported to Council on issues relating to patient mobility and health care developments and addressed the impact of the EU on health care systems. However, there was no consensus on the form of such a Council group.

Council Conclusions on Influenza Pandemic Preparedness and Response Planning

Conclusions adopted without debate.

Council Conclusions on the WHO International Health Regulations

Council Conclusions adopted without debate.
Council Conclusions on Childhood Asthma

Council Conclusions adopted without debate.

Council Conclusions on Reduction of Alcohol–Related Damage among young people

The Presidency called upon the Commission to continue with the development of its alcohol strategy. The Commission highlighted several of the areas that would feature, including excise duty, illicit trade, fraud, communications, harmful consumption and surveillance. The Conclusions were adopted without further debate.

Transport

This minute provides a summary of the EU Transport Council meeting held in Luxembourg on 10 June.

Maritime Transport

Enhancing Port Security


Ship-Source Pollution

The Council reached political agreement on the draft Directive on ship-source pollution and on the introduction of sanctions for infringements. The main principle of the draft Directive is that all discharges of polluting substances are considered as infringements if they are committed with intent, recklessly, or by serious negligence.

Land Transport

Eurovignette

The Council were unable to reach agreement on the revision of the existing ‘Eurovignette’ Directive. The Directive will be referred back to COREPER for further examination.

Weekend Driving Bans

The Council President reported a blocking minority on the compromise proposal for a Directive on a transparent system of harmonised rules for restrictions on heavy goods vehicles on international transport designated roads.

Driving Hours & Rest Periods in Road Transport

The Council reached political agreement on a Common position on the draft ‘driving and resting times’ Regulation. Core provisions of the compromise agreed include:

- The minimum uninterrupted daily rest period is increased from 8-9 hours;
- The maximum driving time per calendar week is reduced to 56 hours; and
- During 2 consecutive weeks, the driver must take at least one regular weekly rest period consisting of an uninterrupted period of at least 45 hours.
Aviation

*Harmonisation of Technical Requirements and Administrative Procedures in the Field of Civil Aviation (EU-OPS)*

The Council agreed to further examine the text of the ‘EU-OPS’ Regulation at a future meeting. The proposal aims to transpose the non-binding Joint Aviation Requirements – Operational Standards (JAR-OPS) established by the Joint Aviation Authorities into binding Community law.

Telecommunications

*Summary*

Political agreement was reached on the eContent Plus programme, a general approach on Safer Internet Plus was agreed and Council conclusions on eEurope and broadband were presented.

*eContent Plus*

The Presidency proposed a new compromise figure of 135m for the budget of the proposed 4 year continuation of the eContent plus programme, addressing a number of Member States concerns over the 163m budget proposed by the Commission. There were no objections to the Presidency compromise.

*Safer Internet Plus*

A four year continuation of the programme was proposed with a budget of 45m. The programme intended to improve co-ordination in the fight against online content harmful to minors, was strongly supported by the UK. The compromise figure of 45m was eventually agreed.

*eEurope*

Council conclusions on the future of the eEurope Action Plan were presented. E-inclusion was thought to be as important as ever. Productivity and increasing competition from Asia and the US were not covered by the original action plan. ICT Investment allied to organisational changes were recognised as a necessary foundation for any future action. The Netherlands expressed their interest in looking at this further during their upcoming presidency.

*World Summit on Information Society*

The Presidency presented a thinkpiece arguing that WSIS was about ICT in both developed and less developed countries and that Ireland’s Technology Integration Initiative for schools could serve as a model for others. Italy offered to run a conference in early 2005 on cooperating with Mediterranean countries on ICT.
Energy

Summary

The Council reached political agreement on the Common position concerning the draft Directive on Eco-design requirements for Energy-using Products and on the proposed Regulation on conditions for access to the gas transmission networks.

Framework for Eco-design requirements

The common position concerning the draft Directive on Eco-design requirements was agreed by the Council. The draft establishes a comprehensive and coherent legislative framework for setting Eco-design requirements for Energy-using Products and amending Directive 92/42/EC. The compromise text will be finalised and formally adopted at a forthcoming Council session before being transmitted to the European Parliament for second reading.

Gas Transmission Networks

The council reached agreement on the proposed Regulation on the conditions for access to the gas transmission networks. The proposal aims at completing the Internal Gas Market Directive (2003/55/EC) by setting detailed rules for access to gas transmission networks and cross-border exchanges.

Trans-European Energy Networks

Pending European Parliament’s opinion, the Council agreed a general approach on the operative part of the draft Decision laying down guidelines for trans-European energy networks. The Decision establishes a series of guidelines covering the objectives, priorities and broad lines of action by the Community in respect of trans-European energy networks.

