EUROPEAN AND EXTERNAL RELATIONS COMMITTEE

AGENDA

18th Meeting, 2004 (Session 2)

Tuesday 9 November 2004

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

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

As A Panel

Malcolm Maclean, Director, Pròiseact nan Ealan – The National Gaelic Arts Agency
Alasdair Macleod, Comhairle nan Eilean Siar – Western Isles Council
Philip MacHugh, Freelance Broadcaster

2. Promoting Scotland worldwide - an Inquiry into the external relations policy, strategy and activities of the Scottish Executive: The Committee will consider correspondence sent by the Convener to the Scottish Executive on the scheduling of Ministers

3. The remit and functions of the EU Fisheries Control Agency: The Committee will consider an initial paper by its Reporter, Alasdair Morrison MSP.

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

Letter received from the Scottish Executive on the European Structural Funds and the ‘N+2’ provision
Monthly report for the Clerk/Chief Executive and the External Liaison Unit on the external relations activities in the Parliament
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**

- Education, Youth and Culture Council, 15-16 November
- General Affairs and External Relations Council, 22 November
- Agriculture and Fisheries Council, 22 November
- ECOFIN Council, 25 November
- Competitiveness (Internal Market, Industry and Research) Council, 25 November

**Previous Councils**

- Employment, Social Policy, Health and Consumer Affairs Council, 4 October
- General Affairs and External Relations Council, 11 October
- Environment Council, 14 October

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**Alasdair Rankin**  
Clerk to the European and External Relations Committee  
The Scottish Parliament  
Tel: 0131 348 5212  
Email: europe@scottish.parliament.uk
The following papers are attached for this meeting:

**Agenda Item 1**

BRIEFING PAPER: “Written submissions of evidence for today’s meeting – Promotion of Scotland Worldwide Inquiry”  
EU/S2/04/18/1

**Agenda Item 2**

BRIEFING PAPER: “Correspondence from the Convener to the Scottish Executive with regards to the scheduling of Ministers – Promotion of Scotland Worldwide Inquiry”  
EU/S2/04/18/2

**Agenda Item 3**

BRIEFING PAPER: “Initial Paper into the Role, Remit and Functions of the EU’s Fisheries Control Agency”  
EU/S2/04/18/3

**Agenda Item 4**

Convener’s Report  
EU/S2/04/18/4

**Agenda Item 5**

BRIEFING PAPER: “Pre- and post-Council of the EU analysis and scrutiny”  
EU/S2/04/18/5

BRIEFING PAPER: “Correspondence received from Scottish Executive on pre- and post-Council scrutiny”  
EU/S2/04/18/6
Introduction

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

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

Recommendation

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

Alasdair Rankin
Clerk to the European and External Relations Committee
The Scottish Parliament
Tel: 0131 348 5212
Email: europe@scottish.parliament.uk
Comhairle nan Eilean Siar – Western Isles Council

Biography: Alasdair MacLeod

I work within the Corporate Services Department of Comhairle nan Eilean Siar (Western Isles Council) as the Gaelic Policy Development Officer. I am one of a group of three dedicated officers who are part of Sgioba na Gaidhlig (The Gaelic Team) whose main remit is the promotion and development of Gaelic locally, nationally and internationally.

STRATEGY

It is hugely important in the modern age in which we live for the Executive to have a clear, coherent, co-ordinated and resourced strategy for external relations. Not only is it important for the Executive to have a co-ordinated and focussed vision for external relations but this must be communicated to public and private organisations who are involved in this arena.

In a time of permanent change it is essential to monitor the policy constantly and amend accordingly to ensure that strategic alliances and cultural bridges are not only maintained but strengthened.

PROMOTION OF SCOTLAND ABROAD

Scotland, despite its small size and relatively isolated position shows extraordinary variety, both in its landscapes and its people, and also has very many links with most parts of the world. Scotland, throughout history, has been closely linked to Europe through trade, religion and culture. These historical links have brought many economic benefits in the past but there is still huge untapped potential which could deliver many benefits on many fronts to modern Scotland. The Western Isles Council (Comhairle nan Eilean Siar) has always been conscious of the benefits of international projects and has assisted numerous island organisations in the recent past to participate in international events which, not only highlight the Hebridean dimension, but also promote Scotland on the international stage. Two projects involving promotion of Scotland and the Western Isles are worthy of mention.

The World Cup – France 1998

The Mayor of St. Etienne, where the Scottish football team were based latterly, sent a request to the British Council asking for a “Scottish Cultural Group” to visit the town during the week of the Scotland/Morocco World Cup game. The baton was picked up by Proiseact nan Ealan, the National Gaelic Arts Agency, based in the Western Isles who arranged for a group of 50 singers, dancers, musicians and a local football team to visit St. Etienne. A mini festival of music, food and football was organised between the Moroccan community in St. Etienne, the French community in the town and the Western Isles/Scottish group. An excellent week ensued which generated huge publicity not just for the Western Isles group, but also for Scotland.
World Festival for Island Cultures: Jeju Island, South Korea, 2001

In December 2000 members of the organising Committee for the World Festival for Island Cultures visited the Western Isles and following on from this an invitation was received by the Western Isles Council to participate in the 2001 Festival in Jeju Island, South Korea. The first World Festival for Island Cultures was held in 1998 with 900 participants representing 25 world island communities taking part in this inaugural festival. An estimated 250,000 people visited the Festival Village during the three-week duration of the event. The main aim of the World Festival is to celebrate and highlight the richness and diversity of island cultures, from all over the world, through music, song, dance and the arts.

The Organising Committee of the Festival were so keen to have the Western Isles Group present at the Festival that all travel and accommodation costs were met for the 23 participants. The financial shortfall was met by a grant from the Foreign Office by Brian Wilson MP who was hugely supportive of the venture due to the economic and cultural benefits to the Western Isles and Scotland.

These two examples have shown us that many economic and cultural benefits can accrue from participation at such events. The Western Isles has also taken part in the Eurosgoil programme which supports and enhances the profile of minority languages within Europe.

TARTAN DAY AND WIDER SCOTTISH – NORTH AMERICA LINKS

Tartan Day has the potential to generate enormous spin-offs in terms of tourism for Scotland. Tartan Day should be used as a high profile showcase for Scotland in America. Many Americans with close or even distant links with Scotland are kindly disposed towards our country and this can be used to generate additional American tourist traffic to Scotland. There are many descendants of people in North America who left from the Western Isles to settle in North America and many of these are keen to trace their roots. The genealogical niche market is one that has not been fully exploited but has enormous potential. Public and private organisations in Scotland should be encouraged to participate in Tartan Day and should be made aware of the Executive strategy in relation to this important event.

“How effective does the Scottish Executive exploit Gaelic culture in its overseas promotions?”

“What assistance is given in any international promotions involving Gaelic?”

1.1 Introduction

Gaelic is the nation’s oldest living language and continues to play a fundamental part in Scottish life. Place names, family names and personal names all reflect its presence throughout the country. Many of our national symbols – tartan and the kilt, bagpipes, whisky, even the symbol of Scottish sovereignty itself, the Stone of Destiny – derive from Gaelic Scotland. So much of Scotland’s greatest literature,
from poetry to folklore and folk literature to song, so much of it’s music, and so much of it’s distinctive but indefinable social characteristics, all derive from Gaelic Scotland producing artistes and performers of international renown.

