The Committee will meet at 2.00 pm in Committee Room 1.

1. **Item in private:** The Committee will consider whether to take Item 5 in private.

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

   **Forthcoming Councils**

   Agriculture and Fisheries Council, 21-22 December

   **Previous Councils**

   Justice and Home Affairs Council, 25-26 October
   Education, Youth and Culture Council, 15-16 November
   ECOFIN, 16 November
   Justice and Home Affairs Council, 19 November
   General Affairs and External Relations Council, 22-23 November
   Agriculture and Fisheries Council, 22-23 November
   Competitiveness (Internal Market, Industry and Research) Council, 25 November
   ECOFIN Council, 25 November
   Justice and Home Affairs Council, 2 December
   ECOFIN Council, 7 December
   Transport, Telecommunication and Energy Council, 9-10 December
   General Affairs and External Relations Council, 13-14 December
   Environment Council, 20 December
3. **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.

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

   - Letter received from the Scottish Executive on the review of the concordats between the Scottish Executive and the UK Government
   - Letter received from the Scottish Executive on the location of EU Agencies
   - Monthly report from the Clerk/Chief Executive and the External Liaison Unit on the external relations activities in the Parliament.

5. **Promoting Scotland worldwide - an Inquiry into the external relations policy, strategy and activities of the Scottish Executive:** The Committee will consider the framework of a draft report.

   **Stephen Imrie**  
   Clerk to the Committee  
   Tel: 0131 348 5234  
   Email: europe@scottish.parliament.uk
The following papers are attached for this meeting:

**Agenda Item 1**

There are no papers for this item

**Agenda Item 2**

BRIEFING PAPER: “Pre- and post-Council of the EU analysis and scrutiny”  EU/S2/04/22/1

**Agenda Item 3**

Sift of EC/EU documents and draft legislation  EU/S2/04/22/2

**Agenda Item 4**

Convener’s Report  EU/S2/04/22/3

**Agenda Item 5**

PRIVATE BRIEFING PAPER: “Inquiry into the Promotion of Scotland worldwide – framework of the final report”  EU/S2/04/22/4
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

**NB.** Please note that of the five Pre-Council agendas listed below, four will have taken place by the time the Committee considers this paper. This is partly due to the fact that the Committee has not undertaken Pre- and Post-Council scrutiny at its previous two Committee Meetings, due to pressure of work with the inquiry, and partly due to information being supplied late by the Scottish Executive.

<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 agendas</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Agriculture and Fisheries Council, 21-22 December</td>
<td>Yes</td>
<td>To thank the department for the information provided and note that a debate on this subject was held in the Chamber on 9 December. Members may wish to ask the Scottish Executive to ensure that a comprehensive post-Council report is sent to parliamentary committees without delay.</td>
</tr>
<tr>
<td>Environment Council, 20 December</td>
<td>Yes</td>
<td>To thank the department for the information provided. Members may wish to ask the Executive for details of its transposition plans in relation to the Batteries Directive. Members may wish to note the public consultation on the LIFE+ programme (a key financial instrument for environmental activity)</td>
</tr>
<tr>
<td>General Affairs and External Relations Council, 13-14 December</td>
<td>Yes</td>
<td>To thank the department for the information provided.</td>
</tr>
<tr>
<td>Transport, Telecommunications and Energy Council, 9 December</td>
<td>Yes</td>
<td>To thank the department for the information provided.</td>
</tr>
<tr>
<td><strong>Post-Council reports</strong></td>
<td></td>
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</tr>
<tr>
<td>Agriculture and Fisheries Council, 22-23 November</td>
<td>Yes</td>
<td>To thank the department for the information provided.</td>
</tr>
<tr>
<td>Competitiveness (Internal Market, Industry and Research) Council</td>
<td>Yes</td>
<td>To thank the department for the information provided. Members may wish to note the discussions on “Better Regulation”, the mid-term review of Lisbon and the debate on the Services Directive</td>
</tr>
<tr>
<td>ECOFIN, 16 November</td>
<td>Yes</td>
<td>To thank the department for the information provided.</td>
</tr>
<tr>
<td>ECOFIN, 25 November</td>
<td>Yes</td>
<td>To thank the department for the information provided.</td>
</tr>
<tr>
<td>ECOFIN, 7 December</td>
<td>Yes</td>
<td>To thank the department for the information provided. Members may wish to note the discussions on the EU Financial Framework (budget) for 2007-2013</td>
</tr>
<tr>
<td>Education, Youth and Culture Council, 15-16 November</td>
<td>Yes</td>
<td>To thank the department for the information provided.</td>
</tr>
<tr>
<td>Event</td>
<td>Response</td>
<td>Action Description</td>
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<td>----------------------------------------------------------------------</td>
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<tr>
<td>General Affairs and External Relations Council, 22-23 November</td>
<td>Yes</td>
<td>To thank the department for the information provided.</td>
</tr>
<tr>
<td>Justice and Home Affairs Council, 25-26 October</td>
<td>No – one month late</td>
<td>To thank the department for the information provided, but ask the clerk to investigate the circumstances behind the late delivery of the report</td>
</tr>
<tr>
<td>Justice and Home Affairs Council, 19 November</td>
<td>Yes</td>
<td>To thank the department for the information provided.</td>
</tr>
<tr>
<td>Justice and Home Affairs Council, 2 December</td>
<td>Yes</td>
<td>To thank the department for the information provided.</td>
</tr>
</tbody>
</table>
Pre-Council Agenda – Agriculture and Fisheries, 21-22 December

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

Fisheries

Proposal for a Council Regulation fixing for 2005 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks, applicable in Community waters and, for Community vessels, in waters where catch limitations are required (TACs and Quotas)

- Adoption
  The Scottish Executive will be negotiating for a fair and equitable settlement which balances the need for stock conservation against the requirements of fishing communities.

Proposal for a Council Regulation fixing for 2005 the fishing opportunities and associated conditions for Deep Sea Stocks applicable in Community waters and, for Community vessels, in waters where catch limitations are required (TACs and Quotas)

- Adoption
  The scientific advice for Deep Sea Stocks is severe and recommends substantial cuts in TACs, advice we expect the Commission to follow and which we will support.

Council Regulation establishing measures for the recovery of cod stocks

- Adoption
  The Executive will be aiming for a balanced package – one which is more effective and more equitable than the current Annex V arrangements.


- Political agreement/Adoption
  We have consulted with the industry on this proposal and we will support it.

Agriculture

Possible policy debate on proposals for a new Rural Development Regulation.

This issue was discussed briefly at the November Council and could re-appear in December depending on progress made in SCA. This is a very important dossier for Scotland. The Commission proposals were published on Wednesday 15 July. They are based on the three major objectives of:

- improving the competitiveness of farming through support for restructuring;
- enhancing the environment through support for land management; and
- improving the quality of rural life and promoting diversification.
These objectives are broadly similar to the aims of the current regulation but would be delivered through a simplified single funding and programming instrument. While this approach can, on the face of it, be welcomed there is also a risk that support for less favoured areas may be subject to additional constraints which would be unwelcome in Scotland. The November Council noted general support for the rural development proposal but concerns were expressed on a number of issues including minimum spend, axis structure, less favoured area designation and provisions for non-Euro countries.
Pre-Council Agenda – Environment Council, 20 December

1. **Aarhus package**
   
a) Proposal for a Regulation of the European Parliament and of the Council on the application of the provisions of the Århus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters to EC institutions and bodies

b) Proposal for a Council Decision on the conclusion, on behalf of the European Community, of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters

c) Proposal for a Directive of the European Parliament and of the Council on access to justice in environmental matters

*(poss.) Political agreement*

The Regulation at a) above will apply the Århus Convention to the institutions of the EU. This will not apply to any Member States but the latter have been involved in its drafting in the interests of consistency. Agreement at this Council will allow the Decision at b) above to ratify the Convention on behalf of the EU by May 2005, to allow the Community to participate as a full participant to future meetings of the Parties.

The proposed directive goes beyond the terms of the Convention and hence is not a prerequisite of ratification. The Dutch Presidency therefore prioritised a) and b), with discussion of the proposed Directive following in 2005.

2. **Batteries and accumulators**

Proposal for a Directive of the European Parliament and of the Council on batteries and accumulators and spent batteries and accumulators

*(poss.) Political agreement*

The proposed revision to the Batteries Directive would update the rules regarding the placing on the market of batteries and accumulators and specific rules for the collection, treatment, recycling and disposal of waste batteries and accumulators to supplement relevant Community legislation on waste. MSs would have to ensure that all batteries were collected and producers would have to finance collection treatment and recycling. MSs would have 18 months to implement and collection rates would apply 4 years later - from around 2011.

3. **REACH**


*(Exchange of views) (poss.) Key elements*

This Regulation is based on the principle that it is up to manufacturers, importers and downstream users to ensure that they manufacture, place on the market, import or use such substances that do not adversely affect human health or the environment.
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 this 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.

4. **Oilseed rape product** (Brassica napus L., GT73 line)


Vote

A notification for the import and use of GM oilseed rape GT73 as any other oilseed rape (but not cultivation) was made by Monsanto to the Netherlands Competent Authority. It has been assessed by the lead Member State (Netherlands) and all other Member States have had the opportunity to comment.

5. **Climate change:**

Medium and long term strategies and targets

*Council conclusions*

These are likely to address topics such as the challenges and scientific uncertainties; note the need for long-term global policies; recognise actions being taken and the need for more, and more innovative, action; acknowledge costs yet point also to the opportunities and benefits of action to combat climate change.

6. **Kok report on Lisbon**

*Council conclusions*

This relates to the work of the former Dutch Prime Minister Wim Kok in relation to taking forward the economic, social and environmental pillars of the EU Lisbon Strategy - a 10-year strategy to make the EU the world's most dynamic and competitive economy. Under the strategy, a stronger economy will drive job creation alongside social and environmental policies that ensure sustainable development and social inclusion.

7. **SDS**

*Council conclusions*

This reviews the EU's progress on the Sustainable Development Strategy which was adopted by European leaders when they met in Gothenburg in June 2001. The environmental issues link to economic development and social justice. It examines several key areas in sustainable development, such as sustainable consumption and production, poverty reduction, globalisation and trade, and governance and sustainable development. The European Commission is currently analysing the some 700 responses to its public consultation of July 2004.