Security of energy supply and Energy efficiency

The Council took note of a progress report (9314/04) on preliminary discussions in the Council preparatory bodies on the proposals for a Directive concerning measures to safeguard security of electricity supply, infrastructure investment, energy end-use and energy services. The proposals were considered to be acceptable in terms of the overall objective of managing supply and demand in the internal market, but complex and controversial in the measures proposed. The proposals will be scrutinised further by the Council.
Post-Council Report – Agriculture and Fisheries Council, 21 June

On fisheries the Council adopted the conclusions of the Commission’s communication on Environmentally Friendly Fishing Methods. The text supports the simplification and improvement of the EU’s technical conservation regulations to help to optimise catches of target species (reducing by-catch and discarding) and minimise the impact of fishing on marine habitats. The Commission has also been asked to give a high priority to schemes promoting environmentally friendly fishing, develop pilot projects for reducing discarding and to explore the potential for financial and non-financial incentives for using more environmentally friendly fishing methods. The Executive believes these measures can make a contribution to securing a more sustainable marine environment.

The Council also reached agreement on a Regulation setting the maximum level of fishing effort for Western Waters. Fishing effort was allocated on the basis of kilowatt/days which member states will be allowed to share among their fleets. The new regime should ensure that fishing effort is not increased and that no major shifts in fishing effort occur. The Executive is content with the new Western Waters arrangements and supports the measures put forward.

Finally there was an exchange of views regarding the establishment of a Community Fisheries Control Agency. The Executive believes that there is a need to promote more consistent standards of control and enforcement across the EU. However, the agency should be a small technical body, concentrating on training and joint enforcement operations. The Council welcomed the Commission’s proposal, which will now be discussed at a technical level.

On agriculture, the Council held a public debate following the Commission’s presentation of an Action Plan for Organic Food and Farming. The UK joined others in welcoming the Plan while stressing that expansion of the organic sector would have to be driven by consumer demand. The UK would play its part in further discussion but would want to ensure that requirements laid on the organic sector were economically realistic.

The Commission updated the Council on continuing WTO negotiations under the Doha Development Agenda and on its negotiations for a trade agreement with the Mercosur countries. The UK endorsed the efforts of the Commission to work for progress on both fronts and, on the WTO, emphasised the value of securing progress before the summer break. We re-iterated the benefits that a Doha deal could bring to the world economy and especially to developing countries.

The German Minister presented a memorandum to the Council on renewable resources, following a conference held last month in Bonn. Delegations welcomed the German paper, noting the growing importance of renewables. The Commission said it would submit a biomass plan by the end of 2005.

The Council had a brief exchange of views on the Commission’s report on the operation of the beef labelling regulations. There was general agreement that the regulations had done much to support consumer confidence in beef and that major changes were not needed. Further technical discussion will take place at official level.
The Commission reported on continuing negotiations with trading partners over the rice tariff and with Russia on its requirements for certificates covering animal and animal product imports.
Post-Council Report – ECOFIN Council, 5 July

UK Participant: Jon Cunliffe, HM Treasury

ITEMS APPROVED WITHOUT DEBATE

ECONOMIC POLICY
-Council approved update of Broad Economic Policy Guidelines, the 2003-05 priorities for which are:
  -promoting sustainable growth through investment, innovation and competitiveness;
  -increasing labour market flexibility;
  -ensuring sustainability of public finances.
The update focuses on applying the guidelines to the 10 new Member States and makes country-specific recommendations.

SECURITY AND DEFENCE POLICY
-Agreements concluded for Norway, Switzerland and Ukraine to participate in EU’s Police Mission in Macedonia.

ITEMS DEBATED

PRESIDENCY WORK PROGRAMME
Noted Presidency’s work programme on economic and financial affairs for 2nd half of 2004, priorities of which are:
  -reducing administrative burden on companies;
  -developing EU’s financial perspective for 2007-13;
  -combating terrorism, specifically its financing;
  -legislation on financial services;
  -legislation on taxation.

STABILITY AND GROWTH PACT
Council adopted opinions on first convergence programmes to be presented by 10 new Member States, and decided on excessive deficit procedure for 6 of them (and also for Greece). Council noted plans of the Italian government to correct its budgetary situation.

TERRORISM
ECOFIN is important in preventing terrorists from misusing financial system and protecting EU’s internal market. Directive on money laundering, regulations on cash movements at external frontiers, and recommendations about originator information are priorities.
Post-Council Report – ECOFIN Council, 16 July

UK Participant: Ruth Kelly, Financial Secretary to the Treasury

ITEMS DEBATED

BUDGET
Following conciliation meeting with European Parliament and EC, Council reached agreement at first reading on the draft general budget for 2005. Compared to 2004, this budget represents a 4.1% increase in commitment appropriations and a 5.4% increase in payment appropriations. The budget will be examined and amended by European Parliament in autumn 2004. Second reading by the Council is scheduled for November.
Post-Council Report – General Affairs and External Relations Council, 12 July

The Foreign Secretary and the Minister for Europe represented the UK at the General Affairs and External Relations Council (GAERC) in Brussels on 12 July.

