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

1. **Elections to the European Parliament, June 2004 (Numbers of MEPs from Scotland and postal voting):** The Committee will hear evidence from—

   - Bill Miller MEP (UK, PES)
   - Sir Neil McIntosh CBE, Commissioner, The Electoral Commission
   - Dougie Wands, Principal Officer, The Electoral Commission
   - Kate Sullivan, Assistant Director of Policy, The Electoral Commission

   and consider the written evidence submitted by various MEPs from Scotland.

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**

   - Economic and Financial Affairs (ECOFIN) Council, 4 November
   - Justice and Home Affairs Council, 6 November
   - Competitiveness Council (Internal Market, Industry and Research), 10-11 November
   - Agriculture and Fisheries Council, 17-18 November
   - General Affairs and External Relations Council, 17-18 November
   - Transport, Telecommunications and Energy Council, 20 November
   - Economic and Financial Affairs (ECOFIN) Council, 24-25 November
   - Education, Youth and Culture Council, 24-25 November

   **Previous Councils**

   - Competitiveness Council (Internal Market, Industry and Research), 22-23 September
   - General Affairs and External Relations Council, 29-30 September
   - Agriculture and Fisheries Council, 29-30 September
   - Justice and Home Affairs Council, 2-3 October
and discuss the correspondence received from the Scottish Executive in response to previous queries.

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

   Current status of the Committee’s forward work programme to June 2004, including invitations to Scottish and UK ministers to give evidence.
   Monthly report by the Clerk/Chief Executive and External Liaison Unit on the Parliament’s external relations activities.
   Correspondence with the Scottish Executive on the Intergovernmental Conference (IGC) and on links with the Nordic States and Nordic institutions.

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

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

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

**Agenda Item 1**

BRIEFING PAPER: “Written evidence received”

PRIVATE BRIEFING PAPER: “Number of MEPs and Postal Voting – issues arising” (to follow)

**Agenda Item 2**

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

BRIEFING PAPER: “Correspondence received from Scottish Executive on pre- and post-Council scrutiny conducted on 23 September and 7 October”

**Agenda Item 3**

Convener’s Report, including:
- Update of committee’s forward work programme
- Monthly report by the Clerk/Chief Executive and External Liaison Unit on the Parliament’s external relations activities
- Correspondence with the Scottish Executive on the Intergovernmental Conference and on links with the Nordic States and Nordic institutions

**Agenda Item 4**

Sift of EC/EU documents and draft legislative proposals
EUROPEAN AND EXTERNAL RELATIONS COMMISSION

BRIEFING PAPER

“Written evidence (Number of MEPs for Scotland and the use of postal voting for elections to the European Parliament, June 2004)”

Introduction and background

1 Members will hear today from representatives of the Electoral Commission on issues relating to the elections to the European Parliament, June 2004. In advance of this meeting, all of Scotland’s MEPs were invited to give oral and/or written evidence. Annex A contains the written responses received to date. Additionally, Bill Miller MEP (UK, PES) will give oral evidence before the Electoral Commission. The key issues are the likely numbers of MEPs allocated to Scotland for the next elections to the European Parliament and the potential for Scotland to be chosen as a pilot electoral region for postal voting.

2 Members may also wish to be aware that the issues raised by the pilot schemes on postal voting were debated in the House of Commons on 21 October. The relevant Hansard can be found at:

http://www.publications.parliament.uk/pa/cm200203/cmhansrd/cm031021/debtext/31021-06.htm#31021-06_head2

Members may wish to be aware that the House of Commons Library Research Services produced a briefing paper on this subject (The European Parliamentary and Local Elections (Pilots) Bill, Bill 160 of 2002/03, Research Paper 03/76). This can be found at:

http://www.parliament.uk/parliamentary_publications_and_archives/research_papers/research_papers_2003.cfm

3 Finally, on the issue of Scotland’s share of the number of MEPs allocated to the UK for the next mandate of the European Parliament Members may wish to be informed that according to information received by the clerks, the Electoral Commission has been asked by the Lord Chancellor to recommend how many Members of the European Parliament each UK European Parliamentary region should elect at the 2004 elections.
As the European Union prepares to welcome 10 new member states, the number of MEP seats allocated to each of the existing members is to be reduced. The UK’s share of seats will be reduced from 87 to 78 under the new arrangements. The Electoral Commission is now tasked with calculating redistribution across the UK’s 12 European electoral regions.