Gaelic culture reflects two thousand years of evolving tradition and Gaelic arts activity is lively, highly innovative and with an international appeal.

**International Projects Supported by Comhairle nan Eilean Siar**

During the last few years Comhairle nan Eilean Siar has supported numerous Gaelic overseas events involving large and small-scale projects. Many of these projects, although not initiated by the Comhairle, have received financial assistance from the Comhairle which has also worked in partnership with Pròiseact nan Ealan (Gaelic Arts Agency) on international projects. Probably the biggest international festival where Gaelic culture received top billing was the involvement of Comhairle nan Eilean Siar in the World Festival for Island Cultures in Jeju Island, South Korea in 2001.

The background to the event goes back to December 2000 when Members of the organising Committee for the World Festival for Island Cultures visited the Western Isles and following on from this an invitation was received by Comhairle nan Eilean Siar to participate in the 2001 festival in Jeju Island, South Korea. The first World Festival for Island Cultures, which was held in 1998, involved 900 participants representing 25 island communities from around the world, in this inaugural event. An estimated 250,000 people visited the festival village during the three week duration of the event. The main aim of the festival is to celebrate and highlight the richness and diversity of island cultures, from all over the world, through music, song, dance and the arts.

The Organising Committee of the 2001 Festival was so keen to have a Western Isles team present at the festival that all travel and accommodation costs were met for all 23 participants. Incidental expenses for the trip were met from the Foreign Office, via Brian Wilson MP, the then Trade Minister, who was hugely supportive of the venture due to the economic and cultural benefits to the Western Isles and Scotland. Team Hebrides included musicians; dancers and singers, all united under the Gaelic cultural umbrella.

Although the World Festival for Island Cultures was a huge event, individual musicians, groups and organisations have also visited many overseas locations to promote and celebrate Gaelic music, arts and culture. Various musical and cultural teams from the islands have gone to Ireland on numerous occasions and also attended festivals in Sweden, France, Russia, Germany, Spain, Lithuania and Norway. There has also been a Gaelic presence in the USA at the Smithsonian Institute in Washington, which hosted a major Scottish Folklore Festival in 2003.

**Marketing Scotland Abroad through Gaelic music and culture**

The true heartland of Gaelic is to be found in the Outer Hebrides where the language of the community is still, by and large, Gaelic. In any situation where there is a unique product, there is naturally huge marketing potential and the Outer Hebrides
and Scotland can capitalise on Gaelic to attract people from overseas who seek unique culturally rich experiences. It should also be recognised that the Gaelic Diaspora has spread all over the world although found predominantly in North America and Australasia. The Diaspora market is huge and also potentially lucrative because of the economic status of many that have found fame and fortune in many corners of the globe.

Gaelic can therefore be used to benefit Scotland and the Gaelic community nationally. Internationally known groups such as Runrig and Capercaillie, for example, have used Gaelic music, in a very positive and successful manner. Not only have they gained an enviable music reputation in a very demanding professional arena but also they have proved that Gaelic music and song can be used as a marketing tool not only to raise the profile of the language but also to attract many overseas visitors to Scotland. Gaelic music has proved that “selling the experience” can be used in a very positive and effective way to bring visitors and economic benefits to our shores.

Events such as the Hebridean Celtic Music Festival, held annually in Lewis, provides a musical showcase for Gaelic and Celtic musical artistes and attracts thousands of visitors from overseas to the Outer Hebrides every summer and proves that music can truly be the international language of communication.

The role of the Scottish Executive in exploiting Gaelic Culture in International Promotions

It is difficult to be objective about the role of the Scottish Executive in exploiting Gaelic culture as a means of promoting Scotland abroad because the Executive has not really been involved in this arena to any great extent as far as Comhairle nan Eilean Siar is aware. However, it is hoped that the Scottish Executive will be more proactive in future in using Gaelic music, culture and the arts to promote Scotland abroad. As the examples in this submission demonstrate, the overseas projects in which Comhairle nan Eilean Siar has been involved have been very well received and have produced tangible results especially in terms of tourism. Gaelic and Scotland are rich storehouses containing many musical and cultural gems and the Gaelic cultural bridge can be used to attract discerning world travellers who are increasingly searching out unique and enriching experiences. The Scottish Executive should look seriously at the potential to use Gaelic in international marketing campaigns in an increasingly competitive global tourism market. Unique products are hard to find but marketed and promoted professionally, they can deliver many rewards. Gaelic culture can be good for Scotland and tourism on the international tourism stage but international exposure will likewise be good for Gaelic.
Pròiseact nan Ealan – The National Gaelic Arts Agency,

Philip MacHugh, Freelance Broadcaster

Submissions to follow
EUROPEAN AND EXTERNAL RELATIONS COMMITTEE

BRIEFING PAPER

“Correspondence from the Convener to the Scottish Executive with regards to the scheduling of Ministers– Promotion of Scotland Worldwide Inquiry”

Introduction

1 This paper contains, in Annex A, the correspondence from the Convener to the Scottish Executive requesting Ministerial appearances before the Committee to give evidence to this Inquiry.

Recommendation

2 Members are requested to note this correspondence and consider any further action they feel is necessary.

Alasdair Rankin
Clerk to the European and External Relations Committee
The Scottish Parliament
Tel: 0131 348 5212
Email: europe@scottish.parliament.uk
Dear Jim:

Promoting Scotland worldwide - an Inquiry into the external relations policy, strategy and activities of the Scottish Executive

I am becoming increasingly concerned that you have not yet accepted the invitation to appear before the European and External Relations Committee to give evidence with regards to the above Inquiry on Tuesday 9 November. This is despite our invite to you being made some weeks ago.

With the Scottish Executive’s International Strategy having now been published for some time, the Committee feels it is imperative that they hear from you and the other appropriate Scottish Ministers on this issue, sooner rather than later.

I would be very grateful if you could respond by return as to whether or not you will be accepting the Committee's invitation to give evidence to us. I hope you will be able to as your contribution will be a very important component of our Inquiry. If you are not able to accept, I would be grateful for an explanation as to why.

Yours sincerely,

John Swinney MSP
Convener

EXECUTIVE’S RESPONSE

Awaiting response
Dear Patricia:

Promoting Scotland worldwide - an Inquiry into the external relations policy, strategy and activities of the Scottish Executive

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Yours sincerely,

John Swinney MSP
Convener

EXECUTIVE’S RESPONSE

Awaiting response
Dear Tom:

Promoting Scotland worldwide - an Inquiry into the external relations policy, strategy and activities of the Scottish Executive

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With the Scottish Executive’s International Strategy having now been published for some time, the Committee feels it is imperative that they hear from you and the other appropriate Scottish Ministers on this issue, sooner rather than later.

I would be very grateful if you could respond by return as to whether or not you will be accepting the Committee’s invitation to give evidence to us. I hope you will be able to as your contribution will be a very important component of our Inquiry. If you are not able to accept, I would be grateful for an explanation as to why.