Conclusions were agreed on Afghanistan, Western Balkans, Sudan, Iraq and Asia-Europe.

GENERAL AFFAIRS SESSION

Presidency Work Programme

The Presidency presented its work programme for the second half of 2004. Five priorities are identified in the work programme:

- Making a success of enlargement;
- Strengthening the European economy and reducing the administrative burden;
- The area of freedom, security and justice;
- The Union's future financial and budgetary structure: Agenda 2007;
- The EU's role in the world: an effective, coherent and committed external policy.

Constitutional Treaty

The Council decided that signature of the EU’s Constitutional Treaty will take place in Rome on 29 October.

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 (the Justice and Home Affairs Council, the Trade Council, Economic and Financial Affairs Council, the Transport and Communications Council and the Agriculture and Fisheries Council.)

Relations With Ukraine

The Council took note of the Presidency's work plan regarding implementation of the EU's Common Strategy on Ukraine.

The Commission is expected to submit a formal proposal for an action plan to the Council in September 2004. This should lead to a comprehensive plan, which at the same time identifies clearly a limited number of key priorities and offers real incentives for further reform.

The current Common Strategy on Ukraine expires in December 2004.

Visas—Russia

The Council decided to authorise the Commission to begin negotiations with the Russian Federation on facilitation of the issuance of short-stay visas to EU and Russian citizens.

United Nations

The Council approved a paper on the European Union's priorities for the 59th session of the United Nations General Assembly. The emphasis of these priorities is to uphold and develop international law, and to effective multilateralism.
EXTERNAL RELATIONS SESSION

WTO/DOHA Development Agenda

The Council took note of the presentation made by Commissioner Lamy on the current state of the negotiations. The Council underlined the importance of reaching a satisfactory agreement at the WTO General Council at the end of July on the negotiating frameworks for agriculture, non-agricultural market access, the Singapore Issues, and development. The Council agreed to hold a special session of the Council in Brussels, which is foreseen for the 26 July 2004, with a view to establishing an EU position.

Iraq

The Council met the Iraqi Foreign Minister, Mr. Zebari, who indicated the areas in which he hoped the EU would be able to make a visible contribution to the political, economic and social reconstruction of his country. The Council welcomed this opportunity to discuss the future of Iraq with Mr. Zebari, and looked forward to deepening political engagement with Iraq. The Council warmly welcomed the restoration of sovereignty to the Iraqi Interim Government that took place on 28 June. It reaffirmed its support for the people of Iraq and the fully sovereign Iraqi Interim Government. Conclusions were agreed.

Middle East Peace Process

The Council examined the situation in relation with the Middle East Peace Process following in particular the Advisory Opinion rendered by the International Court of Justice on 9 July concerning "Legal consequences of the construction of a wall in the occupied Palestinian Territory".

Asia-Europe

The Council discussed the way ahead on preparations for the ASEM Summit and adopted conclusions.

Sudan

The Council expressed grave concern at the situation in Darfur and continued to emphasise the importance of humanitarian access, human rights and security. The Council called upon member states and other actors of the international community to substantially increase their support to the humanitarian relief effort under way. The Council welcomed the active involvement of the international community. The Council welcomed the efforts to address this issue at the UN Security Council. Conclusions were agreed.

Western Balkans

Serbia and Montenegro: The Council welcomed the outcome of the recent presidential elections in Serbia. It encouraged all democratic forces to work together in order to accelerate political and economic reforms, to fulfil all international obligations, including full cooperation with ICTY.

Serbia and Montenegro/Kosovo: The Council confirmed that the new Special Representative of the UN Secretary General in Kosovo, Mr. Soren Jessen-Petersen, will have the full support of the European Union.
Bosnia and Herzegovina/ICTY: The Council strongly supported the measures announced on 30 June by EUSR and High Representative Paddy Ashdown to help ensure that Bosnia and Herzegovina co-operates fully with the International Criminal Tribunal for the former Yugoslavia (ICTY).

Former Yugoslav Republic of Macedonia: The Council expressed its gratitude to the outgoing EU Special Representative, Mr. Soren Jessen-Petersen, for his vital contribution to the consolidation of peace and stability in the former Yugoslav Republic of Macedonia. It appointed ambassador Michael Sahlin as his successor, who will take up the position of EUSR on 1 August 2004.

Conclusions were agreed.

**Afghanistan**

The Council welcomed the decision announced by the Joint Electoral Monitoring Body (JEMB) to hold presidential elections in Afghanistan on 9 October 2004. These elections are a key requirement under the Bonn Agreement of December 2001 and represent a new milestone in the process of constructing a democratic, stable and prosperous Afghanistan. Conclusions were agreed.

**European Security and Defence Policy**

EU military operation in Bosnia and Herzegovina

The Council adopted a Joint Action on the European Union Military Operation in Bosnia and Herzegovina. This follows the decision by NATO to conclude its successful SFOR-operation and the adoption by the

United Nations Security Council of Resolution 1551. Major General A. David Leakey (UK) was appointed EU Force Commander.