8. **Financial Instrument for the Environment (LIFE +)**

*Exchange of views*
The Commission has proposed a new model (LIFE+), replacing the existing LIFE Environment and LIFE Nature for the period 2007-2013. It is proposed that most future environmental funding could concentrate upon underpinning development and implementation of Community environment policy and legislation. Hence it would support sustainable development in general and the 6th Environmental Action Programme objectives of

- combating climate change
- halting the decline of biodiversity
- improving the quality of life and
- ensuring the sustainable use and management of natural resources.

A small proportion could go towards dissemination and awareness-raising on environmental issues. The ‘innovation’ priority of the current LIFE Environment could go to EU Competitiveness and Innovation programmes.

Funding for Natura 2000 and biodiversity more generally could continue with some rearrangement of funding.

This is at an early stage and a public consultation on the EU proposal is about to get under way.

9. Preparation of UNEP Governing Council (February 2005)  
Exchange of views

10. AOB

a) Mercury Strategy  
   *Information from the Commission*

b) Groundwater Directive  
   *Information by the Presidency*

   Dutch Presidency conferences

c) 25 years of Directive 79/409/EEC on the conservation of wild birds  
   *(poss.) Information by the Presidency*

d) European Marine Strategy  
   *Information by the Presidency*

e) High-level meeting on energy and sustainable mobility  
   *(poss.) Information by the Presidency*

f) Environment and Health Action plan  
   *Information by the Presidency*  
   (Budapest Conference, HL Seminar)

g) ENAP (exploring new approaches for the regulation of industrial Installations)  
   *Information by the Presidency*
h) Soil strategy conference

Information by the Presidency
Pre-Council Agenda – General Affairs and External Relations, 13-14 December

Session on General Affairs

1. Resolutions, opinions and decisions adopted by the European Parliament at its periods of session in Strasbourg on 15-18 November and in Brussels on 1-2 December 2004

The EP voted to approve the new Commission presented by President-elect Barroso – *(B6-0164/2004/rev. European Parliament decision electing the nominated Commission)*

2. Preparation of the European Council (17 December)

The main items expected to be addressed at the European Council in Brussels on 16-17 December are:

   I. **Enlargement** – the Council is expected to take decisions on outstanding enlargement questions, in particular on:
      ♦ conclusion of negotiations with Bulgaria and Romania
      ♦ opening of negotiations with Croatia and Turkey

   II. **Terrorism** – review of progress made in the fight against terrorism

   III. **Financial Framework 2007-2013: principles and guidelines** - expected to decide on principles and guidelines as part of the process leading to agreement on the new Financial Framework

   IV. **Area of freedom, security and justice: the EU Drugs Strategy 2005-2012** - expected to take note of the adoption by the Council of a new EU Drugs Strategy for the period 2005-2012 and endorse its approach and main lines of action

   V. **External affairs** - expected to discuss the Middle East Peace Process, Iran, Iraq, Sudan, Afghanistan, Wider Middle East and Mediterranean.

3. Enlargement

   Likely to include discussions on outstanding enlargement issues, particularly Turkey.

4. Terrorism

   **No further information is available at this time on the specific topics under discussion.**


   **No further information is available at this time on the specific topics under discussion.**

Session on External Relations

This section relates to reserved issues

1. European Security Strategy

2. ESDP

3. MEPP

5. Non proliferation
**Likely to become "A" items**

Progress of work in other Council configurations

(poss.) Liberia

(poss.) Haiti

(poss.) Council Decision on the extension of the mandate of the European Reconstruction Agency

(poss.) Joint Action EUMM

(poss.) Decision Head of Mission EUMM

(poss.) Decision on small arms and light weapons in South Eastern Europe

(poss.) Athena mechanism

Adoption of the Council report to the European Council on the implementation of the Common Strategy on Ukraine

(poss.) Preparation of the 5th Association Council with Israel

*adoption of the EU Common Position*

(poss.) Preparation of the Accession Conference with Romania

(poss.) Preparation of the Accession Conference with Bulgaria

**In the margins of the Council**

Association Council with Israel
Accession conference with Romania
Accession conference with Bulgaria
Pre-Council Agenda – Transport, Telecoms and Energy, 9-10 December

TELECOMMUNICATIONS

Proposal for a Decision of the European Parliament and of the Council on establishing a multiannual Community on promoting safer use of the Internet and new on line technologies (Safer Internet Plus)

− (poss.) Political agreement

Safer Internet Plus aims to combat illegal and harmful content on the internet. The programme also encompasses the scourge of unsolicited commercial e-mails, therefore the difference in the definition of a partnership, detailed in point 4 below, also applies.

World Summit on Information Society (WSIS)

− Council conclusions

UK governments leads on this issue, no specifically Scottish aspects.

ICT prospects beyond 2005

− Exchange of views
− Council Resolution

Again there are no particularly Scottish issues, the UK line will is supported.

AOB

Unsolicited communications for direct marketing purposes (SPAM)

= Presidency paper

Unsolicited commercial communications/’spam’ to individuals is now limited under the terms of the Privacy and Electronic Communications Directive, implemented in the UK by the DTI last year. The Directive specifies that unsolicited marketing e-mails/SMS to individuals must be sent on an ‘opt-in’ basis (e.g. if the recipient has previously ticked a box agreeing to receive it), unless in the context of an existing customer relationship, in which the addressee must be offered the chance to opt-out with every message.

The Directive allowed Member States discretion on the level of protection for businesses in relation to unsolicited communications. In April this year, DTI is due to extend the protection available for individuals to businesses in relation to telephone marketing, which is considered the biggest burden on SMEs’ resources as it requires to be dealt with in real time and cannot be easily filtered out. As the Directive applies only to communications within the EU, however, DTI’s consultation process brought out strong resistance to extending protection levels for other forms of electronic marketing as this might disadvantage UK businesses against non-EU competitors.

During the consultation period, Executive officials pointed out to the DTI that a difference in the legal description of a partnership in Scotland as compared to England and Wales means that, under the Directive, Scottish-based partnerships are subject to the same (lack of) protection as most other businesses, whereas their counterparts south of the border classify as a collection of individuals and therefore have much greater immunity from ‘spam’. DTI officials maintain that, when international agreements throughout the OECD that are
currently being pursued are in place, greater protection from all unsolicited electronic marketing communications will be extended to all types of businesses in the UK, which would have the effect of smoothing this anomaly.

**Communication on European electronic communications, regulations and markets 2004**

=Information

The 21st Century Government Unit has lead responsibility for promotion of e-government in the Scottish public sector. The Minister will wish to note:

- The Executive, its Agencies and NDPBs have identified nearly 600 public services for which we are responsible. Of these 87% are available on line to some degree as at March 2004.
- In March 2003, Local Authorities reported that 79% of their services were online to some degree.
- Both are measured using the eEurope 4-stage classification (information available on-line, 1-way interaction, 2-way interaction, full transaction)
- The Executive, through its Modernising Government Fund, is supporting the public sector to modernise its services. Projects include the Citizen’s Account and smartcard, eCare and National Land & Property project.
- The 21st Century Government Unit is also funding a short pilot study, currently live on “Sky”, to assess the value of interactive Digital TV as a medium for delivering public services. This is run in partnership with West Lothian and Dumfries & Galloway Councils, NHS Health Scotland, YoungScot and StartHere

The Enterprise Agencies are fully engaged in the delivery of e-business advice and supporting the development of new services. To support the resulting increased demand for these services, the Executive’s broadband strategy is helping to accelerate roll-out of infrastructure within the confines of European State Aids regulations.

Energy & Telecommunications Division
Scottish Executive
November 2004

**TRANSPORT**

**MARITIME**

(poss.) Proposal for a Regulation of the European Parliament and of the Council on the implementation of the International Safety Management Code (ISM Code) within the Community

= Political agreement

A measure to bring the International Maritime Organisation’s International Safety Management Code into Community law, and to extend the application of the code to domestic shipping.

UK Government approach generally positive but had a concern about the application of the full code to domestic shipping which operates in sheltered waters, although this has been addressed in the current draft text. Close to agreement on the text in the Council Working
Group. Has received European Parliament 1st reading (at which no amendments were proposed to the Commission’s text). The regulation is likely to come into force towards the end of 2004.


--- Political agreement

The Directive would extend security to ports as a whole, based on the International Maritime Organisation regime mandated by a closely associated EU Ship and Port Facility Security Regulation.

The UK Government had a number of concerns relating to competence, trespass into adjacent areas and the need for a better impact assessment. However, those have been satisfactorily dealt with in the course of negotiations and the Directive is likely to be agreed before the end of 2004. The Dutch Presidency is hoping for a first reading deal with the European Parliament.


--- General approach

This Proposal aims to simplify the procedure for the recognition of certificates issued by Member States so that seafarers who are qualified in one Member State are qualified to serve on board ships flying any other Member State flag with no pre-requisites. As a non-controversial measure it is expected to be taken forward quite quickly.

UK Government position is that the proposal is agreed in principle but need to ensure that recognition of certificates is based on a Member State’s proven ability to meet International Maritime Organisation Standards. Currently being discussed in Council Working Groups and agreement has almost been reached on the text. Political agreement expected at 4 December Council. May be resolved under 1st reading deal under Luxembourg Presidency, if not UK Government would hope to complete under UK Presidency.

**Erika III Package**

--- Presentation by the Commission

This is a range of separate measures that are loosely linked. The position is as follows:

**Maritime Casualty Investigation:** Not yet published but likely to be available in December. Considered one of the easier dossiers in the ERIKA III package, it will be modelled on International Maritime Organisation recommendations. UK Government supports the measure. UK Presidency would give conditional and partial priority.

**Vessel Traffic Monitoring:** Not yet published and timing uncertain. UK Government offers qualified support, however final position will not be known until the proposal is published. UK Presidency support likely.
Flag State Control Performance: Not yet published but likely to be available in December. Aims to transpose the International Maritime Organisation measure into Community Law. The Directive would also make mandatory the IMO model audit scheme which is currently voluntary in the IMO. UK Government is opposed to the proposal as it considers that it would undermine the sovereignty of the EU flag states. There will be a possible Commission Communication at the December Council, however the UK presidency will give no priority.

Proposal for a Directive further amending 95/21 EC on Port State Control: Timing uncertain. UK Government supports subject to certain conditions. UK Presidency would reflect high priority.