The Commission will make its recommendations to the Lord Chancellor and publish them on the website\(^1\) on the 31 October 2003. In accordance with the European Parliament (Representation) Act 2003, the recommendations will then be laid before Parliament.

The Committee has written on two occasions to the Electoral Commission recommending that Scotland’s share of MEPs in the overall UK allocation be maximised, preferably with the retention of its existing eight MEPs (see Annex B for a copy of the latest letter).

Action requested

Members are requested to make reference to the written evidence in Annex A and the points above during today’s meeting when questioning the witnesses.

Richard Lochhead MSP
Convener
Tel: 0131 348 5234
Email: europe@scottish.parliament.uk

\(^1\) http://www.electoralcommission.gov.uk/
WRITTEN EVIDENCE RECEIVED

John Purvis CBE MEP (UK, PPE)

I refer to your email of 10 October 2003 inviting representations regarding the Number of Scottish MEPs and Promoting turnout at the 2004 EP Elections.

It would be highly desirable to encourage a higher level of turnout at European Parliament elections, especially as the parliament has a major input on legislation which effects Scotland and Scots.

Previous experience would suggest that all-postal voting would increase turnout by about 1 ½ times (from 26% to over 40%). I have heard conflicting opinions as to whether this would have any effect on differential turnout between the parties, but feel the predicted improved overall turnout must weigh heavily towards all postal voting.

However, a pilot scheme whereby Scotland and perhaps 2 out of 11 England/Wales Euro-Regions vote by post while the majority of regions (including importantly London) vote in the traditional way, does raise particular problems. If it is apparently established that all-postal voting would improve turnout substantially, then why not bring it in nation-wide?

Postal votes usually reach voters some 3 weeks prior to the relevant polling date. So for a polling day of 10 June, one could expect postal voting documents to reach voters on or about 20 May. Apparently it is well established that the vast majority of voters complete voting and return their votes within a day or two of receipt. However, they are free to vote until 10 June so long as they can deliver them to the returning office by that date. So, while most regions of the UK will be campaigning towards a climactic target date of 10 June, Scotland with two other regions will be campaigning primarily towards a rather uncertain date around 20 May – when the other campaigns (usually 3 weeks long) will have barely begun. This will also present particular problems for the scheduling of national media campaigns (which are very relevant for euro-elections as they are fought on a pan-UK scale) and of party political broadcasts. It is more than likely that Scottish electors will be voting prior to any significant media coverage.

A three week campaign for an all-postal election in Scotland would probably have to start around 1 May if there is a prime target date of 20 May. It would have to continue in some form for a further 3 weeks until 10 June. This will make such campaigns more expensive and will require candidates (especially those who are in non-political jobs) to take up to six weeks off work instead of the usual 3 weeks.

It is very important that electoral fraud is minimised by some form of vote validation. The target should be to have the postal system as secure as the conventional method.

I understand that the Electoral Commission suggests that there should be one drop-off place in each local authority area for last minute votes on polling day (i.e. 10 June). With the large and scattered nature of some Scottish local authority areas (e.g. Argyll & Bute), it would be clearly quite inadequate to have only one such location. The question then arises as to how many – e.g. every island, within 20 or 30 minutes? Surely there must be a reasonably even opportunity to avail oneself of such a facility throughout Scotland – if it is to be provided anywhere.

For those of us who are sitting MEPs, the final plenary session of the current European Parliament is scheduled for 3-6 May 2004. If we have all-postal voting in Scotland, the heavy phase of the election campaign will have already begun. Either one will have to miss this session at which our votes could be determinant on certain important issues (including legislation) or we would be forced to leave the field in Scotland to non-incumbent opponents.
In summary:-

- I welcome any means of improving turnout, but ...
- why pilot postal voting when the Electoral Commission is so certain it will work well (from previous experiments)?
- go for pan-UK if at all.
- pilot will make severe difficulties for electronic and printed media to cover very different campaign and voting schedules over the UK.
- when to have and what focus for party election broadcasts?
- will result in much extended campaign.
- the election results could become subject to question and contest if there are very different trends/swings in the all-postal and traditional voting regions.
- how secure from fraud will be the system used?
- accessibility of polling day drop-off locations.