**European Union Special Representative in BiH**

The Council adopted a Joint Action revising the mandate of the European Union Special Representative (EUSR) in Bosnia and Herzegovina, Paddy Ashdown.

**European Defence Agency**

The Council formally adopted a Joint Action establishing an Agency in the field of defence capabilities development, research, acquisition and armaments—to be known as the European Defence Agency.
Post-Council Report – Agriculture and Fisheries Council, 19 July

The new Dutch Presidency presented its work programme for the next six months and identified as its key themes, sustainable agriculture and its public responsibilities, and initiatives to reduce the administrative burden on the industry.

On agriculture The Presidency and Commission presented plans for greater Member State co-operation on agricultural research in order to maximise value for the money spent, an initiative which the UK Government strongly supports.

The Commission reported on negotiations with Russia to renew certification arrangements covering animal and animal product imports from the EU. The negotiations are currently deadlocked and the Presidency indicated that it was planning an intervention at the political level in attempt to unblock them.

Member States were asked whether their views had changed with regard to a Commission proposal to authorise the marketing of a variety of GM maize which had failed to get qualified majority support in the Standing Committee on the Food Chain and Animal Health. The UK had supported this approval on the basis of the safety assessments carried out and our position remained unchanged. Member States failed to give the proposal majority support but, under the rules of procedure for such approvals, the Commission now has the authority to make a final decision.

The Council held a public debate on the Commission’s new proposals for changes to the Rural Development Regulation. The UK stressed the need for more flexibility and better value; a greater transfer of resources from Pillar 1 to Pillar 2 of the Common Agricultural Policy; more emphasis on environmental schemes; and a fairer allocation of rural development resources. There will now be detailed negotiation at official level which will extend over a number of months.

The Council also debated a new Commission communication on its preferred option for reform of the CAP sugar regime. The proposal calls for significant cuts in EU price support with a further review of the regime in 2008. The UK gave a general welcome to the proposals as a step in the right direction, while urging a swifter end to quotas and emphasising the need to address urgently the impacts on those developing countries which currently enjoy preferential access to the EU market. Again, the proposal will now be remitted for detailed consideration at official level.

The Council was asked to vote on proposals to change the import tariffs for rice which the Commission has been negotiating with India, Pakistan, Thailand and the United States. The Commission had failed to get agreement with the last two countries which felt that the proposals increased tariffs to a degree that breached WTO rules. While welcoming the agreement with India and Pakistan, the UK voted against the proposal on the grounds that the Commission was seeking to implement the changes on a basis which was contested by some of the parties and that they should instead continue negotiations. The Council, however, voted by qualified majority to adopt the proposal although a number of those voting in favour urged the Commission to continue negotiating with the United States and Thailand with a view to reaching an agreed conclusion.
The Presidency urged the Commission to come forward soon with proposals to address the illegal timber trade. **The UK endorsed this call.**

In an informal exchange of views after the Council had ended, the Commission updated Ministers on the latest developments in the current round of WTO negotiations. **The UK supported the Commission’s efforts towards securing a framework agreement at the WTO General Council on 27 and 28 July.**

**On fisheries** the Commission presented its proposal for a European Fisheries Fund to replace the existing Financial Instrument for Fisheries Guidance (FIFG). The main focus will be to eliminate excess fishing capacity and use structural measures to reinforce stock recovery plans.
Post-Council Report – Justice and Home Affairs, 19 July

Comments by the Executive

The First formal Council under the Dutch Presidency of the EU. The UK was represented by the Home Office Parliamentary Under Secretary of State Caroline Flint MP. Another Council with a heavy emphasis on Asylum and Immigration. The Council was dominated by an orientation debate on the future JHA work programme with more detailed discussion scheduled for the September informal JHA and the October Council. Ministers also received a presentation by the EU Counter-Terrorism Co-ordinator on work currently being taken forward.

AGENDA ITEMS

General

JHA Multi-Annual Programme

The Presidency will prepare a first draft of the new programme for discussion at the September informal JHA Council. The new programme will succeed the Tampere programme. During the discussion there was general agreement among Ministers that the new programme should focus on practical action with a visible impact on EU citizens. There was general agreement to the Commission’s idea for a mid-term review at the end of 2006 before the introduction of the Constitutional Treaty. All Member States were of the view that Europol should be used more effectively. The Executive has been working with the Home Office and DCA on the UK’s comments which are to be submitted to the Presidency by 15 August in order for the Presidency to draw on these in preparing the first draft of the work programme.