LAND TRANSPORT

Proposal for a Regulation of the European Parliament and of the Council on compensation in cases of non-compliance with quality requirements for rail freight services (Third railway package)

– General approach

The proposed Regulation on contractual quality requirements for rail freight services would apply to all rail freight services in the EC. It sets out mandatory requirements in terms of the content of contracts between train operators and their customers. In particular, it is prescriptive about:

- compensation for loss of goods;
- the performance criteria for both customers and train operators against which compensation is to be paid; and in certain cases the amount of that compensation;
- as in the international passenger rights proposal, infrastructure manager liability for the relevant proportion of compensation paid by train operators to their customers

It is not expected that there will be early progress on this proposal before the Luxembourg Presidency. Timescales in the European Parliament are not yet known but seems unlikely that 1st Reading will take place before the end of this year.

(poss.) Amended 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 by rail, road and inland waterway

– Policy debate/Political agreement

Public Service Regulations are not likely to be discussed at the Transport Council in December. The Commission may come forward with new proposals in early 2005 however, it is dependant on the views of the new Transport Commissioner.

HORIZONTAL ISSUES

(poss.) Amended proposal for a Directive of the European Parliament and of the Council on Intermodal security

– Presentation by the Commission
We are advised that this item will not be on the final agenda. We understand that the proposal relates to the securing of containers throughout their movements across different transport modes.

**GALILEO Communication**

- Council conclusions

GALILEO is a UK-reserved matter.

**AVIATION**

The following items relate to reserved policy areas, but are important to the general direction of EU aviation.

**(poss.) New negotiation mandates**

- Adoption

The proposed mandates for Agreements with the Balkans and Morocco were removed from the October Transport Council agenda. The Department for Transport awaits information on whether they will be included in the December agenda.

EU-US negotiations for an Air Transport Agreement have been held up over the election period and it is unlikely that this will be discussed at the December Council. Negotiations are expected to get underway again in the New Year.

**(poss.) Proposal for a Regulation of the European Parliament and of the Council extending the EASA Regulation (No 1592/2002) to air operations [procedural aspects] and to flight crew licensing**

- Exchange of views

The Department for Transport has indicated that the European Aviation Safety Agency (EASA) amendment is not expected to be on the December Transport Council agenda as no new proposal has been received in relation to extending the Regulation to air operations (procedural aspects) and to flight crew licensing. Nothing has been done on this for some considerable time and it is most unlikely, therefore, that EASA will be included in the final December agenda.

**(poss.) Proposal for a Directive of the European Parliament and of the Council on the harmonisation of training of air traffic control personnel and the mobility of such personnel (ATC licensing)**

- General approach

The introduction of common licence as proposed is a means of recognising the specific role that air traffic controllers play in the safe provision of air traffic control. The establishment of harmonised competence standards throughout the EU will reduce inconsistencies in this area and contribute to a more efficient and safer interface between their service providers. A preparatory study for the Directive revealed that, despite existing international regulations, national traditions are strong, yielding a variable level of quality and producing competencies that are difficult to compare. The Commission believes that this inconsistency
is no longer acceptable as it may lead to an increased safety hazard in Europe’s congested airspace.

The proposed air traffic controller licence is also intended to make the freedom of movement of controllers easier by eradicating the current discretion that some Member States take with regard to the mutual recognition of licences issued in other countries.

The Commission has based its proposal on the relevant requirements of Eurocontrol Safety Regulatory Requirement Number 5 (ESARR5) which includes detailed controller competence and licence requirements. In 2003, Eurocontrol, the European Organisation for the Safety of Air Navigation, implemented ESARR5 in its 34 Member States. Once implemented, ESARR5 will result in the harmonisation of air traffic controller licensing across the Eurocontrol Member States. In particular, controller training and competence standards and controller-licence ratings and endorsements will be standardised. As a Member State of Eurocontrol, the UK Government has agreed to implement ESARR5, and consequential amendments to the Air Navigation Order 2000 were made in December 2003. The Civil Aviation Authority (CAA) has already implemented the controller licence requirements of ESARR5 in the UK including the issuance of new licences to all controllers in accordance with the ESARR5 requirements. The CAA has advised the UK Government that these new licences should only require the addition of an endorsement covering language proficiency in order to comply with the requirements of the proposed Directive.

While ESARR5 has been implemented in the UK, Eurocontrol does not have robust enforcement powers and finds it difficult to ensure that all of its Member States meet fully the requirements it sets. The Directive will help to ensure that the civilian air traffic controller licensing and training requirements contained in ESARR5 will be enforced within the EU. For example, where ESARR5 notionally enables freedom of movement of controllers between Members States, the lack of enforcement powers means that States could still choose not to recognise the qualifications and experience of controllers from other States. Under the Directive, each State will be obliged to recognise a controller licence issued in another Member State in a non-discriminatory manner. The Directive also places requirements in respect of the certification of controller training organisations.

Within the European Single Aviation Market, it is appropriate that there are common rules governing air traffic controller training and licensing. The Directive is on the agenda for agreement to a General Approach at the December Transport Council. It will also need to be considered by the European Parliament and it now seems likely that adoption of the Directive will be in summer 2005 at the earliest.
Post-Council Report – Agriculture and Fisheries, 22-23 November

The Council, which opened on the first day in office of the new Commission, welcomed Commissioners Mariann Fischer-Boel, Markos Kyprianou and Joe Borg to their new posts.

On Agriculture, the Presidency secured qualified majority support for a political agreement on a compromise text updating the current rules on the welfare of animals during transport. The UK supported the proposal which contains significant improvements to the current rules including a strengthening of the enforcement rules in Europe, stricter rules for journeys of more than 8 hours and new rules for the transport of horses. The proposal also sets out a clear timetable for the review of the new rules together with a commitment to address the issue of journey times, space allowances and rest periods no later than 4 years after they have come into effect.

The Council had a lengthy exchange of views on reform in the sugar sector, based on the Commission’s communication of July 2004. The Commission indicated that it would not bring forward formal proposals until May or June next year when the result of the EU’s appeal against a WTO panel ruling on the sugar regime had been received. The Commission would press for political agreement before the WTO Ministerial scheduled for Hong Kong in December 2005. A majority of member states were critical of the Commission’s approach thus far and argued for minimal change, principally aimed at maintaining production in all those areas of the EU where it is currently found. The UK argued that the current regime was unsustainable and that reform was inescapable. The EU needed to honour its external obligations and the UK welcomed the Commission’s commitment to bringing forward a draft action plan for assistance to the ACP countries by the end of the year.

In a brief discussion of the rural development and CAP financing proposals, there was general support for the rural development measures although concerns were expressed on a number of specific issues such as the proposed structure for the new regulation and the treatment of less favoured areas. The UK stressed the importance of further transfers to Pillar 2 measures, the case for a more objective allocation of funds and the need for equitable treatment of the non-euro member states. Discussion will continue at official level.

The Presidency drew attention to its initiative for member states to cooperate on agricultural research in order to avoid duplication and to maximise value for money. The UK supported this initiative and we expressed our readiness to cooperate with Luxembourg in taking it forward next year.

Under Other Business, Estonia described its problems relating to a Russian ban on imports of plant material, Spain called for collaboration with Morocco in the field of animal health, Germany asked the Commission to bring forward legislation on the marketing of seeds of plant varieties of conservation importance and Slovakia requested funding under the natural disasters heading following gales in the High Tatras national park.

On Fisheries, The Council exchanged views on the EU/Norway bilateral agreement. Negotiations over the 2005 agreement have gone well and a solution has been found to balancing the exchange of fishing possibilities between the EU and Norway. The UK supported the deal and looked forward to signing a deal which will allow vessels to fish in the Norway zone from 1 January 2005. Questions relating to transfers of anglerfish, Greenland halibut, Greenland shrimp and redfish remained.
The Council held a policy debate about the reformed European Fisheries Fund on the basis of a questionnaire drawn up by the Presidency. Discussion centred around some Member States desire to reintroduce public subsidy for fleet modernisation and renewal. The Commission stood firm and rejected any return to subsidised fleet building. The UK supported the Commission. On other EFF issues, there is a general consensus that subsidiarity should be increased, particularly in relation to defining socio-economic measures to accompany fleet restructuring and the sustainable development of coastal areas. Aid for marketing and processing should not be limited to small and micro-sized enterprises but to SMEs, according to most Member States.

The Council reached political agreement on a presidency compromise by a qualified majority on the allocation of deep sea species to the new member states. The basis of the compromise was a change in the reference period on which quotas would be based from 1994 – 2003 to 1993 – 2002. The UK had argued that any allocation decision should have been based on the same reference period as the EU15. The Commission agreed with the Council that the allocations in question were made without prejudice to future allocation decisions for other deep sea stocks. Estonia, Poland, Latvia and the UK all abstained from the vote. The UK abstained due to concerns about the management of the fishery and as the proposal had not been able to complete parliamentary scrutiny.

Discussions were held about management measures in the Baltic Sea with a number of Member States expressing concerns about the severity of the Commission’s recovery plan.

Under other business the EU/Comoros agreement was adopted.

Summary

Council adopted conclusions on better regulation and simplification of EU-legislation. Council discussed strengths and weaknesses regarding EU-competitiveness as a whole, and especially the automotive sector. Commission agrees to set up a new High Level Group on Automotive and Ministers supported this. First political discussion in the Council on the Services Directive and Ministers focused on three issues: country of origin principle, administrative co-operation and administrative simplification. General policy debate on a European Space Programme that could potentially be endorsed in the second half of next year. On the Chemicals Regulation (REACH) there was fairly wide support for ‘one substance, one registration’ (OSOR) and generalised concern over the impact of REACH on SMEs.

Better Regulation and Simplification of Legislation

Council conclusions agreed, welcoming progress on improving impact assessments, while reiterating the need to enhance the analysis of legislation on business’s competitiveness. A list of 15 Council priorities for simplification of EU legislation has been presented to the Commission covering a broad area of legislation: environment, statistics, internal market, corporate law, social policy and health.

Competitiveness

Council welcomed the presentation of the Commission’s Competitiveness Package which provides an extensive description of the current state of affairs on a broad range of determining factors of European competitiveness. Council will use this package for their preparation of the key issues paper for 2005 Spring Council. Ministers welcomed a report on the automotive industry and the establishing of a High Level Group on the automotive industry, which will address key issues and necessary actions to improve the business climate for the industry. Priority areas are the regulatory framework and policies to improve technology and innovation.