I hope this will be useful to your deliberations. Unfortunately I cannot attend with you on 4 November as I am required to be in Brussels – on parliamentary business.

Subsequent correspondence

Further to my response regarding postal voting for the European elections, I would like to emphasise how important it is that Scotland not be reduced to less than 7 MEPs. Mathematically we will be on the borderline. It has been mooted at the IGC that Spain and Poland might be compensated for losing voting strength in the Council of Ministers by increasing their number of MEPs. This could then trigger a further reduction in the UK’s MEP numbers (because there is a ceiling on total numbers). Scotland would be vulnerable to a further reduction to 6 MEPs if strict mathematics were followed. I think you should stress that it would be wholly unacceptable for Scotland, with its high level of devolved autonomy, to be so affected.

You should require HMG to block any such deal with Spain and Poland and also to prefer Scotland in any case within the UK (as Northern Ireland already is). Even at 7 MEPs, the parties will not be so proportionately represented. 8 MEPs is really the best number. 6 would be unrepresentative.

John Purvis MEP
Struan Stevenson MEP (UK, PPE)

While I fully support anything which may encourage greater participation in the European election next year, I am deeply concerned about the likelihood of Scotland being used as a guinea pig for an all-postal ballot.

My concerns are as follows:

1) selecting three areas of the UK as guinea pigs for a postal ballot will cause enormous distortions to the election campaign. For example, most people who intend to vote will do so within days of receiving their ballot papers, up to 4 weeks ahead of the poll. TV campaigns in England during the final weeks of the election will create enormous confusion in Scotland.

2) It will be quite possible for pollsters to publish exit polls based on a sample of postal voters, potentially influencing the election on other parts of the UK.

3) An all postal ballot election, with no requirement for a verification signature could encourage widespread fraud.

I hope these comments are helpful.

Struan Stevenson MEP
Professor Sir Neil MacCormick MEP (UK, Greens/EFA) and Ian Hudghton MEP (UK, Greens/EFA)

Electoral Commission Consultation Concerning the Location of Electoral Pilot Schemes at European Parliamentary Elections in 2004

The Electoral Commission has suggested Scotland be used as a pilot region for all-postal voting at the European Elections next year. We should like to make rather strong representations that Scotland ought to be excluded from this pilot programme.

The Electoral Commission takes the view that electoral pilots should be scaled up from the all-postal ballots that have taken place across full local authority areas. The comparative lack of experience in conducting all-postal ballots would seem to rule Scotland out.

Alternatively, if Scotland is included, it will be imperative that appropriate supporting arrangements are made. At present there are insufficient safeguards in place or proposed to ensure that all-postal balloting can prevent more systematic electoral fraud. An additional concern is the need to vote in secret and free from any undue pressure from others in the same household. All-postal ballots are more vulnerable to such pressures.

In the event of an all-postal ballot being held in Scotland, postal ballot forms will presumably be delivered to all electors between four and three weeks ahead of the election. From the Electoral Commission’s previous pilot programmes it appears that in these situations, most people who vote do so immediately on receipt of their ballot paper or very shortly thereafter.

In these circumstances, it becomes necessary for electoral campaigns to be timed differently. The three weeks that matter will be the three weeks prior to delivery of the postal ballot papers, not the three weeks prior to polling day itself, although no doubt campaigning will continue throughout the period.

An all-postal ballot would put added pressure on the Royal Mail. Many elected members will have experience of their failure to deliver election addresses on time, or indeed at all in some areas. There would need to be firm guarantees from the Royal Mail that every voter would actually receive a ballot paper and would have their vote delivered in time. At present there is insufficient detail about the number and accessibility of delivery points. All of this causes concern about the implementation of an electoral pilot in an electoral region that is the largest in the UK.