Yours sincerely,

John Swinney MSP
Convener

EXECUTIVE’S RESPONSE

Awaiting response
EUROPEAN AND EXTERNAL RELATIONS COMMITTEE

BRIEFING PAPER

“Initial Paper into the Role, Remit and Functions of the EU’s Fisheries Control Agency”

Introduction

1 At a recent meeting, the Committee agreed to appoint Alasdair Morrison MSP as its reporter to look into the Role, Remit and Functions of the EU’s Fisheries Control Agency (EFCA). This paper outlines his initial work and approach to this issue (Annex A).

Recommendation

2 That Members consider the information provided by its reporter in Annex A and endorse his approach.

John Swinney MSP
Convener
INITIAL WORK BY THE REPORTER AND APPROACH PLANNED

Background to the European Fisheries Control Agency

On 28 April 2004, the European Commission published a proposal to establish a Community Fisheries Control Agency. According to the European Commission, the Agency will strengthen the uniformity and effectiveness of enforcement by pooling EU and national means of fisheries control and monitoring resources and co-ordinating enforcement activities.

In its view, this operational co-ordination will help tackle the shortcomings in enforcement resulting from the disparities in the means and priorities of the control systems in the Member States. The Agency will organise the deployment of national control and inspection means according to a European strategy. Its tasks and mandate will be defined in close co-operation with the Member States in accordance with EU objectives and priorities. Last December, the European Council welcomed the Commission’s intention to propose the creation of the Agency and decided that it would have its seat in Spain.

The Agency will organise the joint deployment of the national means of control and inspection (surveillance vessels, aircraft, vehicles and other equipment as well as inspectors, observers and other staff) according to an EU strategy. Joint deployment plans will be agreed by the Agency and the Member States concerned on the basis of identified criteria, benchmarks, priorities and common inspection procedures. Multinational teams will be set up for inspection at sea and onshore in identified areas and on identified fisheries and fleets at given times. The Member States concerned will adopt the necessary measures to undertake the joint control and inspection activities.

In the Commission’s view, the Agency will provide support to the Member States in meeting their responsibility not only in EU waters but also in relation to fisheries agreements concluded with non-EU countries. It will also be active on the high seas under international control and inspection schemes agreed within the framework of Regional Fisheries Organisations such as the North-west Atlantic Fisheries Organisation (NAFO) or the North-East Atlantic Fisheries Commission (NEAFC).

The tasks involved will also include training of inspectors, provision of equipment and services for control and inspection, co-ordination of the implementation of joint pilot projects to test new control and inspection technologies, development of joint operational control procedures or establishment of criteria for the exchange of means of control and inspection.

In addition, the Agency may offer contractual services which Member States will be able to request and for which they would be charged. These services may range from chartering and manning an inspection vessel to contracting observers on board fishing vessels.

To help the Agency in its tasks, an EU fisheries monitoring centre using satellite tracking technology to provide information regarding the location and movements of EU vessels will be established.

The Agency will have an Administrative Board made up of representatives of the European Commission, the Member States and the fishing industry. The Board will establish a Work Programme for the Agency. It will also appoint the Executive Director. The Agency will have a staff of 49.

Now that the issue of location has been resolved, questions have been raised regarding the remit and functions of the new Agency. Elspeth Attwooll MEP (ELDR, UK) was appointed as the European Parliament’s rapporteur.

*Timetable expected in the EU*

The Agency was proposed in April 2004. The European Parliament’s rapporteur has indicated that her report should be prepared by the end of November 2004 (deadline for amendments is expected to be 24-25 November), for adoption in January by the EP Committee and February 2005 in the Plenary. It is envisaged that the subsequent Fisheries Council (under the Luxembourg Presidency) would then take the final decisions on remit and functions.

*Key issues identified*

Following some discussions with the EP’s rapporteur, with SPICe and others it would appear to me that the following are the outstanding areas of concern:

- The implications for regional management of fisheries
- The implications for the inspection of non-Community vessels fishing in Community waters (Norway, Russia etc.)
- The balance of control within the Agency, particularly the balance between the member states, the European Commission, the fishing industry and other interests
- Any possible link to the harmonisation of minimum penalties
- Democratic scrutiny over the work of the Agency
- The value for money offered by the Agency.

*Planned activities*

I plan the following as my approach:
• Write out to the main fisheries bodies in Scotland to ask for their input on the key issues above. The bodies identified are:

   Fishermen’s Organisations:

   Scottish Fishermen’s Federation
   Clyde Fishermen’s Association
   Federation of Highlands & Islands Fishermen
   Highlands & Islands Fishermen Association (SG)
   Fife Fishermen’s Association
   Mallaig & North West Fishermen’s Association
   Scottish Pelagic Fishermen’s Association Ltd
   The Scottish White Fish Producers’ Association Ltd
   Shetland Fishermen’s Association

   This by no means an exhaustive list of the fishermen’s organisations within Scotland, however it should allow a sufficient geographical mix of representatives across the Country.

   The Scottish Fisheries Protection Agency
   WWF Scotland
   RSPB Scotland
   Marine Conservation Society Scotland

• Ask SPICe to provide a short background paper on the key issues above. I would also ask the Parliament’s new EU Legal Adviser for input on the wider aspects of the relationship between the powers of the EFCA and the concept of decentralisation, delegation of powers, balance of control within the Agency - particularly the balance between the member states, the European Commission, the fishing industry and other interests – etc.

• Hold a meeting with officials and possibly the Minister in the Scottish Executive to gauge its views on the EFCA and on the key issues above

• Following receipt of information from the above tasks, produce a short report for the Committee, with clear conclusions and recommendations

• I will also seek to liaise with Elspeth Attwooll MEP and other Scottish MEPs to keep them informed of my work

Expected timetable and milestones

I would expect to produce a draft Report by our meeting of the 23 November. This will enable Elspeth Attwooll MEP to utilise it for her work in the European Parliament. If adopted by the Committee, it can then be sent to the Scottish Executive and others for comment, and to the Parliament’s Environment and Rural Development Committee for interest.

Alasdair Morrison MSP
Reporter
CONVENER’S REPORT

1. Letter received from the Scottish Executive on the European Structural Funds and the ‘N+2’ provision

Following a recent meeting of the Committee, the Convener wrote to the Executive to ask for further information on European Structural Funds and the ‘N+2’ provision. The Executive has now responded (Annex A). The Convener now recommends that:

Members will note that according to the Minister, “It is too early to say with certainty what this year’s [2004] outcome will be, but indications are that all five Programmes will once again meet their targets [for the N+2 provision]”. Members may wish to consider the letter in Annex B and consider what, if any, follow-up action is required. It is recommended that should the situation regarding N+2 change, the Executive should inform the Committee accordingly.

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

Members welcome the information provided. Members may also wish to note that the Clerk has written to ELU to remind them of the importance of certain key principles when putting together a programme for visiting parliamentarians.

John Swinney MSP
Convener
29 October 2004

1. I understand that on 14 September your committee discussed management of European Structural Funds in Scotland and, particularly, the N+2 rule and that Andy Kerr (then Minister for Finance and Public Services) agreed to supply an update on the situation to the Committee. I am now writing as the Minister with responsibility for structural funds to inform you of the situation following the most recent Programme Monitoring Committees, which met on 19th and 20th October.