Chemicals – REACH

The Presidency had prepared three areas for discussion: the emerging results of impact assessment work; proposals for 'one substance, one registration'(OSOR), and the proposals for additional data requirements for low-volume substances (1-10 tonnes) resulting from an expert sub-group meeting. The Commission said that impact assessment showed the need to reduce costs for SMEs and downstream users, but measures to achieve this needed to be cost-effective and workable. OSOR raised many complex questions. The Commission would not wish to rule out the mandatory data sharing element, but requiring companies to agree on a single interpretation of data raised problems with the commercial confidentiality of information on processes and uses. All delegations stressed the need to minimise the cost impact on SMEs, subject to health and environmental needs.
**Services in the Internal Market**

Ministers had their first political discussion in Council on this topic. The debate took place on the basis of a note prepared by the Presidency, focussing on the three following issues: the country of origin principle, administrative co-operation and administrative simplification. Council agreed that the Services Directive is a key element in the Lisbon Strategy. The country of origin principle was supported by most Ministers as a starting point for the directive.

**Cross Border Mergers**

After 20 years of discussion this Directive makes co-operation between companies easier and cheaper, both for large multi-nationals and small and medium sized enterprises. The Directive makes it easier for companies with a share capital and a legal personality to merge with companies in other Member States. The laws of the Member States must allow the cross-border merger of a national limited liability company with a limited liability company from another Member State if the national law of the relevant Member State permits mergers between such types of companies. Agreement has also been reached on employee participation with the general principle that the national law governing the company resulting from the cross-border merger will be applied. Another important provision aims at protecting employees rights in subsequent domestic measures for a period of three years after the cross-border merger has taken effect.

**Space Council**

This was the first meeting of the “Space Council” a joint meeting of the EU Competitiveness Council and the European Space Agency’s Ministerial Council. A debate was held among Ministers on policy issues concerning the development of a European Space Programme on the basis of a questionnaire drawn up by the two Presidencies concerned (EU and ESA). The questions varied from the scope of a space programme to governance, industry policy principles and possible mechanisms for funding.

**Drug Precursors**

Council achieved a political agreement on the Regulation on rules for the monitoring of trade in drug precursors. The proposal aims to prevent the illicit use of drug precursors. From 18 August 2005 there will be increased monitoring of trade in all substances that can be used for production of drugs.

**Textiles and Clothing**

Commission will monitor for a period of one year textile and clothing imports from non-EU countries on a weekly basis and will take measures when necessary. Also the Commission will work with the High Level Group on measures regarding: trade; labelling; non-technological innovation; regional co-operation to accommodate restructuring efforts, and combat counterfeiting and piracy.
Midterm Review of the Lisbon Process and the Kok Report

Council had its first exchange of views on the Kok Report and expressed broad support for it and considered it a good basis for the Midterm review of the Lisbon Strategy. There was broad support for the recommendation in the report that the Member States will have to formulate national action programmes, especially if it could be combined with a reduction in the overall “reporting burden”. The Presidency asked the High Level Group on Competitiveness and Growth to prepare a key issues paper of the Competitiveness Council for 2005 Spring European Council.
Post-Council Report – ECOFIN, 16 November

ITEMS APPROVED WITHOUT DEBATE

Taxation
-Council adopted a Directive on cooperation on excise duties aimed at strengthening the exchange of information between Member States.

Enlargement
-Council adopted Regulation adapting Community support for pre-accession measures for agriculture and rural development; Bulgaria and Romania are now the sole beneficiaries.

External Relations
-Council adopted agreement with China on cooperation in customs matters.

ITEMS DEBATED

Stability and Growth Pact
Council debated ongoing review of EU’s Stability and Growth Pact, which it hopes will be completed in early 2005. Council asked Economic and Financial Committee to continue work on avoidance of pro-cyclical policies; better definition of budgetary objectives; making debt criterion more operational; improving excessive debt procedure; taking structural reforms into account; improving governance.

Council welcomed report by Eurostat on Greece’s deficit and debt data, and encouraged Greek authorities to take sufficient corrective measures.

Financial Framework 2007-13
Council debated Commission’s proposals for modifying the system of own resources for financing of EU budget and the mechanism for correcting imbalances in contributions by Member States. It is proposed to extend the mechanism currently used for UK budget rebate to other Member States.

Lisbon Economic Reform Strategy
Council broadly welcomed the report by group chaired by Wim Kok and agreed with it that the direction of the Lisbon strategy “is right and imperative, but much more urgency is needed in its implementation”. Council agreed:
- that the Lisbon agenda has become too broad; higher growth and employment should be prioritised.
- on the 5 priority areas identified by the group to accelerate employment and productivity growth.

VAT
Council noted Commission proposals to simplify the obligations relating to VAT for businesses that have no base in Member States.
At the request of the French delegation, Council considered issue of reduced VAT on labour-intensive services including restaurants.
Cash Controls to Combat terrorist Financing
Council agreed proposed Regulation on control of cash entering or leaving the Community. Italian delegation voted against.

UK Participant: Stephen Timms, Financial Secretary to the Treasury

ITEMS APPROVED WITHOUT DEBATE

Economic and Financial Affairs

-Council welcomed the Commission’s initiative to present a Communication on Clearing and Settlement. The efficient, cost-effective and safe cross-border clearing and settlement of securities transactions within EU would be a significant step towards completion of the Internal Market for financial services.

ITEMS DEBATED

Council reached political agreement, together with the European Parliament and the Commission, on the 2nd reading of the draft general budget for 2005. Details of the agreed budgets, by field of action, are attached to the minutes of the meeting.
Post Council Report - ECOFIN, 7 December

UK Participant: Jon Cunliffe, H.M. Treasury

ITEMS APPROVED WITHOUT DEBATE

Economic and Financial Affairs
-Council agreed a draft Directive to improve system of taxation for companies of different Member States on merger, division, transfer of assets and exchange of shares.
-Council agreed memorandum of understanding with Monaco on taxation of savings income.
-Council agreed additional financial assistance to Serbia and Montenegro, and to Bosnia and Herzegovina.
-Council agreed regulation about Member States contributing to quarterly non-financial accounts (necessary for analysis of EU economy and conduct of monetary policy).
-Council agreed code to eliminate double taxation of associated enterprises and on accession of 10 new Member States.
-Council agreed to extend validity of an authorisation granted to UK to restrict to 50% the right of a hirer or lessee to deduct input tax on charges for hire/lease of business car also used for private purposes. This is a simplification measure that will also limit the scope for abuse.
-Council extended validity of an authorisation allowing France and Italy to simplify calculation of VAT on tolls in Mont Blanc and Frejus tunnels.
-Council welcomed progress made in follow-up to 2002 Report on financial regulation, supervision and stability: in particular the extension of the Lamfalussy Framework to all financial sectors; the substantial value added by the Financial Services Committee, including the regular assessments it makes of financial stability and recommendations for policy actions.

Justice and Home Affairs

ITEMS DEBATED

Stability and Growth Pact
Council noted a report by the Commission about the revisions by Greece of data it had provided for the assessment of its budgetary situation. “The scope and size of the past revisions in the Greek case are unprecedented and very serious, particularly as regards the overall credibility of the multilateral surveillance framework”. Greece has for a long time not provided accurate information, and has lacked the capacity to do so. The Greek authorities should draw the necessary conclusions. Furthermore, Eurostat validated the critical data, and the Commission’s Convergence Report failed to emphasise to the Council the problems with the Greek statistics. The Commission will launch an infringement procedure.

Convergence Reports for 2004
Council noted EC and European Central Bank reports on convergence of Member States’ economic performance, which include for the first time an assessment of 10 new Member States’ progress towards adoption of Euro.

Financial Framework 2007-13
Council debated the framework being prepared. Presidency reported that different delegations’ positions on expenditure levels vary greatly.

**Terrorism and Money Laundering**
Council noted presentation by the EU Counter-Terrorism Coordinator, and agreed on a proposal for a Directive aimed at preventing the use of the financial system for money laundering and terrorist financing. It would apply to payments in cash exceeding €15,000.

**Financial Services**
Council agreed on approach on proposals for 2 Directives introducing new capital adequacy requirements for banks and investment firms (part of plan to ensure a single market for financial services). Also agreed on an approach for a Directive to establish minimum requirements for the audit of company accounts.

**Regulatory Reform**
The Presidency gave a briefing about the potential burden on businesses of compliance with EU legislation and regulations, including the intentions on this of the future Luxembourg and UK Presidencies.

**Taxation**
Council examined a draft Directive which would change the place of taxation for VAT on business-to-business services: from the place where the supplier is located to the place where the customer is located. Discussion focused on the conditions for the Directive entering into force, and on provisions about the long-term leasing of motor vehicles. The Luxembourg Presidency is to consult further on these 2 issues.

Council discussed a report by Commission on excise duties on alcohol which, among other issues, considered the possibility of increased minimum excise rates, further harmonisation of rates, changes in the structure of duties, and the classification of alcoholic products.

EDUCATION

Proposal for a Decision of the European Parliament and of the Council establishing an integrated action programme in the field of lifelong learning (LA)
  – Progress report and policy debate
  11587/04 EDUC 144 SOC 365 CODEC 924 CADREFIN 18
  + ADD 1
  13453/04 EDUC 189 SOC 480 CODEC 1160 CADREFIN 97

The Education Council met on the morning of the 15th, with the UK represented by Kim Howells, Minister of State for Lifelong Learning, Further and Higher Education. The Council held a policy debate on the Commission’s proposed Lifelong Learning Programme, which was broadly welcomed. Discussion focussed on practical implementation and simplification, mobility of teachers, the learning of foreign languages and portability of student grants.

Education and citizenship - report on the broader role of education and its cultural aspects
  – Adoption
  13452/04 EDUC 188 CULT 89

The Council agreed a report on citizenship in education. The report calls on member states to develop citizenship curricula and exchange best practice on citizenship education. Dr Howells welcomed the report and underlined the importance of citizenship in the school curricula. He said that the Lifelong Learning Programme should be used as an opportunity to exchange good practice on citizenship education. The report will be transmitted to the December European Council.

Draft conclusions of the Council and the Representatives of the Governments of the Member States, meeting within the Council, on the future priorities of enhanced European Cooperation in Vocational Education and Training (VET)
  (Review of the Council Resolution of 19 December 2002)
  – Adoption
  13832/04 EDUC 204 SOC 499

The Council adopted Conclusions on vocational training. Ministers agreed that since December 2002 (The Copenhagen Declaration) considerable progress had been made in the area of European collaboration in professional education. The Council also specified what must be done in the coming period in order to make professional education and training more supportive of Lisbon targets, for example better links between vocational training and academic education to allow individuals to move more freely between the two. Prospects were favourable for a successful ministerial conference in Maastricht on 15 December 2004, during which follow-up agreements will be made.