Police and Judicial Co-operation

Communication from the Commission to the Council and the European Parliament – Towards Enhancing Access to Information by Law Enforcement Agencies

The Commission outlined plans for the introduction of a European Judicial Register of convictions. It is preparing a draft Council Decision for October 2004 promoting the exchange of information on criminal convictions for serious offences, in particular murder, sexual crimes and terrorism. The draft would encourage proactive, preventative exchange of information on the basis of a common format, replacing existing arrangements under the 1959 Mutual Legal Assistance Convention in effect implementing Article 22 of the Convention. A similar proposal is already in Article 8 of the European Evidence Warrant proposal.

Terrorism: Follow-up to the European Council Conclusions of 17-18 June 2004

There was agreement on the need for strengthened co-operation between law enforcement and emergency services and for a more concerted approach to civil crisis management within the EU. Work was being taken forward in the second pillar counter-terrorism working group to mainstream counter-terrorism into the EU’s relations with third countries. A Eurojust
paper on improving its contribution to counter-terrorism efforts was being examined within the Council.
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 24 JUNE)

TO ROSS FINNIE MSP, MINISTER FOR ENVIRONMENT AND RURAL DEVELOPMENT

Dear Ross,

Re. Agriculture and Fisheries Council, 24-25 May

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 above Council of the EU meeting.

Specifically, our question was:

1. We understand that the Council discussed changes to the FIFG Regulation and that, “The United Kingdom raised concerns that interventions could lead to unfair competition and, with the support of others, secured a compromise agreement that ensured any such interventions would only apply either in exceptional circumstances or within specified set limits”. Can you provide further detail on the concerns raised by the UK Government and did the Executive support these concerns?

As these information requests are to do with the scrutiny of EC/EU legislation, it is my view that they are not covered by the usual timescales set out in the relevant concordat. In this respect, if possible, may we have a reply in time for the next meeting of the Committee? To this extent, a response by 8 September would be greatly appreciated.

I shall endeavour to copy this letter and your response to Sarah Boyack MSP, Convener of the Environment and Rural Development Committee, for her interest.

Yours sincerely

EXECUTIVE’S RESPONSE (DATED 19 JULY)

Re: Agriculture and Fisheries Council 24-25 May

Your letter of 24 June sought additional information on the discussions at the Agriculture and Fisheries Council of 24 May beyond that provided in Parliamentary Question S2W-08216. More specifically, in relation to the discussion of changes to the FIFG regulation, you requested further details on the concerns raised by the UK Government and asked whether the Executive supported these.
Prior to the Council Spain, Portugal and France had put forward proposals to relax existing FIFG rules to permit greater public intervention in specific parts of the fisheries sector. Key areas included proposals for relaxation of the vessel modernisation rules for fleets affected by stock recovery plans and for compensation to shellfish growers for losses when harvesting was suspended in response to health concerns, e.g. the presence of algal toxins.

On vessel modernisation the UK and others were concerned at any changes to the FIFG regulation that had the potential to direct public resources towards increased fleet capacity and to undermine current efforts to address issues of over-capacity. The outcome of the negotiation ensured that the conditions under which aid was permitted were tightly defined and that the above risks were minimised.

Some member states viewed the temporary cessation of shellfish harvesting for health safety reasons as a normal business risk and were therefore opposed in principle to the concept of compensation. However, others wished to see the potential for compensation to extend to shellfish processors and haulage contractors. I was keen to ensure that Scottish shellfish growers were not disadvantaged in relation to their international competitors, some in countries with much greater FIFG resources than our own. Once again the outcome of the negotiation ensured that trigger points for interventions were set at a sufficiently high level to limit the scope for state intervention and then only under exceptional circumstances.

Since the concerns as expressed by the UK Government were developed in consultation with the Executive it will come as no surprise to you that the Executive supported these.

I am copying this letter to Sarah Boyack in her capacity as Convenor of the Environment and Rural Development Committee.

Ross Finnie MSP
LETTER SENT TO THE SCOTTISH EXECUTIVE BY THE CONVENOR (DATED 24 JUNE)

TO ROSS FINNIE MSP, MINISTER FOR ENVIRONMENT AND RURAL DEVELOPMENT

Dear Ross,

Re. Environment Council, 28 June

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 above Council of the EU meeting.

Before doing so, the Committee agreed also that we particularly welcomed this informative and comprehensive briefing in advance of the Environment Council. We recommended that the relevant Executive’s officials send this out to all departments with a note that this is an excellent brief and the standard that the Committee wish to see attained for all relevant Councils, particularly those dealing with devolved competences.

Specifically, our question was:

1. On the Groundwater Daughter Directive, whilst we noted the concerns raised by the UK Delegation, we are concerned as to whether the implementation of this Directive would be suitable in Scotland and whether this would entail unnecessary costs. We would be grateful if you could provide further information on the regulatory impact of this Directive in Scotland and on what steps you plan to take to make sure any Directive adopted best suits Scottish circumstances.

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 8 September would be greatly appreciated.

I shall endeavour to copy this letter and your response to Sarah Boyack MSP, Convener of the Environment and Rural Development Committee, for her interest.