2. Under the “N+2” rule, resources are decommitted (that is, clawed back by Brussels and therefore lost to Scotland) if they are not paid to final beneficiaries by the end of the second year following the year of commitment. The rule was applied in Scotland for the first time at the end of 2003. In that year, all ERDF and ESF Programmes in Scotland eventually met their spending targets and there was no decommitment. The three Objective 2 Programmes were aided in this by the establishment of the Scottish Co-investment Fund, which generated a large single claim for each during the course of 2003. There is no equivalent in 2004.

3. It is too early to say with certainty what this year’s outcome will be, but indications are that all five Programmes will once again meet their targets. The Objective 3 Programme (European Social Fund) has already surpassed its N+2 target for this year. The South of Scotland (ERDF) Programme expects to pass its target during the first week of November.

4. The Monitoring Committees for the two ERDF Programmes in the East of Scotland and the West of Scotland met on Tuesday and Wednesday of this week and received up-to-date progress reports on N+2. Both Programmes have approved claims at higher levels than at this time last year and are on course to meet their spending targets if claims from project sponsors continue to arrive as anticipated.

5. The Highlands and Islands Programme has already met its N+2 target for this year in respect of ESF. In respect of ERDF it anticipates claims from project sponsors which should enable it to meet its ERDF target by the end of the year.

6. The improved spending levels this year result from better claims performance by the public sector partners in the Programmes, including local authorities and Scottish Enterprise. A small proportion of partners are still significantly behind their agreed claims profiles. The then Deputy Minister for Enterprise and Life Long Learning wrote to these partners in the late summer, urging them to submit claims in line with their agreed spending profiles. The letter was successful in engaging partners’ interest and produced further valuable claims which helped Programmes towards their spending targets. I shall continue to take any further action that appears necessary to ensure that N+2 targets are met and that resources are not lost to Scotland.

ALLAN WILSON
MONTHLY REPORT FOR THE CLERK/CHIEF EXECUTIVE AND THE EXTERNAL LIAISON UNIT ON THE EXTERNAL RELATIONS ACTIVITIES IN THE PARLIAMENT

SEPTEMBER 2004 - INWARD VISITS

Tuesday 07 September - A group of 10 from the Catalonia Exchange Programme visited the Scottish Parliament for around an hour.

Tuesday 07 September - Senior Chinese delegation from Chongqing, involved in key-level national, regional & district government level urban planning & regeneration, made a brief visit to see the new Scottish Parliament building.

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

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 met MSPs to discuss procedure, education and the clerking and administrative system. They also had lunch with Paul Grice and members of the CPA Scotland Branch Executive Committee and a courtesy call with Trish Godman DPO.

Wednesday 15 September - Shadow Minister for Justice, Northern Territory Legislative Assembly, Jodeen Carney had 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 McLeod, Clerk of Committees in the Tasmanian Legislative Council, came on a short term attachment with the Scottish Parliament in order to exchange information regarding the work and procedures of committees.

Friday 24 September - Mr Kar, the Editor of the New Indian Express (the most widely circulated Indian newspaper in Orissa), was in the UK to learn about foreign policy. He visited the Parliament with Lesley Smith from the Scottish Executive to see FMQs.

SEPTEMBER 2004 - OUTWARD VISITS

Wednesday 01 September - Thursday 09 September - 50th Commonwealth Parliamentary Conference, hosted by the Canadian Branches of the CPA. The Scotland Branch sent Andrew Welsh MSP as delegate and Cathy Peattie MSP as
observer with the Secretary of the CPA (Wales Branch) providing the accompanying Secretary.

Friday 17 September - The Presiding Officer represented the Parliament at the commemoration of Scottish involvement of the liberation of Dutch towns in 1944 at events in Arnhem.

OCTOBER 2004 - 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. 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.

Friday 08 October - Tuesday 12 October - Dan Hays, President of the Canadian senate visited the Scottish parliament from 8-12 October primarily to attend the official opening ceremony for the new building. On Monday 11 the President met Members to discuss general issues in relation to oil and gas exploration in Scotland.

Saturday 09 October - Opening Ceremony for the new Scottish Parliament building. The day consisted of three main phases - a Ceremonial event in Parliament Hall, the seat of the first Scottish Parliament; a “riding” down the Royal Mile to Holyrood which will include schoolchildren, community groups and representatives of civic society from every constituency in Scotland as well as MSPs; and the formal Opening Ceremony of the Holyrood Parliament building by Her Majesty The Queen.

Wednesday 13 October - Mr Pál Csáky, Deputy Prime Minister received a tour of the parliament building.

Monday 18 October - The Prime Minister of Estonia received a tour of the parliament building.

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 - TBC

Thursday 28 October - A Bolivian delegation, led by either the Speaker of the Senate or the Speaker of the House of Representatives, will come to the Parliament on an IPU sponsored visit. A dinner hosted by the Presiding Officer is planned. More to follow
OCTOBER 2004 - OUTWARD VISITS

Sunday 17 to Tuesday 19 October - Bruce Crawford MSP, Michael McMahon MSP, Helen Eadie MSP and Murray Tosh MSP traveled to Chepstow to attend the 29th Plenary Session of the British-Irish Interparliamentary Body.

Sunday 24 to Tuesday 26 October 2004 - The Presiding Officer will represent the Parliament at the annual Conference of Assemblies of Legislative Regions of Europe meeting, this year being hosted by the Parliament of Lombardy in Milan.

NOVEMBER 2004 - INWARD VISITS

Monday 01 November - Tuesday 02 November - The President of the Osaka Prefectural Assembly will be with members on Tuesday 2 November and would like to meet with MSPs. More to follow

Tuesday 02 November - Mr Jose Juan Bremer, Mexican ambassador to the UK is visiting Scotland in October as part of 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. He 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. The ambassador will receive a tour of the Parliament building and a courtesy call with the Presiding Officer.

Friday 05 November - Civil servants of the Personnel Association of the Swedish Parliament to receive an overview of the structure of the Scottish Parliament and to meet with counterparts in research, security and the Committees. Further details to follow on receipt of Visit Enquiry Form

Sunday 07 November - Wednesday 10 November - 3 or 4 day visit of a cross-party delegation from the National Assembly of Quebec, made up of 4 members and a secretary. The visit would include bi-lateral meetings on a number of issues with MSPs. There would also be a cultural programme which would take them outwith Edinburgh.

Monday 08 November - Ministers and officials from Wales, Ireland, N Ireland, Guernsay, Jersey, Isle of Man and England will receive a guided tour of the parliament building.

Monday 15 November - Tuesday 16 November - Proposed visit by speaker of Western Cape Provincial Parliament. More to follow

Wednesday 17 November - Visit by Ms Shanaz Ahmed Rashid, Head of European Foreign Relations for the Patriotic Union of Kurdistan. Details to follow on receipt of Visit Enquiry Form.

Wednesday 17 November - Cuban Parliamentary delegation will be visiting the Cross Party Group on Cuba. They would also like to attend plenary in the VIP gallery. More to follow
Thursday 25 November - Proposed visit from Icelandic ambassador and officials from the West Nordic Council. To include courtesy call with PO. More to follow

NOVEMBER 2004 - OUTWARD VISITS

Thursday 18 November to Saturday 20 November
The Presiding Officer will speak at the annual St Andrew’s Day dinner in New York.

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: http://www.scottish.parliament.uk/corporate/externalLiaison/index.htm

Outward visit reports, once provided by Member or staff participating in visits, can be normally accessed at the sites above. Status of outward visit reports this session is as listed below, but we are experiencing some continuing 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 any “missing” reports meantime are invited to contact the Unit.