The Commission also delivered a presentation for a Proposal on Quality Assurance in Higher Education.

Report from the High-Level Group advising the European Commission in its preparations for the mid-term review of the Lisbon Strategy in March 2005 ("Kok report")

Policy debate
The Council heard a presentation from Will Hutton (member of the Lisbon mid-term review group) on the implications for education and training of the KoK report – and held a public policy debate. This report forms the basis for the midterm review of the Lisbon process. The focus of the report on Life Long Learning and excellence in all sectors of education (not just third level and science) was strongly supported. Ministers of Education, including UK and Scottish representation, will further elaborate this issue in Maastricht (15 December 2004). Kim Howells made the point that the skills agenda was central to achieving the Lisbon objectives and that skills would be one of the priorities of the UK Presidency, during which the UK would be organising a skills event.

YOUTH

Proposal for a Decision of the European Parliament and of the Council creating the "Youth in Action" programme for the period 2007-2013 (LA)
– Progress report and policy debate
   11586/04 JEUN 57 EDUC 143 CODEC 923 CADREFIN 17
   + ADD 1
   13834/04 JEUN 87 EDUC 206 SOC 501 CODEC 1154 CADREFIN 93

Peter Peacock represented the UK at the Youth Council. The Council held a policy debate on the Commission’s proposed ‘Youth in Action’ Programme, which again received broad support. Peter Peacock argued that the programme would need to be evaluated to make sure that it made a difference to the lives of young people, that the UK did not support extending the age range of those eligible for the programme beyond 15-25, that the Programme should be used to benefit those from disadvantaged backgrounds and that this legislation should not cut across that in other areas, such as social security. Most other Ministers, however, supported the extension of the age range from 13-30.

– Adoption
   13509/04 JEUN 79 EDUC 193 SOC 484

The Council adopted without comment Conclusions on the current Youth Programme (2000-2006). The Conclusions seek to refocus the remainder of the programme for example to include more young people with fewer opportunities, simplify procedures, improve valuation, increased publicity and consider including more third countries.

Draft Resolution by the Council and the representatives of the Governments of the Member States, meeting within the Council, on common objectives for voluntary activities of young people
– Adoption
   13996/04 JEUN 89 EDUC 211 SOC 512

The Council agreed a Resolution on youth volunteering. The Resolution encourages member states to improve and promote youth volunteering.
Draft Resolution by the Council and the representatives of the Governments of the Member States, meeting within the Council, on common objectives for a greater understanding and knowledge of youth
– Adoption
13997/04 JEUN 90 EDUC 212 SOC 513

The Council agreed a Resolution on a better understanding of the issues affecting young people. The Resolution suggests that member states should improve information that they hold on issues relevant to young people and make it more accessible to young people. There was a presentation from the Commission on the evaluation of the first two years of the Youth Open Method of Coordination.

CULTURE (including audiovisual matters)

– Progress report and policy debate
11572/04 CULT 56 CODEC 921 CADREFIN 15
+ ADD 1
13838/04 CULT 101 CODEC 1156 CADREFIN 95

Discussions on the 2007-13 Culture Programme, which will provide funding for cooperation between cultural organisations, focused on two main areas of contention regarding the Commission's proposals: whether individual sectors should be specifically singled out in the Decision; and whether and how to enable smaller organisations to participate. All Member States welcomed the proposal that the new Programme should be open to all cultural sectors; this would encourage more cross-sectoral projects. The Commission (Reding) was firm that it did not want to list eligible sectors. There was no need as all would be eligible and the types of cultural heritage cooperation projects funded under the current Culture 2000 Programme would still be eligible under Culture 2007. The UK submitted a written statement calling for an open Programme and bigger projects to ensure the EU-level added value of the Programme. However the UK acknowledged that there could be some flexibility on project size to help smaller operators.

– Adoption
13839/04 CULT 102

Ministers adopted a two-year work plan on culture, which will focus on five topics: contribution of culture and audiovisual industries to the Lisbon Agenda; digitisation of cultural heritage; improving the Commission's Culture Portal on the Europa site; mobility of museum collections; and improving the mobility of artists.

Council Decision appointing two members of the jury in the context of the Community action "European Capital of Culture"

The Council approved without discussion the nominations of Dr Brian Hennessy (Ireland) and Bert van Meggelen (Netherlands) as the Council representatives on the European Capitals of Culture selection panel for 2005.
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
13840/04 CULT 103

There was unanimous agreement on the mandate authorising the Commission to negotiate on behalf of the EC in negotiations of the draft UNESCO Convention on cultural diversity.

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

– Progress report and policy debate
11585/04 AUDIO 34 CODEC 922 CADREFIN 16
+ ADD 1
13841/04 AUDIO 59 CODEC 1157 CADREFIN 96

 Ministers discussed the Commission's proposed Media 2007 Programme, which provides financial support for the European film industry. Negotiations in working group have begun, but Parliament's amendments will not be ready until spring next year. Discussions focused on whether the programme should offer more support to television broadcasters and countries with limited film making capabilities. Every delegation except France supported positive discrimination for countries or regions with limited film making capabilities. Luxembourg (Schiltz) committed to finishing first reading of the programme in May 2005 subject to negotiations on the financial perspective.


– General approach
7583/04 AUDIO 14 CODEC 404
13842/04 AUDIO 60 CODEC 1158

The Council agreed without comment a general approach on a Recommendation on Film Heritage, which encourages Member States to establish national archives for films.

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)

General approach
9195/04 AUDIO 27 CODEC 676
13843/04 AUDIO 61 CODEC 1159

The Council agreed a general approach on a Recommendation on the Protection of Minors and Right to Reply. Lord McIntosh of Haringey submitted a minutes statement explaining that whilst the UK agreed with the parts of the proposal aimed at improving children's media literacy, it objected to the parts of the Recommendation which lean in the direction of content regulation of the Internet and to applying Right to Reply to the online environment. He
explained that the UK felt that these elements of the Recommendation would work contrary to its overall aim of improving competitiveness in the audiovisual sector.

Competence of the Member States regarding the definition of public service mission in the information society
– Exchange of views

Germany thanked the Presidency for putting Public Service Broadcasting on the agenda at their request. Weiss explained that many Member States are currently finding contradictions between their right to define the remit of Public Service Broadcasters and EU competition law, particularly in relation to online services. She called on forthcoming Presidencies to find a solution.
Post-Council Report – General Affairs and External Relations, 22-23 November 2004

The Foreign Secretary, the Defence Secretary and the International Development Secretary, John Grant (UK’s Permanent Representative to the EU) and the Minister for Europe represented the UK at the General Affairs and External Relations Council (GAERC) in Brussels on 22/23 November.

Conclusions were agreed on: Africa - Peace and security action plan, ESDP, Middle East Peace Process, Iran, Belarus, Sudan, Ivory Coast, Somalia, and Great Lakes.

GENERAL AFFAIRS SESSION

PREPARATION FOR THE 17 DECEMBER EUROPEAN COUNCIL

The Council examined an annotated draft agenda prepared by the Presidency for the European Council meeting to be held in Brussels on 16 and 17 December. It will prepare the meeting in greater detail at the GAERC on 13 and 14 December. The main agenda items are: EU enlargement, Terrorism, EU financial framework for 2007-2013, EU area of freedom, security and justice, and external affairs (expected to include Middle East Peace Process, Iran, Iraq, Sudan, Afghanistan and the EU Strategic Partnership with the Mediterranean and the Middle East). The Government is largely content with the current agenda, but will discuss in greater depth at the 13 December GAERC.

FINANCIAL FRAMEWORK FOR 2007-2013 (INC EXTERNAL ACTIONS)

The Council took note of a progress report on preparation of the EU's financial framework for the 2007-13 period and held a policy debate on the Commission's proposals as regards financing of the EU's external actions policies. The Presidency noted that most delegations agreed with the proposal to simplify the structure of the EU budget. Many delegations considered that the proposed new financing instruments for external relations would allow the Council adequate political control, although a number highlighted conditions to be respected and emphasised the role to be played by the Member States. The Government emphasised the need for a budget structure which enabled the EU to meet its priorities flexibly. The Presidency's aim is for the European Council in December to define the principles and guidelines for further work on the new financial framework with the aim of achieving political agreement next year.

The Government has argued that the Commission’s proposal for real terms spending increases of 35% from 2007 to 2013 are unrealistic and unacceptable. We believe that the priorities of an enlarged Union can be met within a budget of 1% EU GNI. We have therefore argued for a robust assessment of the value added of EU spending in order to ensure that EU spending is focussed and effective.

EXTERNAL RELATIONS SESSION

ESDP

Defence Ministers approved the six-monthly Single Progress Report on capability development and their declaration on development of military capabilities. In particular, this
declaration included commitments from Member States to hold battlegroups at very high readiness from 2005. The GAERC also approved the 2005 budget and work programme of the European Defence Agency, and Defence Ministers (meeting in Agency Steering Board format) also agreed conclusions on the European Commission’s Green Paper on defence procurement. The GAERC also agreed to launch the EU operation in Bosnia (EUFOR) on 2 December.

Improving European defence capability is one the Government’s key aims for ESDP, and the Government has played a major role in the capability development commitments which the Council approved, in particular the battlegroups concept. The UK has offered one national battlegroup and one joint battlegroup with the Netherlands to the EU’s co-ordinated pool of battlegroups for full operational capability from 2007. Together with France, the UK will provide the EU’s initial operational capability in the first half of 2005. The Government supports the agreed European Defence Agency work programme, and the UK is providing the EU Force Commander in Bosnia for the first year.

MIDDLE EAST PEACE PROCESS

Foreign Ministers discussed the Middle East Peace Process over lunch. The Council expressed its condolences to the Palestinian people on the occasion of President Arafat's death and commended the approach of the current leadership in organising a smooth transition. The Council reiterated its commitment to pursue the short-term programme of action proposed by High Representative Solana to the European Council, and concluded that immediate action is required to support the presidential elections, to improve the security situation and to provide financial support to the Palestinian Authority. The Foreign Secretary agreed with this approach and highlighted that the EU had an opportunity to play a stronger role. He briefed the Council on the Prime Minister's positive discussion with President Bush in Washington.