Yours sincerely,
EXECUTIVE’S RESPONSE (DATED 19 JULY)

Thank you for your letter of 24 June about the meeting of the Environment Council on 28 June. You asked specifically about the draft Groundwater Daughter Directive.

By way of introduction, I should say that the proposed directive is to be a “daughter” of the Water Framework Directive (WFD), which was adopted in 2000. The WFD aims to modernise the management of Europe’s waters and to bring about good water status in all of the European Union’s water environment by the year 2015. It involves a series of measures and controls, and it provides for less stringent objectives to be set on account of socio-economic considerations. In Scotland we have transposed the Directive through the Water Environment and Water Services (Scotland) Act 2003 and we have been consulting on the proposed Controlled Activities Regulations to strengthen the regulatory framework.

The WFD defines the objectives for groundwater in terms of quality and quantity, taking account of the role groundwater plays in the rest of the water cycle, for instance, in feeding rivers and wetlands. The WFD requires inputs of pollutants into groundwaters to be prevented or limited (as does the existing 1990 Groundwater Directive), deterioration of the status of groundwater bodies to be prevented, and action taken to reverse any significant and sustained upward trends in pollutant concentrations in groundwaters. Article 17 of the WFD calls for a Daughter Directive to provide more specific requirements to protect groundwaters from pollution.

The WFD establishes a system in which there is flexibility to match controls to the threats and risks, and the UK’s approach to the proposed Groundwater Daughter Directive (GDD) is that its requirements should also be risk-based and proportionate. To be effective the new directive needs to take account of the facts that groundwater bodies, and the roles that groundwater plays, vary considerably and that its protection, monitoring and management require a specific set of methods and approaches.
The draft of the GDD published by the Commission in September 2003 respects the objectives for groundwater set out in the WFD and attempts to introduce some flexibility; in particular it leaves most groundwater standards to be set at national level. However, there are a number of elements which could result in unnecessary costs. For instance, the proposal “imports” EU-wide quality standards from the nitrate and plant protection directives, which, in the new context, would have a different effect. Given our existing obligations under the Nitrates Directive, the Biodiversity Directive, the Plant Protection Products Directive and the Water Framework Directive, the potential benefits of attempting to introduce another (potentially arbitrary) level of protection are unclear. Similarly, other aspects of the proposal, such as the measures relating to pollution control, need developing and strengthening. Thus, while there is general agreement that groundwater is important and should be appropriately protected, there is as yet no agreement on the terms of the proposed GDD.

Earlier this year the UK Government published for consultation a Partial Regulatory Impact Assessment, examining three cost-benefit scenarios: what would be required under the WFD in the absence of a new groundwater directive; the Commission proposal as it stands, and what could result from negotiations. Although it is difficult to come to any firm conclusions, due to uncertainties over the meaning of a number of key aspects of the proposal, the Partial RIA does strongly suggest that there could be substantial costs arising from the introduction of inappropriate “common” standards. It estimates that, as compared with the default position in the WFD, the GDD could result in savings of £23m a year across the UK, but that if EU-wide standards were applied there could be additional costs in the range of £23m to £92m a year.

The Scottish Executive is in agreement with the UK Government that groundwater is a valuable resource, which should be protected in a cost-effective way. The current Groundwater Directive remains in force until 2013, and we wish to ensure that there is no reduction in groundwater protection once it is repealed.

We are in favour of the robust but proportionate prevention and control of groundwater pollution and the targeted, risk-based monitoring and management this requires. In short, we want to see flexibility that allows us to address the specific risks to our groundwater resources wherever these arise. We are opposed to new measures that would create disproportionately costly obligations to restore groundwater quality. If we are to make improvements, these should be targeted so that they deliver clear environmental and socio-economic benefits.

We are therefore continuing to take part in discussions of officials with a view to securing changes in the draft that will result in the more effective protection of groundwater without entailing excessive costs. As a result of these discussions, we will also be contributing to the firming up of the Regulatory Impact Assessment with new estimates of costs. To the extent that the Groundwater Daughter Directive embodies our objectives, we will have provisions that best suit Scottish circumstances.

In Scotland action has been taken to protect groundwater by enforcement action under the Groundwater Regulations and by the adoption and publicising of codes of good practice aimed at preventing pollution. We plan also to review the effectiveness of the present groundwater monitoring network. In these ways we will be taking steps to achieve the higher standards for groundwater protection called for by the Water Framework Directive.
I am copying this letter to Sarah Boyack.

Your own R

ROSS FINNIE
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.

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The European Council on 17 and 18 June 2004 was the second meeting at this level during the then Irish Presidency of the European Union, and provided an opportunity for Heads of State and Government of the Member States to exchange views on the main developments at Union and international level. Foreign affairs ministers of the Member States also take part in European Councils. The meeting is usually preceded by an exchange of views with the President of the European Parliament. It is convened in principle four times a year, twice during each six-month Presidency. As from 2002, and in accordance with the Treaty of Nice, at least one European Council per Presidency is held in Brussels. After the Union's enlargement all meetings are expected to be held in Brussels. The European Council Presidency Conclusions paper reviews progress across all key policy areas, and sets out guidelines for future policy development in each of those areas. UK Government Explanatory Memorandum available on request.