- August 2003: CPA visit to Canada – posted.
- March 2004: Encounter Round Table – Helen Eadie MSP’s report posted.
- April 2004: Meeting with Icelandic Speaker – posted.
- May 2004: 16th CPA Parliamentary seminar – oral report given by participating MSP at CPA AGM.
- July 2004: CPA study group on access to information - report awaited by participating MSP.
- September 2004: CPA annual conference – report awaited from accompanying Clerk at Welsh National Assembly.
EUROPEAN AND EXTERNAL RELATIONS COMMITTEE

BRIEFING PAPER

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

Introduction

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

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

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

4 These two types of information give rise to the shorthand terminology of ‘pre-and post-Council scrutiny’ for this particular task of the Committee. In scrutinising the material, the Committee has a range of options:

- note the material having placed it into the public domain for others to use
- ask for more written information from the Executive
- invite the relevant minister to attend the next committee meeting for further discussions

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

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

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

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

This paper

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

Action requested

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

John Swinney MSP
Convener
### SUMMARY TABLE OF CONVENER’S RECOMMENDATIONS

<table>
<thead>
<tr>
<th>Council</th>
<th>Did Executive meet deadline for sending information?</th>
<th>Notes and recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Pre-Council scrutiny</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Education, Youth and Culture Council, 15-16 November</td>
<td>Yes</td>
<td>Thank the Department for this very comprehensive annotated agenda which is a “model” for all.</td>
</tr>
<tr>
<td>General Affairs and External Relations Council, 22 November</td>
<td>Yes</td>
<td>To thank the department for the information provided.</td>
</tr>
<tr>
<td>Agriculture and Fisheries Council, 22 November</td>
<td>Yes</td>
<td><strong>NB.</strong> The department has advised us that, “Current indications are that, due to the difficulties over ratification of the new Commission, the November Ag and Fish Council is unlikely to take place. There is some speculation that it may be pushed back to early December.”</td>
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<tr>
<td>Competitiveness</td>
<td>Due 4/11/04</td>
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<tr>
<td>(Internal Market, Industry and Research) Council, 25 November</td>
<td>Due 4/11/04</td>
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<tr>
<td>ECOFIN Council, 25 November</td>
<td>Due 4/11/04</td>
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<td><strong>Post-Council Scrutiny</strong></td>
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<tr>
<td>Employment, Social Policy, Health and Consumer Affairs Council, 4 October</td>
<td>Yes</td>
<td>To thank the department for the information provided.</td>
</tr>
<tr>
<td>General Affairs and External Relations Council, 11 October</td>
<td>Yes</td>
<td>To thank the department for the information provided.</td>
</tr>
<tr>
<td>Environment Council, 14 October</td>
<td>Due 4/11/04</td>
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</table>
Pre-Council Report - Education, Youth and Culture Council

1. Adoption of the agenda

2. (Poss.) Adoption of "A" points

**EDUCATION**

3. Proposal for a Decision of the European Parliament and of the Council establishing an integrated action programme in the field of lifelong learning (LA) (Legal basis proposed by the Commission: Articles 149 and 150 of the Treaty)
   - progress report and policy debate

   Education Ministers from the EU25 will discuss specific questions in regard to the new EU integrated Lifelong Learning funding Programme for 2007-2013 (replaces old Socrates, Erasmus, Leonardo da Vinci and Comenius programmes). Common ground at Education Committee level is beginning to emerge but, due to increased funding levels proposed to match challenging Lisbon targets, it is unlikely that final agreement will be reached until end 2005 or early 2006 when the next Financial Perspective for the EU is agreed. Specific questions to be addressed at the Council concern simplification, the nature of the transversal programme for cross cutting issues, whether the Barcelona objective of learning a second foreign language should be reflected in the programme and ways to increase the quality and not just quantity of student mobility.

4. Education and citizenship; report on the broader role of education and its cultural aspects
   - Adoption

   The Presidency will present Conclusions detailing a number of priority actions for Ministers to adopt in regard to citizenship education. The broader role of education for citizenship is embodied in the aims of the above funding programme and also in the draft EU Constitutional Treaty. The Council will agree to encourage exchanges of experience in citizenship leading to increased effectiveness and quality. A set of key citizenship competences for the knowledge-based society, of which the European dimension forms an integral part, have been proposed including interpersonal, intercultural, civic and social competences. The possibility of developing indicators in this subject will be explored. Ministers will examine ways in which these key competences could serve as a reference point for curriculum development. Good practice will also be shared in terms of embedding education for citizenship into teacher training programmes and also on ways to involve teachers, communities and parents in citizenship activity. The Council of Europe initiative in 2005 ‘European Year of Citizenship through Education’ will ensure citizenship education will be in the spotlight.

   - Adoption
The council will discuss a number of future priorities on enhanced cooperation in Vocational Education and Training (VET), including, the creation of an open and flexible European qualifications framework based on competences and outcomes; and establishing a European Credit Transfer System for vocational education and training (ECVET). Final agreement on these priorities will be made at the Maastricht Ministerial Conference in December to be attended by Ministers with responsibility for vocational education from all member states.

6. **The report of the High Level Group advising the European Commission on its preparations for the Mid Term Review of the Lisbon strategy in March 2005 ("Report KOK")**
   - orientation debate
   - (public debate)

Another big priority for discussion at the European Council in November will be the Lisbon Objective for the EU ‘to become the most competitive and dynamic knowledge-based economy in the world by 2010’. A report by Wim Kok, chair of a high-level group undertaking a mid-year review of the Lisbon process, will be discussed with a view to providing suggestions to give new impetus to the Lisbon process. This report will be published on 3 November and will be presented to the council by Will Hutton, Governor of the London School of Economics for discussion. This will be then be taken forward to the Maastricht Ministerial Conference in December. The UK Presidency of the EU, in the latter half of 2005, will have the important task of taking stock of progress made in regard to the education and training sphere of Lisbon, and of suggesting priorities for the way forward.

**YOUTH**

   - (Legal basis proposed by the Commission: Article 149 of the Treaty)
   - progress report and policy debate

Ministers will discuss the proposal for a decision creating the ‘Youth in Action’ programme (2007-13), with the aim of reaching political agreement on this proposed programme. The ‘Youth in Action’ programme has been discussed twice at meetings of the Youth Working Party over the last six months. These discussions have included an article by article examination of the text; as a result, some amendments have been made to the text. However, none of the budgetary provisions have been discussed, pending a decision on the financial perspectives. The main discursive point at the Council will be whether the age range for the programme should be extended. There will also be a lunchtime debate on youth issues at the Council, particularly concerning the integration of services for young people.

   - adoption

Ministers will discuss the mid-term evaluation of the ‘Youth’ Programme for 2000-2006, with the aim of agreeing to a Resolution on this mid-term evaluation. The evaluation has been discussed at meetings of the Youth Working Party over the last six months and amendments have been made to the text.
9. **Draft Resolution on common objectives for voluntary activities of young people**
   - **adoption**

Ministers will agree to a Resolution on the common objective on voluntary activities, which was proposed by the Commission in April 2004. The proposed common objective has been discussed at meetings of the Youth Working Party over the last six months and amendments have been made to the text. The Resolution on the common objective on voluntary activities will stress the importance of voluntary activities for the self-development of young people and their engagement as active citizens, as well as enhancing solidarity and social cohesion. It will aim to make it easier for young people to carry out voluntary activities by removing existing obstacles. It will also encourage the cooperation of European countries to provide attractive and stimulating voluntary activities for young people. Finally, it will include reporting back to the Commission on concrete achievements resulting from the implementation of this common objective on voluntary activities by the end of 2006.