IRAN

Foreign Ministers also discussed Iran over lunch. They welcomed the agreement on nuclear issues and future cooperation following talks with France, Germany and the UK (E3) supported by the High Representative. The Council welcomed Iran’s decision to suspend fully all enrichment related and reprocessing activities, and to sustain this suspension while negotiations are underway on an agreement on long-term arrangements. It expected Iran to take the steps necessary to enable the IAEA to report on 25 November that full suspension was in place. The Council confirmed the EU’s readiness to explore ways to develop political and economic co-operation with Iran. It recalled the conclusions of the European Council on 5 November that negotiations on a Trade and Co-operation Agreement would resume as soon as suspension was verified. As part of the E3, the Government played a major part in negotiating Iran’s decision to suspend fully all enrichment related and reprocessing activities.

EU-CHINA RELATIONS

Over lunch Ministers addressed EU-China relations, in preparation for the EU-China Summit on 8 December 2004. A large number of subjects will be discussed at the summit with a view to raising the relationship between the EU and China to a higher level. More specifically, with regard to the arms embargo, the Presidency confirmed, following the discussion, that the EU was ready to give a positive signal to China. However, at the same time a number of
concerns must be addressed, including in the field of human rights, and work must continue on strengthening the EU Code of Conduct on arms exports.

The Government supports the decision of the European Council in December 2003 to review the EU Arms Embargo on China. This review is ongoing - it was last discussed by EU Foreign Ministers at the 11 October GAERC. The Government does not wish to exclude any options for the review, nor to pre-empt the conclusion of the review. The Government continues to implement the Arms Embargo as set out by the then Minister of State at the FCO, Derek Fatchett MP, in his reply to Parliament on 3 June 1998.

UKRAINE

There was widespread concern within the Council over the Ukrainian electoral process, as well as at the likely outcome. The Council considered next steps and they issued a Presidency statement calling on the Ukrainian authorities to review together with OSCE/ODIHR the electoral process and results.

Subsequent to the GAERC, the Foreign Secretary made a statement on 23 November urging the Ukrainian authorities to cooperate with the OSCE to ensure that all proper procedures, including legal challenges to the results, are fully followed before declaring a final result. The Ukrainian authorities should investigate all allegations of fraud to ensure that the result reflects the democratic will of the Ukrainian people. We will closely monitor the situation with our EU partners.

BELARUS

The Council called upon President Lukashenko and his government to reverse their present policies and to embark on fundamental democratic and economic reforms. The Council noted with concern that the 17 October 2004 parliamentary elections and referendum in Belarus were not conducted in a free and fair manner. The Council strongly condemned the attacks on peaceful demonstrators, individual opposition leaders and journalists that took place after 17 October. The Council agreed to continue to follow developments in Belarus closely and will take further action as appropriate. The Government supports this approach.

ATHENA FINANCING MECHANISM

The Council examined if the ATHENA mechanism for the financing of the common costs of EU-led military operations could better meet the needs of EU Rapid Response, in terms of transportation of the forces and early provision of funds to ATHENA. It came to no agreement and tasked the relevant Council bodies, in relation with the EU Military Staff and the ATHENA administrator, to continue reflecting on the most appropriate ways and means to finance EU Rapid Response.

The Government believes that the costs of deployment should normally fall to Member States and should not automatically be financed in common. It is important to maintain incentives on Member States to improve their capabilities in this area and to find the most effective means of deploying their forces. The Government’s position received considerable support from other partners. The Government is able to provide funds rapidly to the ATHENA
mechanism when required, and therefore does not intend to participate in a common fund for this purpose.

COTE D'IVOIRE

The French Foreign Minister, Michel Barnier, briefed on recent events. Almost all French nationals had now departed. The Dutch Foreign Minister Bot, speaking as the Presidency, informed Foreign Ministers that South African President Mbeki had debriefed him on his recent discussions with the key figures in the Côte d'Ivoire crisis. The Government shares the international community’s condemnation of the Government of Côte d'Ivoire’s breach of the cease-fire and the ensuing attacks on foreign residents. The Government continues to believe that there can be no military solution to the conflict, and supports the UN and AU in their efforts to find a political settlement.

GREAT LAKES

The Council welcomed the outcome of the First Summit for Heads of State of the AU-UN International Conference for peace and security in the Great Lakes region. The Council stressed the importance of this process leading to a final outcome that will lead to lasting peace and stability, good governance, democracy and respect for human rights, socio-economic development and regional integration. The Council reiterated the willingness of the EU to continue its support, through the Group of Friends of the Conference, to the preparatory process for the second summit to ensure its successful outcome. The Government will do what it can to assist this process and is planning to contribute US$1 million to the Conference.

SUDAN

The Council welcomed the urgently needed deployment of the military elements of the expanded African Union (AU) force in Darfur (AMIS II) and the leading role of the AU. It will consider, in close discussion with the AU, possible support for the implementation of the policing elements of AMIS II. The Council welcomed the progress achieved at the peace talks in Abuja and noted that there is urgent need for additional humanitarian assistance. The EU has already provided more than €325 million from bilateral and Community funds for 2004 but substantial additional amounts need to be raised. The EU will consider increasing its humanitarian support, while encouraging other donors to provide additional support for humanitarian operations.

The Government welcomes the unanimous UN Security Council Resolution 1574. There is an urgent need for progress in resolving the Darfur crisis and to maintain the pressure on both sides (Government of Sudan and rebels) to abide by the commitments they have given. The Government welcomes the AU’s efforts to resolve the crisis in Darfur both through the peace talks in Abuja and through its monitoring mission on the ground. The Government will continue to press the EU to consider actively what it can do to assist and reinforce the AU’s efforts.
SOMALIA

The Council reviewed recent developments in Somalia, in particular the establishment of the Transitional Parliament, the election of Abdullahi Yusuf Ahmed as President and the appointment of Ali Mohamed Ghedi as Prime Minister. The Council would welcome the early establishment of a broad-based government in Somalia. The Council reiterated its support for the efforts of all parties seeking peace and reconciliation in Somalia and stands ready to work with the United Nations and all relevant international organisations in supporting the peace and reconciliation process and the transition to a federal state. The Government feels it is important that the international community actively support the framework for a UN led dialogue with the Transitional Federal Government.

AOB – GUINEA BISSAU

Portuguese Foreign Minister Monteiro gave an update on the mission of the Lusophone Community which had the objective of promoting dialogue between the government and the military and whose conclusions would focus on security sector reform. Further funding was requested. The Government currently provides multilateral support through the UN, EU and International Financial Institutions. It supports the initiative for the Lusophone Community to send a small mission to promote dialogue between the military and political communities in Guinea-Bissau.

DEVELOPMENT AGENDA (23 NOVEMBER 2004)

2005 MILLENNIUM DEVELOPMENT GOALS STOCKTAKE

Conclusions were adopted which outlined a collective EU approach to the 2005 Millennium Summit's stocktake on achieving the Millennium Development Goals (MDGs), via a joint EU report focused on aid resources and new financing mechanisms, coherence of aid and other policies, plus a new initiative on Africa. The Government stressed that the Summit must acknowledge that progress in meeting the MDGs was much too slow, and that changes in policies were needed. The key issues were to increase aid resources; debt relief, where the UK hoped others would follow our initiative to pay off the outstanding debts of the poorest countries to the IFIs; innovative financing mechanisms; and improving trade opportunities for developing countries.

FOLLOW UP TO THE INTERNATIONAL CONFERENCE ON POPULATION AND DEVELOPMENT (ICPD)

Member States adopted two sets of Conclusions giving the Commission a renewed mandate to pursue its policy on these issues. The EU has played a prominent role in the ICPD context from the start and its policy and approaches are now fully aligned with the Cairo (ICPD) agenda. But more funding was needed to implement the Cairo action plan. Also, poverty diseases, especially HIV/AIDS, remain a major cause of death as indicated by shocking new figures recently revealed by UNAIDS. The Government is particularly pleased to see the links that the Conclusions make between Sexual and Reproductive Health and HIV. HIV and AIDS will be a priority during the UK Presidency of the EU and G8 next year.
MONTERREY FOLLOW UP

Conclusions and the Action Plan on harmonisation were agreed. The Action Plan was drawn up by a special working party of Member States’ experts and will be submitted to the Second OECD Development Assistance Committee (DAC) High Level Forum on Harmonisation and Alignment for Aid Effectiveness in Paris in 2005. The Government welcomed the Action Plan. It sets out minimum standards for Member States and the Commission when working with one another and partner counties. But the Government considers that the EU should still strive to do more and learn from successes such as in Mozambique and Vietnam, and initiatives in conflict countries such as Sudan and Democratic Republic of Congo.

ANNUAL REPORT 2004 ON EC DEVELOPMENT POLICY AND EXTERNAL ASSISTANCE

This is one of the principle tools available to assess EC’s external actions programmes. The Government welcomes this report as a marked improvement on previous years. However, it is still not the strategic management tool we would like it to be. It should be more analytical and focus on progress against strategic objectives, such as global poverty reduction, the MDGs and EC’s Development Policy. Conclusions, reflecting the UK’s concerns, were agreed.

Available in hard copy only.

Comments by the Executive

The UK was represented at this Council by the Home Office Parliamentary under Secretary of State Caroline Flint MP. The Council adopted the Decision appointing the President and members of the European Commission. Agreement reached on the role and positions of the Police Chief’s Task Force. Ministers received their regular presentation by the EU Counter-Terrorism Co-ordinator on work currently being taken forward.

AGENDA ITEMS

General

Terrorism

EU Counter Terrorism Co-ordinator, updated Ministers on action to date and in advance of a substantive discussion on Terrorism at the December Council.

Police and Judicial Co-operation

Role and Positioning of the Police Chief’s Task Force with a view to Strengthening the EU Operational Police Co-operation

Agreement was reached that the Task Force should meet jointly with the Article 36 Committee.

Framework Decision on Ship Source Pollution

No conclusion reached by Ministers. This dossier has been on the table for 18 months and there has been difficulty in reaching a consensus. The Framework Decision seeks to approximate criminal sanctions for the unlawful discharge of polluting substances into the environment by shipping across the EU. The Presidency introduced a compromise to Article 4(7) (treatment of EU flagged ships as domestic ships) to make the provision subject to a transitional period during which the EU would seek to bring international shipping up to the standard proposed by the Framework Decision. Some Member States had difficulty with this compromise and the dossier will return to the December JHA Council where discussions will continue on the Presidency’s compromise.