The IGC 2003 – Meeting of Heads of State or Government, Brussels 17/18 June 2004 document details certain revised and agreed sections of the draft European Constitution. At their meeting on 18 June 2004, Heads of State or Government gave their agreement to the texts set out in document CIG.

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<tr>
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<td>IGC 2003 – Meeting of Heads of State or Government, Brussels 17/18 June 2004</td>
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The introduction to this paper states:

“In February 2004, the Commission laid out a political project for the Union to tackle the key challenges facing Europe and its citizens until 2013. Its objective was to launch a forward-looking debate on the European Union’s goals, and the tools required to make these goals a reality.

If action is to be in place by the target date of 1 January 2007, the debate now needs to move into a new phase. Attention needs to shift to the practical measures required to put the political framework into practice.

To this end, the Commission has been working to develop a set of detailed policy proposals. These proposals make concrete the principles contained in the February Communication: they pursue clear political objectives; they offer real added value; they reflect a process of simplification and respect principles of good governance.

Many of these proposals are now ready. So this is a good moment to take stock of the work done since
February, recall the value added of the EU action as well as expenditure required to further the political project proposed by the Commission for 2007-2013, and explain how the delivery instruments of this project will be simplified and rationalised. This is the purpose of this paper.”

UK Government Explanatory Memorandum available on request.

These three documents are part of a set that all relate to the new regulations for European Structural Funds post 2006. The recent enlargement of the EU from 15 to 25 Member States has led to a review of how Structural Funds will be distributed from 2006, when the current regulations come to an end. UK Government Explanatory Memorandum available on request.

These provide the detail of the reforms being proposed and it will be very important that Parliament scrutinises the Executive’s engagement with these documents.

| Finance | | |
| Local Government and Transport | | |
| | | These three documents are part of a set that all relate to the new regulations for European Structural Funds post 2006. The recent enlargement of the EU from 15 to 25 Member States has led to a review of how Structural Funds will be distributed from 2006, when the current regulations come to an end. UK Government Explanatory Memorandum available on request. These provide the detail of the reforms being proposed and it will be very important that Parliament scrutinises the Executive’s engagement with these documents. |

| | | The current “YOUTH IN ACTION” programme ends in 2006. This document sets out the priorities and framework for the next phase of this programme, which will run from 2007 – 2013. The document defines the 5 objectives of the new programme and defines them thus: |
| | | – promoting young people’s active |
### Sift of EC/EU legislative proposals and other documents

|------------------------|------|---------------|------------------------------------------------------------------------------------------------------------------|

This document takes its basis from Article 151 of the treaty establishing the European Community. The Article gives the legal basis for Community action in the area of Culture. The article stresses the need to comply with two fundamental concepts: on the one hand, cultural diversity while respecting the principle of subsidiarity and, on the other, promoting the common cultural heritage and cooperation between the Member States. The aim is therefore to encourage cultural cooperation between the Member States to supplement their action. The document sets out the plans for the next phase of the Culture

- citizenship in general and their European citizenship in particular
- developing young people’s solidarity, in particular in order to reinforce social cohesion in the European Union
- fostering mutual understanding between peoples through young people
- contributing to developing the quality of support systems for youth activities and the capabilities of civil society organisations in the youth field
- promoting European cooperation in youth policy.

UK Government Explanatory Memorandum available on request.
Following the fundamental reform of the first pillar of the Common Agricultural Policy in 2003 and 2004, the major focus for policy reform in the new financial period will be rural development. The document defines the two priorities of rural development policy as being:

- Accompanying and complementing further CAP reform and ensuring coherence with the instruments and the policies of the first pillar;
- Contributing to other EU policy priorities such as sustainable management of natural resources, innovation and competitiveness in rural areas, and economic and social cohesion.

There are nine additional documents containing a detailed impact assessment, available on request.

UK Government Explanatory Memorandum available on request.

|----------------------------------|------|----------------|-----------------------------------------------------------------------------------------------------------------------------------|

The purpose of the second paper (SP 1319) is to establish a single legal framework for financing the common agricultural policy. To that end, the proposal sets up two Funds:

- a European Agricultural Guarantee Fund (EAGF)
This draft Regulation creates the legal bases for financing the different measures covered by those two Funds, including the technical assistance necessary for the establishment and monitoring of the CAP.

UK Government Explanatory Memorandum available on request.