10. **Draft Resolution on common objectives for a greater understanding and knowledge of youth**
   - **Adoption**

Ministers will agree to a Resolution on the common objective on greater understanding and knowledge of youth, which was proposed by the Commission in April 2004. The proposed common objective has been discussed at meetings of the Youth Working Party over the last six months and amendments have been made to the text. The Resolution on the common objective on greater understanding and knowledge of youth will stress the importance of a knowledge-based approach to policy on youth, in order to meet the needs and expectations of young people. It will set out a framework to develop a coherent, relevant and qualitative knowledge area on youth for Europe. It will also include reporting back to the Commission on progress of implementing the common objectives on participation and information by the end of 2005, voluntary activities by the end of 2006 and other themes by the end of 2008.

**CULTURE (including Audiovisual affairs)**

    (Legal basis proposed by the Commission: Article 151 of the Treaty)
    - progress report and policy debate

There will be an exchange of views by Ministers on this agenda item. Discussions are ongoing regarding the detail of this text, which has yet to have its first reading in the European Parliament. The issues to be discussed at the Council will concern the accessibility of smaller operators to the new programme and whether or not specific cultural sectors should be mentioned in the text. Currently the text states in Art. 1 that the programme will be “open to all cultural sectors”. The UK has proposed the inclusion of SMART Targets as part of the monitoring and evaluation of the Culture 2007 programme but the status of these targets, as for those proposed for the Integrated Lifelong Learning Programme above, has yet to be decided.

    - **Adoption**
13. **Council Decision on the appointment by the Council of two members of the selection panel for the "European Capital of Culture" Community action**

This is a procedural point only and should be agreed. Discussions at all levels took place in time for the previous Council in May 2004.

14. **(poss) Draft Council Decision authorising the Commission to participate, on behalf of the Community, in the negotiations within UNESCO on the convention on the protection of the diversity of cultural contents and artistic expressions**

   - Adoption

This agenda item should be agreed. The UK agrees that the Council of Ministers grant the Commission a mandate to negotiate in UNESCO - in areas of its competence - on behalf of Member States. Concerning UNESCO the Scottish Executive has already made initial comments to the DCMS on the Preliminary Draft Convention on the Protection of the Diversity of Cultural Contents and Artistic Expressions and will continue to engage to ensure that Scottish interests are observed.

15. **Proposal for a Decision of the European Parliament and the Council concerning the implementation of a programme of support for the European audiovisual sector (MEDIA 2007) (LA)**

   (Legal basis proposed by the Commission: Articles 157 and 150 of the Treaty)

There will be an exchange of views on the new MEDIA Programme. Following on from the current MEDIA Plus and MEDIA Training programmes, Media 2007 has the principal aims of:

   - Preserving and promoting Europe’s cultural diversity and cinematic/audiovisual heritage, ensuring public access to this heritage and encouraging dialogue between cultures.
   - Increasing the circulation of European films and other audiovisual productions, both inside and outside the EU.
   - Strengthening the commercial performance of the European audiovisual sector in an open and competitive market context.

Ministers will consider at the Council whether the positive discrimination measures foreseen in the draft programme are sufficient and effective to ensure adequate access for operators from markets with a lesser production capacity or a restricted language area. Ministers will also consider whether they support the aim of involving broadcasters more in the Media 2007 programme, so as to better disseminate and distribute European audiovisual works. The UK has similarly proposed that SMART objectives be applied to Media 2007.


   (Legal basis proposed by the Commission: Article 157 of the Treaty)
In September 2001 the Commission issued a Communication on “certain legal aspects relating to cinematographic and other audiovisual works” which dealt with a wide range of issues including the protection of film heritage. This Recommendation builds on this earlier initiative. It focuses on cinematographic works with its scope covering all aspects of film heritage, i.e. collection, cataloguing, creation of databases, preservation, restoration, and use for educational, academic, research and cultural purposes; and cooperation between the institutions responsible at European level.

17. **Proposal for a Recommendation of the European Parliament and of the Council on the protection of minors and human dignity and on the right of reply in relation to the competitiveness of the European audiovisual and online information services industry (LA)**
   (Legal basis proposed by the Commission: Article 157 of the Treaty)
   - general approach

In 1998, the Council adopted a Recommendation on the protection of minors and of human dignity from unsuitable material from audiovisual sources, such as television, videos and the Internet. It recommended cooperation between users, consumers, public authorities, parents, teachers and the industry to promote self-regulation and co-regulation, codes of conduct, and the development of rating and filtering systems. The Commission has now made a proposal for updating this Recommendation by the Council and the European Parliament which will be welcomed by the UK Minister at the Council.

18. **Any Other Business**

   *No AOB items yet*
Session on General Affairs

1. Resolutions, opinions and decisions adopted by the European Parliament at its period of session in Strasbourg on 25-28 October 2004

The European Parliament was due to vote on the new Commission proposed by incoming Commission President, Barroso. However, Mr Barroso withdrew his proposed list of commissioners because of a dispute over the appointment of one of the Commissioners.

The EU Parliament can only approve nominations for the 25-seat executive Commission as a whole and MEPs had threatened to veto the entire proposed commission.

There were no resolutions, opinions or decisions adopted of significant interest.

2. Preparation of the European Council (17 December)

The agenda for this meeting is not yet available but it is certain to include discussions on enlargement and the accession of Turkey, in particular.

3. (poss.) Follow-up of the IGC

This is likely to involve update on the IGC held in Rome for the signing of the Constitutional Treaty.

4. (poss.) Enlargement

Session on External Relations

This section relates to reserved issues.

1. MEPP

2. EU – Canada

3. EU – China
4. Euromed Ministerial meeting
5. Western Balkans
6. Human rights
7. ESDP
   = Military Capabilities (Headline Goal 2010; Battle Groups; ECAP)
   = European Defence Agency
   = Operations
   = Civil Capabilities
8. Africa
9. Effectiveness of EU external action
10. Revision of the Cotonou Agreement
11. (poss.) Budgetisation of the EDF
12. (poss.) Economic Cooperation and Development Instrument
13. (poss.) Peace and Security Instrument
14. Public-Private Partnerships
15. Millennium Development Goals:
    = Progress report on the EU contribution to the 2005 UN review of the MDGs (public debate)
    = Follow-up to the International Conference on Population and Development (Cairo + 10)
    = HIV/AIDS and other major poverty diseases
16. Monterrey follow-up
17. Annual Report on EC Development Policy
18. Progress report on commodities and cotton

**Likely to become "A" items**

Progress of work in other Council configurations

Preparation of the EU – Bulgaria Association Council

(poss.) Preparation of the Accession conference with Romania

(poss.) Preparation of the Accession conference with Bulgaria

(poss.) Preparation of the EU – Western Balkans Forum
(poss.) Council Conclusions on reproductive health, including HIV/Aids