EU Drugs Strategy 2005-2012

Ministers reached a general approach on the Strategy which would be adopted by the Council once any outstanding Parliamentary scrutiny reserves were lifted.

Draft Council Conclusions of the Council and the Representatives of the Governments of the Member States on the Establishment of Common Principles for Immigrant Integration Policy in the EU
The draft Conclusions set out for the first time common basic principles to assist Member States’ in formulating their integration policies. The UK welcomed the Conclusions and indicated that work in this area would be a key feature of the UK’s Presidency. The text was adopted by Ministers.
Post Council Report on the Justice and Home Affairs Council of EU Ministers, 2 December 04

Comments by the Executive

The last JHA Council of the Dutch Presidency. The UK was represented by Caroline Flint MP. Significant in that it was the first Council that the new Commissioner (Frattini) attended.

AGENDA ITEMS

General

Priorities of the new Commission

Commissioner Frattini gave an overview of the Commission’s priorities with asylum and immigration being top of the list. There was a need to balance measures to safeguard security against fundamental rights and freedoms, with attention to access to information. Commissioner Frattini agreed that there should be no EU Criminal Code but said that judicial co-operation needed both the development of mutual recognition as well as the adoption of measures to strengthen mutual trust.

Police and Judicial Co-operation

Terrorism

Gijs de Vries, the EU Counter Terrorism Co-ordinator, gave his regular report to Council. Progress had been made on the June European Council’s priorities but implementation of agreed legislation was still patchy. The terrorist threat remained high. It was vital that there was more effective co-operation between Member States’ police and security services. Engagement with the citizen in a full debate on terrorism was essential and something for the Luxembourg Presidency to take forward.

Council Decision on the Exchange of Information and Co-operation Concerning Terrorist Offences


Council Common Position on the Transfer of Certain Data to Interpol (Lost or Stolen Passports)

A Member State responsibility. All Member States could agree the draft Council Position allowing for the exchange of data with Interpol. A general approach was reached without amendment.

Criminal Judicial Co-operation

Draft Council Framework Decision on the European Evidence Warrant
If this Framework Decision is adopted as currently drafted there will be implications for the exchange of evidence between judicial authorities within the EU, with the principal of mutual recognition replacing traditional mutual to legal assistance arrangements. The Framework Decision is restricted to pre-existing evidence. A JD official is attending Working Group meetings as part of the UK team. The Council noted the progress of negotiations and the deadline set by the Hague Programme of the end of 2005 for completion.

Proposal for a Council Decision on the Exchange of Information Extracted from the Criminal Record

This Council Decision obliges Member States to pass certain kinds of information (on terrorist groups and persons under suspicion, investigation or having been convicted of offences) to Europol, Eurojust and to other Member States. It builds on an earlier Council Decision (agreed in 2003) which obliged Member States to pass on information on organisations and individuals on specific lists agreed by the EU and the UN. The Council reached a general approach during discussion.

Draft Framework Decision on the Retention of Data

This proposal is co-sponsored by the UK, France, Sweden and Ireland and was tabled in April 2004 in response to a mandate from the European Council following the Madrid bombings. The mandate instructed the Council to adopt rules by 2005 on the retention of communications traffic data for law enforcement purposes e.g. timing, location but not content of calls. The discussion at Council focussed on defining the types of data that should be retained by service providers and creation of a common list of data to be retained by all. This will go back to Working Group for further work and consideration.

Proposal for a Council Framework Decision To Strengthen the Criminal Law Framework for the Enforcement of the Law Against Ship Source Pollution

Prompted by the Prestige Tanker spillage the purpose of this proposal is to raise the standard of international shipping. The Framework Decision seeks to establish common criminal offences and minimum penalties for pollution of the sea. It complements a Directive which requires the introduction of sanctions for infringements of ship source pollution. This has been a difficult dossier to reach agreement on given the importance of the shipping industry to some Member States. At Council the Presidency presented a compromise package which secured a general approach to the Framework Decision. Member States will be required to implement this FD five years after its adoption.
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.

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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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<td>Other</td>
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## Documents of Special Importance

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<tr>
<td>Communities</td>
<td>1794</td>
<td>15503/04</td>
<td>Draft Operational Programme of the Council for 2005 submitted by the incoming Luxembourg and United Kingdom Presidencies</td>
<td><strong>This is a key document for both the European and External Relations Committee and all subject committees.</strong> The European and External Relations Committee has an Away Day planned for early in the New Year to discuss its future Work Programme and this document can help to facilitate those discussions. For the other subject Committees, this document gives early notice of the agenda that will be pursued under the next two EU presidencies, the second of which is the UK Presidency, and provides a look ahead to 2005 and the priorities that the two Presidencies will target. The document outlines intentions and priorities for a joint approach by the Luxembourg and UK Presidencies on an area-by-area basis, covering the Lisbon agenda, competitiveness, regulatory reform, energy, transport, environmental issues, social policy, agriculture and fisheries and justice. UK Government Explanatory Memorandum available on request.</td>
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<tr>
<td>Education (to include young people)</td>
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<td>Facing the Challenge - the Lisbon strategy for growth and employment. Report from the High Level Group chaired by Wim Kok - November 2004</td>
<td>1726</td>
<td>This document is very relevant to both Committees. This document, known as the ‘Kok Report’, presents the findings of the High Level Group which was given a mandate by the European Council in March 2004 to carry out an independent review into the Lisbon strategy, to inform the mid term review of the strategy. The European Council stated that “the report should identify measures which together form a consistent strategy for the European economies to achieve the Lisbon objectives and targets”. The document presents the comprehensive findings of the High Level Group, examines the need for the Lisbon strategy, assesses its effectiveness to date and presents conclusions on making it work and realising its goals. It also contains an executive summary. UK Government Explanatory Memorandum available on request.</td>
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<tr>
<td>State Aid Scoreboard - autumn 2004 update.</td>
<td>COM (2004) 750</td>
<td>May be of interest to both Committees. This document presents the latest State Aid scoreboard, detailing the effect of enlargement upon State Aids; examining the effect of the Lisbon agenda and the intention to modernise State Aid controls. The main body of the scoreboard refers to the ten new Member States specifically, and examines the four year period prior to accession. UK Government Explanatory Memorandum available on request.</td>
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<tr>
<td>Environment and Rural Development</td>
<td>1752</td>
<td>COM (2004) 746</td>
<td>Proposal for a Council Regulation fixing for 2005 and 2006 the fishing opportunities for Community vessels for certain deep-sea fish stocks, and amending Council Regulations (EC) No 2347 2002</td>
<td>May be of interest to this Committee as part of the ongoing interest in Fisheries issues. This document fixes the fishing opportunities for deep sea fish stocks in 2005 and 2006 based on scientific advice, and seeks to make corresponding adaptations to the specific access requirements by adjusting the power and capacity of the deep-sea fishing fleets to the available fishing opportunities. UK Government Explanatory Memorandum available on request.</td>
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</table>
These documents may be of interest to this Committee. On 17/18 June 2004 the European Council invited the Council to agree proposals no later than December 2004 for a new EU Drugs Strategy for the period 2005-2012. The framework and priorities established by the new Strategy are to serve as the basis for two consecutive four-year EU Action Plans on Drugs. The strategy outlines both policy areas and priorities.

UK Government Explanatory Memorandum available on request.

| Health (to include Community Care) | 1720 | 14702/04 | EU Drugs Strategy (2005-2012) | 1728 | 15074/04 |
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<td>1711</td>
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<td>Special Report No.7/2004 on the common organisation of the market in raw tobacco (Table 1/Annexes 1-6).</td>
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<td>1713</td>
<td>COM(2004)757</td>
<td></td>
<td>Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions &quot;Challenges for the European Information Society beyond 2005&quot;.</td>
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<tr>
<td>1735</td>
<td>COM(2004)759</td>
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<td>Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions - European Electronic Communications Regulation and Markets 2004</td>
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<td>Special Report No.6/2004 concerning the organisation of the system for the identification and registration of bovine animals in the European Union.</td>
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<td>1709</td>
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<td>Special Report No.6/2004 concerning the organisation of the system for the identification and registration of bovine animals in the European Union (Tables 1-8/Diagrams 1-4).</td>
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<td>1710</td>
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<td>Special Report No.6/2004 concerning the organisation of the system for the identification and registration of bovine animals in the European Union - Commission replies.</td>
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<td>Special Report No.8/2004 on the Commission's management and supervision of the measures to control foot and mouth disease and of the related expenditure.</td>
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<td>1750</td>
<td>SEC (2004)1372</td>
<td>COMMISSION STAFF WORKING DOCUMENT on implementation of the community Strategy for Endocrine Disrupters - a range of substances suspected of interfering with the hormone systems of humans and wildlife (COM(1999) 706)</td>
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<td>Initiative of the Kingdom of Belgium with a view to the adoption by the Council of a framework decision on the recognition and enforcement in the European Union of prohibitions arising from convictions for sexual offences committed against children.</td>
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<td>Council Decision concerning the conclusion of the Agreement between the European Union and Georgia on the status and activities of the European Union Rule of Law Mission in Georgia, EUJUST THEMIS</td>
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<td>Special Report No 2/2004 concerning pre-accession aid: has sapard been well managed?</td>
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<td>Special Report No.2/2004 concerning pre-accession aid: &quot;Has sapard been well managed?&quot; - Commission's replies.</td>
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<td>Special Report No.4/2004 on the programming of the Community Initiative concerning trans-European cooperation - Interreg III (Tables 1-5).</td>
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<td>Special Report No.4/2004 on the programming of the Community Initiative concerning trans-European cooperation - Interreg III.</td>
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<td>Special Report No.5/2004 concerning Phare support to prepare Candidate Countries for managing the Structural Funds.</td>
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<td>COM(2004)761</td>
<td>Proposal for a Council (EC, EURATOM) Regulation adjusting with effect from 1 July 2004 the remuneration and pensions of officials and other servants of the European Communities and the correction coefficients applied thereto.</td>
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<td>COM(2004)754</td>
<td>Proposal for a Council Decision on the signature and provisional application of a Protocol to the Euro-Mediterranean Agreement between the European Communities and their Member States, of the one part, and the State of Israel, 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 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 State of Israel, 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>SEC(2004)1280</td>
<td>Communication from the Commission to the Council concerning the conclusion of an agreement for R&amp;D co-operation in the peaceful uses of nuclear energy between the European Atomic Energy Community (Euratom) and the government of the People's Republic of China.</td>
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<td>Council Decision on the launching of the European Union military operation in Bosnia and Herzegovina.</td>
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<td>Council Joint Action on establishing an expert team with a view to a possible European Union integrated police, rule of law and civilian administration mission for Iraq.</td>
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<td>1746</td>
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<td>Review of the Lamfalussy framework.</td>
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<td>Exchange of data on stolen and lost passports with Interpol.</td>
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<td>1754</td>
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<td>Draft Framework Decision on simplifying the exchange of information and intelligence between law enforcement authorities of the member States of the European Union, in particular as regards serious offences including terrorist acts.</td>
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<td>1762</td>
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<td>Report on the annual accounts of the European Schools for the financial year 2003.</td>
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<td>Report on the annual accounts of the Translation Centre for the Bodies of the European Union for the financial year 2003.</td>
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<td>Draft Council Decision of concerning the conclusion of the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Croatia, of the other part.</td>
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<td>1778</td>
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<td>Draft Council Joint Action on the European Union Police Mission in Kinshasa (DRC) regarding the Integrated Police Unit (EUPOL &quot;KINSHASA&quot;).</td>
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<td>1782</td>
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<td>Working document on possible elements for an Action Plan EU-MOLDOVA</td>
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<td>EU/Tunisia Action Plan</td>
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<td>COUNCIL COMMON POSITION of .... Concerning restrictive measures against Cote D'Ivoire</td>
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<td>1785</td>
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<td>Council Joint Action on support for OPCW activities in the framework of the implementation of the EU Strategy against proliferation of Weapons of Mass Destruction.</td>
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<td>1786</td>
<td>COM(2004) XXX</td>
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<td>Proposal for a Council Regulation Imposing certain specific measures directed against certain persons and entities in view of the situation in Cote D'Ivoire</td>
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<td>1787</td>
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<td>Proposal for a Council Regulation imposing restrictions on the supply of assistance related to military activities to Cote D'Ivoire</td>
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CONVENER’S REPORT