The first of these Fisheries related papers aims to propose ways in which the Community can further promote the use of environmentally-friendly fishing methods, particularly through technical conservation measures, while taking account of the need to find a balance between environmental and economic objectives. The paper details what environmentally-friendly fishing methods are considered to be; How the fishing effort can be reduced to sustainable levels; how can the catches of target species can be optimised and unwanted catches minimised; how the impact of fishing on the habitat can be reduced; the need to balance environmental and economic sustainability; the way forward; a more decentralised approach; greater involvement of the fishing sector; sharing and developing knowledge at Community level; simplification of the rules; changing fishermen’s behaviour by new incentives and finally what the next steps are.

The second document puts forward a proposal to
establish a European Fisheries Fund. The aim of this fund is described within the document as:

“To take greater account of the special characteristics of fishing activity, connected with the social structure of the fisheries sector and the structural and natural disparities between the various areas concerned with fishing, the European Fisheries Fund should be able to provide more direct assistance where necessary under a policy for the sustainable economic development of coastal areas, fully in line with and complementary to the other Community instruments, particularly the Funds devoted to structural change and convergence.“

The final document is particularly relevant with regards to the amendment to the EC regulation detailing the number of days at sea for vessels fishing for haddock in the North Sea. The document deals with recent scientific developments and their impact on the environmental protection requirements of the CFP.

UK Government Explanatory Memoranda for these three documents are available on request.

| Health (to include community care) | 1263 | 10999/04 | Note from Netherlands presidency to the Horizontal Working Party on Drugs: EU Drugs Strategy (2005-2012) | On 8 June 2004, the Council decided that a new integrated and balanced Drugs Strategy for the post-2004 period should be put into place. The framework and priorities established by the new Strategy are to serve as the basis for two consecutive three-year EU Action Plans on Drugs (each followed by a one-year evaluation period). This document will form the basis for two subsequent Action Plans |
on drugs, and in the words of the document itself: “aims to protect and improve the well-being of society and of the individual, to offer a high level of security for the general public and to take a balanced, integrated approach to the drugs problem.”

UK Government Explanatory Memorandum available on request.
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<td>Proposal for a Regulation of the European Parliament and of the Council establishing the second &quot;Marco Polo&quot; programme for the granting of Community financial assistance to improve the environmental performance of the freight transport system (&quot;Marco Polo II&quot;).</td>
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<td>SEC(2004)1047</td>
<td>COMMISSION STAFF WORKING DOCUMENT Interim evaluation Report from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions on the Programme relating to the Community Framework Strategy on Gender Equality 2001-2005</td>
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(b) - Proposal for a Council Decision on the conclusion of a Protocol to the Euro-Mediterranean Agreement between the European Communities and their Member States, of the one part, and the Arab Republic of Egypt, of the other part, to take account of the accession to the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Hungary, the Republic of Latvia, the Republic of Lithuania, the Republic of Malta, the Republic of Poland, the Republic of Slovenia, and the Slovak Republic to the European Union. |
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<td>Draft Council Decision on the financial provisions applicable to the general budget of the European Defence Agency (EDA)</td>
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<td>COM(2004) 387</td>
<td>Proposal for a Council Regulation amending Council Regulation (EC) No 1600/99 imposing a definitive anti-dumping duty on imports of stainless steel wire with a diameter of 1mm or more originating in India</td>
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<td>COM(2004) 388</td>
<td>Proposal for a Council Regulation amending Council Regulation (EC) No 1599/99 imposing a definitive countervailing duty on imports of stainless steel wire with a diameter of 1mm or more originating in India</td>
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<td>COM(2004) 522 f</td>
<td>Proposal for a Council Decision concerning the conclusion of an Agreement in the form of an Exchange of Letters between the European Community, of the one part, and the Kingdom of Norway, of the other part, on Protocol 2 to the bilateral Free Trade Agreement between the European Economic Community and the Kingdom of Norway.</td>
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<td>Communication from the Commission to the Council concerning the opening of consultations with Côte d'Ivoire under Article 96 of the Cotonou Agreement.</td>
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<td>Council Regulation amending Regulation (EC) No 1210/2003 concerning certain specific restrictions on economic and financial relations with Iraq.</td>
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<td>COM(2004) 518</td>
<td>Proposal for a Council Regulation imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of polyethylene terephthalate originating in Australia, the People’s Republic of China and terminating the anti-dumping proceeding concerning imports of polyethylene terephthalate originating in Pakistan and releasing the amounts secured by way of the provisional duties imposed.</td>
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<td>COM(2004) 511</td>
<td>Proposal for a Council and Commission Decision on the conclusion of an Additional Protocol to the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and Bulgaria, of the other part, to take account of the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Hungary, the Republic of Latvia, the Republic of Lithuania, the Republic of Malta, the Republic of Poland, the Republic of Slovenia, and the Slovak Republic to the European Union.</td>
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<td>Proposal for a Council and Commission Decision on the conclusion of an additional protocol to the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and Romania, of the other part, to take account of the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Hungary, the Republic of Latvia, the Republic of Lithuania, the Republic of Malta, the Republic of Poland, the Republic of Slovenia, and the Slovak Republic to the European Union.</td>
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