Joint Action launching the follow-up to SFOR

Rwanda
   review of Common Position

(poss.) Joint Action EUPOL Proxima

(poss.) Decision HoM EUPOL Proxima

(poss.) Decision concerning the implementation of Joint Action 2002/210/CFSP (European Police Mission) - Budget 2005

(poss.) Temporary reception by Member States of the EU of certain Palestinians

(poss.) Joint Action 2002/210/CFSP (Integrated Police Unit Kinshasa)

EU Annual Report on Human Rights

(poss.) Afghanistan

(poss.) Land reform in developing countries

Relations with South-Africa
   preparation of the EU-position for the Cooperation Council

**In the margins of the Council**

Military Capabilities Commitment Conference
Civil Capabilities Commitment Conference
EU – Western Balkans Forum
Ministers of Defence: EU + 5
Political dialogue with the Palestinian Authority
EU – Turkey Troika
Accession conference with Bulgaria
Accession conference with Romania
EU – Bulgaria Association Council
Cooperation Council with South-Africa
Pre-Council Report - Agriculture and Fisheries Council, 22 November

NB. The department has advised us that, “Current indications are that, due to the difficulties over ratification of the new Commission, the November Ag and Fish Council is unlikely to take place. There is some speculation that it may be pushed back to early December.”
Pre-Council Report - ECOFIN Council, 25 November

Summary

On Article 13 Sex Discrimination Directive the Council reached broad political agreement. On Agency Workers Directive, blocking minority holds and argues for a 6 month permanent derogation but others oppose. Presidency concludes that the front runner remains Greek Presidency proposals on transitional and qualifying periods and signals that it may fall to Luxembourg to find agreement. On Working Time there was a very general exchange of views on the Commission’s proposals with no clear blocking minority. Member States expressed mixed views on Social Services of General Interest.

Equal Treatment Between Men and Women

Council reached broad political agreement following difficult negotiations in 3 separate sessions on a draft Directive implementing equal treatment between women and men outside the workplace, aimed at extending the principle of equal treatment beyond the employment area to other areas of everyday life. It will apply to both direct and indirect discrimination. It is limited to goods and services available to the public and offered outside the area of private and family life. It does not apply to the content of the media or advertising nor to public or private education. Its scope includes insurance and related financial activities. The draft Directive provides for a transposition period of 3 years. It establishes only minimum requirements so that Member States can maintain higher or wider levels of protection.

Agency Workers

Council held policy debate on this. Blocking minority held and argued for a 6 month permanent derogation but others opposed. Presidency ideas for extra exemption for Member States without collective agreements failed to gain any support. Presidency noted the wide diversity in Member States’ positions and concluded that special exemption for Member States without collective agreements appeared not to be the solution. The Presidency agreed to work hard with the Commission to come up with a proposal for December Council.

Working Time Directive

Council held first exchange of views on the recently submitted Commission proposal. The proposal was generally welcomed on the grounds that it would improve legal certainty in this area. The main amendments that would be introduced by the draft Directive concern:
- the length of the reference period for the calculation of maximum weekly working time;
- definition of working time: introduction of definitions of “on call time” & “inactive part of on-call time”;
- the conditions of the application of the “opt-out” clause regarding the maximum weekly working time.

There was no clear blocking minority but there were a number of helpful interventions seeking greater flexibility on the 65 hour cap and on compensatory rest. The Presidency is still aiming for political agreement at the 6/7th December Council subject to the European Parliament’s willingness to do a first reading.
Social Services of General Interest

The Presidency invited an exchange of examples and experience of the interaction between provision of social services, and regulations on competition and internal market. In recent years the role of the EU in shaping the future of services of general interests has been at the centre of the debate on the European model of society. The Council debate was intended to provide an input for the Communication that the Commission should submit in 2005 regarding the framework in which social services of general interest should operate and be modernised. Delegations stressed the need for more clarity about the relation between the internal market and competition rules and the need to guarantee social objectives such as universal service provision and equal access for all.

Open Co-ordination on Healthcare

Council approved an opinion from the Social Protection Committee on open co-ordination on Member States’ policies on health care and long term care.

Bilbao and Dublin Regulations

Council agreed general approaches on amendment of the Regulation establishing the European Health and Safety Agency in Bilbao and the Dublin Foundation on Living and Working Conditions. The draft Regulations are aimed at increasing the efficiency of the agencies, in particular in the context of the EU’s enlargement.
Post-Council Report – General Affairs and External Relations Council, 11 October

General Affairs and External Relations Council
11 October 2004

The Foreign Secretary, the Minister for Europe and John Grant (UK’s Permanent Representative to the EU) represented the UK at the General Affairs and External Relations Council (GAERC) in Luxembourg on 11 October.

Conclusions were agreed on terrorism, Libya, Western Balkans (ICTY, Serbia and Montenegro, and Kosovo elections), Sudan/Darfur, Indonesia, Great Lakes (Burundi and MONUC), Middle East Peace Process, Ukraine, Human Rights Dialogues (EU-China and EU-Iran), EU-India Strategic Partnership, WTO/DDA, Bosnia/EUFOR (Draft OPLAN – ALTHEA), and EUPOL Proxima.

GENERAL AFFAIRS SESSION

PREPARATIONS FOR THE EUROPEAN COUNCIL (5 NOV 2004)

The Council examined a draft agenda prepared by the Presidency. The main items are:
Economic issues - The European Council will hear a presentation by Mr Wim Kok, chairman of a high-level group advising the Commission on the preparation of the mid-term review of the economic reform strategy laid down at Lisbon in March 2000. It will also take note of work on a methodology for assessing the burden on businesses of legislation and regulation.
Justice and home affairs - The European Council is expected to adopt a new multi-annual agenda for the EU’s Area of freedom, security and justice.
EU communication strategy - The European Council will examine how to better communicate to the public on the EU's work and its relevance to people's daily lives.
EU enlargement - The President of the Commission will present a number of policy documents regarding Bulgaria, Romania, Croatia and Turkey's applications to join the EU.

1. TERRORISM

The Council welcomed progress made in several areas in the implementation of the EU Action Plan for combating terrorism, while noting that significant steps still needed to be taken by the EU and its Member States to adhere to the commitments made under the plan. Conclusions were agreed.

2. ENLARGEMENT

The Council took note of a presentation by Commissioner Verheugen on the Commission's Recommendation on the start of accession negotiations with Turkey, the 2004 Regular Report and Issues Paper on Turkey, the Strategy Paper on progress in the enlargement process, including Croatia, as well as the 2004 Regular Reports on Bulgaria and Romania.
EU FINANCIAL FRAMEWORK FOR 2007-2013

The Presidency presented its progress report on the negotiations so far. The report gave a broad summary of the views raised by Member States on competitiveness, cohesion, agriculture, rural development and fisheries. The Council also heard a presentation by the Commission on its proposals for financing in the field of external action. The Presidency is aiming to secure Council agreement to principles and guidelines for the 2007-2013 financial perspective at the European Council in December as a step on the way to reaching political agreement on future financing next year.