1. Letter received from the Scottish Executive on the review of the concordats between the Scottish Executive and the UK Government

At the Committee’s meeting of the 26 October 2004, Members considered a letter from the Scottish Executive on the review of the concordats between the Scottish Executive and the UK Government. Members subsequently agreed to write to the Executive and request further information. Members are asked to note the additional information contained in the letter from the Minister for Parliamentary Business. (attached in hard copy only. Copy available from Clerks on request).

2. Letter received from the Scottish Executive on the location of EU agencies

Following the Committee’s meeting of the 14 September 2004, the Committee agreed to write to the Minister for Finance and Public Service Reform on the subject of EU agencies. Members are asked to note the response from the Minister. (attached in hard copy only. Copy available from Clerks on request).

3. 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 A). The Convener now recommends that:

Members welcome the information provided.

John Swinney MSP
Convener
16 December 2004
MONTHLY REPORT FOR THE CLERK/CHIEF EXECUTIVE AND THE EXTERNAL LIAISON UNIT ON THE EXTERNAL RELATIONS ACTIVITIES IN THE PARLIAMENT

NOVEMBER 2004 - INWARD VISITS

Monday 01 November - Sunday 07 November - A cross-party delegation from the National Assembly of Quebec, (4 members and a secretary) visited the Parliament for a 3 day programme. The visit included bi-lateral meetings on a number of issues with MSPs. There was also a cultural programme to Glasgow.

Tuesday 02 November - The President of the Osaka Prefectural Assembly met with members.

Tuesday 02 November - Mr Jose Juan Bremer, Mexican Ambassador to the UK planned on visiting Scotland in October as part his first working visit since his posting in March 2004. This visit was postponed.


Friday 05 November - The Presiding Officer gave the Opening Speech at the Annual Meeting of the Studienstiftung Des Deutschen Volkes (German National Academic Foundation) in the Pleasance Theatre, Edinburgh. The German National Academic Foundation enables a small group of highly gifted students from all fields of learning to pursue their studies free from financial need and the aim of the Annual Meeting is to bring together the 150 German scholars who are currently studying in the UK and Ireland.

Friday 05 November - A delegation of civil servants from the Personal Association of the Swedish Parliament visited the Scottish Parliament to meet with counterparts and received an overview of the structure of the Scottish Parliament. The delegation expressed a specific interest in the committee system, information services and security, and relevant meetings were organised. In addition, the External Liaison Unit gave the delegation a presentation on the Scottish Parliament and Devolution.

Friday 05 November - Mr Alvaro Gil-Robles (Human Rights Commissioner for the Council of Europe) visited the Scottish Parliament as part of his visit to Scotland to discuss Human Rights. Mr Gils-Robles has conducted 27 visits to member states of the Council of Europe to promote effective respect for human rights. The purpose of the visits are to obtain an objective and first hand understanding of the salient human rights concerns in each country and to suggest improvements in a constructive dialogue with the government. The Commissioner’s visit to the Parliament included a courtesy call with the Presiding Officer and a meeting with Members of the Cross-Party Group on Human Rights.
Monday 08 November - Ministers and officials from the British Irish Council received a guided tour of the Parliament building.

Wednesday 10 November - Kenny Dalglish visited the Scottish Parliament to present the winning trophy of the Parliament Shield competition run by the Scottish Youth Football and McDonald's Restaurant Group. Kenny Dalglish also met with a DPO.

Monday 15 November - The Hon Shaun Byneveldt Speaker of the Western Cape Provincial Parliament met with officials and MSP to discuss a range of Parliament related topics.

Monday 15 November - The new Japanese Consul General Mr Takahashi paid a courtesy call to the Scottish Parliament.

Monday 15 November - The British Irish Interparliamentary Body’s Committee D, the Environmental and Health Committee, visited the Scottish Parliament as part of their Inquiry into Special Needs Education. The visit included a meeting with Members, as well as Scottish Executive officials to discuss the situation in Scotland. Also included was a visit to Drummond Community High School in Edinburgh.

Wednesday 17 November - FCO officials from the Sponsored Visits Group visited the Parliament, received a tour, and observed First Minister's Question time.

Wednesday 17 November - Ms Shanaz Ahmad Rashid, Head of European Foreign Relations for Kurdistan, and Hawar Rasoul, the UK representative of Kurdistan, visited the Scottish Parliament to meet with Members/Officials to brief them on Kurdistan and Iraq. This briefing included the forthcoming general election in Iraq, the Iraqi Constitution, and the building of a federal system in Iraq. The delegation received a presentation on the Scottish Parliament and devolution, met with officials to discuss the committee system, and learned of the work of the Enterprise and Culture Committee and the Chamber Office.

Thursday 18 November - The Clerk, Arthur Moir and the Deputy Clerk, Joe Reynolds of the Northern Ireland Assembly visited the Scottish Parliament to meet with the Chief Executive and Directors to discuss areas of mutual interest such as performance targets, standards of service, security clearance and budget plans.

Thursday 18 November - The Local Government and Public Services Committee of the National Assembly of Wales visited the Scottish Parliament for a series of meetings. The Committee members include Sue Essex AM, the Welsh Minister for Local Government.

Thursday 25 November - Friday 26 November - The Presiding Officer hosted a dinner on 25 November during the NORPEC seminar organised by the European and External Relations Committee.

Thursday 25 November - The Icelandic Ambassador visited the Scottish Parliament and met with the Presiding Officer for a courtesy call, lunched with the Deputy Presiding Officer and MSPs, and received a tour of the Parliament.
Sunday 28 November - The Presiding Officer and the First Minister, jointly hosted a Reception in the Scottish Parliament for participants of the 5th Annual REGLEG Conference. As the President of REGLEG for the current year (2003 to 2004), the First Minister hosted the Conference event in Edinburgh on Monday 29 and Tuesday 30 November.

NOVEMBER 2004 - OUTWARD VISITS

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

DECEMBER 2004 - INWARDS VISITS

Thursday 2 December - The French Consul General to Edinburgh and Glasgow, Pierre-Antoine Berniard, visited the Scottish Parliament to meet with the Presiding Officer for a courtesy call and attended First Minister's Question Time.

Tuesday 07 December - Officials from the Chinese Education Ministry visited the Parliament for a tour.

Tuesday 07 December - A Steering Committee meeting of the British Irish Interparliamentary Body was held in the Scottish Parliament. The Steering Committee is the governing committee of the BIIPB, deciding on the work of the Body and how it is organised. Murray Tosh MSP is the Scottish Parliament’s representative on the Committee.

Wednesday 08 December - The Presiding Officer hosted a dinner in the Parliament on the evening of Wednesday 8 December for a small number of the 500 delegates who attended the British Council's Going Global Conference from both the UK and overseas. This followed on from a Reception held in Our Dynamic Earth for all of the delegates. Going Global is a major new sector-wide conference focusing on opportunities and challenges facing the international education and training community. It was held as part of the British Council's 70th Anniversary celebrations.

Thursday 09 December - Diplomats from the Oxford University Foreign Service Programme visited the Scottish Parliament and met with officials from the ELU.

Thursday 09 December - Stirling Council's Regeneration Services Management Team visited the Parliament, received a tour and met with Sylvia Jackson MSP, Member for Stirling.

Thursday 09 December - Neil Kinnock, the new Chair of the British Council paid a courtesy call on the Presiding Officer and gave evidence to the EERC during his time in Edinburgh.

Wednesday 15 December - Mr Moragoda, Sri Lankan MP visited the Parliament for a tour and presentation.

Thursday 16 December - Members of Sub Committee B, the Committee responsible for European Affairs of the BIIPB, will visit the Parliament to hold the first
meeting of an Inquiry into European Structural Funds. Margaret Ewing MSP, Murray Tosh MSP, Alasdair Morrison MSP, and Helen Eadie MSP are the Scottish Parliament BIIPB Members of the Committee.

JANUARY 2004 - INWARDS VISITS

**Wednesday 12 January** - Scottish students who have been shortlisted to attend the 3rd Commonwealth Youth Parliament in Brisbane will compete for a place by participating in a debate on the Commonwealth.

**Thursday 20 January** - The new Lord Mayor of London, Michael Savoury, will visit the Scottish Parliament whilst in Edinburgh.

**Thursday 27 January** - The Sergeant and Assistant Sergeant at Arms from Westminster will visit the Parliament to discuss security issues.