3. EXTERNAL RELATIONS SESSION

LIBYA

As part of a policy of engagement with Libya, the Council decided to lift the arms embargo and repealed a set of economic sanctions adopted by the EU in application of UNSC resolutions. The Council invited Libya to respond positively to this policy, notably with a view to the resolution of the remaining EU concerns, such as the case of the Bulgarian and Palestinian medical workers and other outstanding issues. Conclusions were agreed, which reflected these concerns.

UKRAINE

The Council remained supportive of Ukraine's pursuit of democratisation and economic reform. The EU has called upon the Ukrainian authorities on several occasions to safeguard all necessary conditions for holding free, fair and transparent presidential elections this autumn. The Council reiterated this appeal and reminded the Ukrainian leadership that the conduct of these elections will be proof of Ukraine's commitment to the democratic values of the Council of Europe and the OSCE and bears great significance for EU-Ukraine relations. Conclusions were agreed.

IRAN

Ministers discussed Iran over lunch with a particular focus on the nuclear issue. Views were exchanged on the approach for the weeks ahead, leading up to the IAEA Board of Governors meeting of 25 November. Conclusions were agreed on the EU-Iran Human Rights Dialogue.

CHINA

Ministers took stock of the state of discussions on the embargo on the sale of arms to China, following the mandate given to the Council by the European Council in December 2003. Conclusions were agreed on the EU-China Human Rights Dialogue.

SUDAN/DARFUR

The Council urged the Government of Sudan to provide information on actions taken to neutralise and disarm the Janjaweed militias and to bring to justice perpetrators of human rights violations and crimes against civilians. It called upon all parties to strictly abide by the ceasefire agreement signed on 8 April 2004. The Council will take appropriate measures,
including sanctions, against the Government of Sudan and all other parties, in accordance with the United Nations Security Council Resolution 1556 and 1564, if no tangible progress is achieved in this respect. The Council reiterated its readiness to support the African Union in its efforts to stabilise the security situation in Darfur. It noted with urgency the need for additional humanitarian assistance and coordination. Conclusions were agreed.

INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA (ICTY)

The Council noted with deep concern the presentation by ICTY Chief Prosecutor, Mrs. Carla del Ponte, who emphasised the need for improvement in the level of co-operation with the Tribunal. The Council reiterated its call on all States, in particular Serbia and Montenegro, Bosnia and Herzegovina, and also Croatia to render all necessary assistance to the ICTY. Continued failure to co-operate fully and in a timely manner with the ICTY would seriously jeopardise further movement towards the EU. Conclusions were agreed.

WESTERN BALKANS

Serbia and Montenegro

High Representative Solana and Commissioner Patten reported on their visit to Belgrade. The Council expressed its support for the twin-track approach, which would imply a single Stabilisation and Association Agreement with distinct negotiations with the Republics on trade, economic and possibly on other relevant sectoral policies. It urged the country's political leaders to take advantage of this approach with the aim of contributing to a positive outcome of the feasibility report early next year. It recalled that respect for international obligations, including full co-operation with the ICTY, remained crucial for further progress in the process towards EU integration. Conclusions were agreed.

Kosovo

The Council discussed the forthcoming Kosovo Assembly elections on 23 October and looks forward to the elections being conducted in a peaceful and democratic environment and in a free and fair manner, with the widest participation of all communities. The Council welcomed the call by President Tadic encouraging Kosovo Serbs to participate in the forthcoming elections. Conclusions were agreed.

EUROPEAN NEIGHBOURHOOD POLICY

The Council took note of a progress report by the Commission on the state of play of the European Neighbourhood Policy Action Plans with the seven countries concerned (Jordan, Palestinian Authority of the West Bank and Gaza Strip, Ukraine, Moldova, Israel, Morocco and Tunisia).

MIDDLE EAST PEACE PROCESS

The Council condemned the terrorist attacks in Taba and Ras Satan against innocent Egyptian and Israeli citizens and praised the two Governments for their close co-operation in the rescue and investigation activities.
The Council expressed its grave concern at the unprecedented cycle of retaliatory violence in Israel and the Occupied Territories and reiterated its full and unconditional condemnation of all forms of terrorism. It called upon the Palestinian Authority to take firm action against the planners and perpetrators of such terrorist acts (rocket attacks into Israel). The Council recognised that Israel has the right to protect its citizens from terrorist attacks, it stressed that the exercise of this right should take place within the boundaries of international law. The Council called on Israel to put an immediate end to its operation in Gaza and to fully respect the Fourth Geneva Convention. The Council reminded Israel and the Palestinians to consider the longer-term consequences of their actions. It emphasised that the only way to achieve lasting peace in the Middle East is through the resumption of security co-operation and direct negotiations between the parties, as called for in the Roadmap. Conclusions were agreed.

**GREAT LAKES**

The Council remained concerned about the overall situation in the region and welcomed the adoption of UN Security Council Resolution 1565, which further strengthens the mandate of MONUC and calls for a significant increase and improvement of MONUC's capabilities. The Council stressed that the European Union and its Member States are currently investigating possible contributions to MONUC. Conclusions were agreed.

**KENNETH BIGLEY**

The EU expressed its profound shock and total condemnation of the barbaric murder of Kenneth Bigley in Iraq. The EU condemned all kidnappings and acts of terrorism in Iraq and demanded the immediate release of all hostages there.

The Presidency requested that the condolences of all Council members be passed to Mr Bigley's family.
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- and post-Council of the EU meetings. 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.

John Swinney MSP
Convener
LETTER(S) SENT TO THE SCOTTISH EXECUTIVE (DATED 29 SEPTEMBER)

TO MALCOLM CHISHOLM MSP, MINISTER FOR HEALTH AND COMMUNITY CARE

Re. Working Time Directive and the NHS

During yesterday’s Committee meeting, Members considered the pre-Council agenda for the Employment, Social Policy, Health and Consumer Affairs Council of 4 October 2004. In particular, we noted with interest the proposed discussions on the amendments to the Working Time Directive (93/104/EC).

Although the information provided was useful, Members agreed that I should seek more information on the implications of the discussions on the NHS in Scotland. We would like a more detailed explanation of the proposed amendments being discussed, the likelihood of their adoption (i.e. what level of support do they have in the Council) and the potential implication of each of these for the operation of the NHS in Scotland.

Whilst respecting the view that both the Executive and the UK Government would not wish to publicise its “negotiating line” in advance of this Council, it would be useful to have more detailed information of the nature of the amendments to be discussed and the implications of each if adopted.

I would be grateful if this information could be provided in advance of our next meeting, which is scheduled to take place on 26 October. I am copying this letter to Roseanna Cunningham MSP in her role as Convener of the Health and Community Care Committee.

Yours sincerely,

EXECUTIVE’S RESPONSE

This is available on hard copy only. For a copy of this, please contact the clerks on request (Europe@scottish.parliament.uk Tel 0131 348 5226)
Re. Biofuels Directive

At yesterday’s meeting, it was agreed that the Committee should seek some factual information relating to the Biofuels Directive. Specifically, Members sought more information on the quantity of biofuels represented by the 0.3% figure (i.e. in terms of litres sold), where this would be available (i.e. only at specific locations or across Scotland etc.) and where raw fuel would be grown, processed and distributed.

I would be grateful if this information could be provided in advance of the Committee’s meeting of the 9 November. Can you pass this request on to the relevant official?

Yours sincerely,

EXECUTIVE’S RESPONSE

Awaiting response