In Scotland, the political party balance and engagement is different from other parts of the UK. Yet the main source of political information for very many people remains the UK-wide news programmes on BBC and ITV. Especially in the circumstances now prevailing, these UK-wide programmes devote almost no attention to specifically Scottish or Welsh political parties or political issues. Therefore, unless careful attention were given to that, the use of Scotland as a pilot region would be unfair. Of course, if the matter were not one of piloting in several particular regions but one of introducing a UK-wide postal election, then equality would prevail and indeed one
could expect broadcasters to adjust political broadcasting time to take account of the fact that ballot papers are being distributed when they are.

There are some initiatives that Scotland could usefully pilot that could help the UK Government meet its e-election goal, such as electronic counting and the standardisation of electoral registers in electronic format. These would be more valuable innovations than participating in a country-wide pilot on all-postal voting.

We would respectfully ask the Committee to reflect carefully on these points, and we have written to the Electoral Commission in similar terms.

Neil MacCormick MEP
Ian Hudghton MEP
LETTER TO THE ELECTORAL COMMISSION (dated 7/10/03)

Following today's Committee meeting it was agreed that I write to you to reaffirm the view of the Scottish Parliament's European and External Relations Committee that the number of MEPs from Scotland selected for the next mandate of the European Parliament should remain at eight.

It was also agreed that given our discussions on this and other matters, most notably postal voting and the possibility of its use in Scotland in the EP elections, that I extend an invite to you or one of your colleagues to address the Committee at our next meeting. This takes place on the afternoon of 4 November in Edinburgh. We have a number of questions we would like to explore.

I would be grateful if you could acknowledge receipt of this letter and give us some feedback on how and when the decision on the number of MEPs will be made. Furthermore, perhaps you can indicate if our invite to address the Members of the Scottish Parliament at our meeting might be of interest. If so, I encourage you to contact Stephen Imrie, Clerk to the European and External Relations Committee, at the addresses above.

Yours sincerely,
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. The December Fisheries Council is a good example of this. It is here that the Committee may wish to have a final engagement with a minister prior to critical decisions being taken. It must be recognised that with QMV, it is not always a simply case of the UK delegation objecting to a final proposal that can prevent decisions being taken.

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

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

This paper

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

Action requested

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

Richard Lochhead MSP
Convener
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### SUMMARY TABLE OF CONVENER’S RECOMMENDATIONS

<table>
<thead>
<tr>
<th>Council</th>
<th>Did Executive meet deadline for sending information?</th>
<th>Notes and recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Pre-Council scrutiny</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Economic and Financial Affairs (ECOFIN) Council, 4 November</td>
<td>Yes (1)</td>
<td>Note information</td>
</tr>
<tr>
<td>Justice and Home Affairs Council, 6 November</td>
<td>Yes (2)</td>
<td>Thank Executive for the information provided</td>
</tr>
<tr>
<td>Competitiveness Council, 10-11 November</td>
<td>Yes</td>
<td>Thank the Executive for its information and welcome its efforts to inform stakeholders of the progress of the important Chemical package which has ramifications for the Scottish-based industry</td>
</tr>
<tr>
<td>Agriculture and Fisheries Council, 17-18 November</td>
<td>Yes</td>
<td>To ask the Scottish Executive why no annotated notes were provided on the Fisheries aspects on this agenda, setting out the Executive’s initial view of the Council agenda item.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>To note developments relating to the discussions on animal welfare during transportation and to ask that the post-Council report sets out the discussions on this agenda item in full, including the views put forward by the UK delegation at the Council and any decisions taken.</td>
</tr>
<tr>
<td>General Affairs and External Relations Council, 17-18 November</td>
<td>Due 27/10/03</td>
<td></td>
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<tr>
<td>Transport, Telecommunications and Energy Council, 20 November</td>
<td>Due 30/10/03</td>
<td></td>
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<tr>
<td>Economic and Financial Affairs (ECOFIN) Council, 24-25 November</td>
<td>Due 3/11/03</td>
<td></td>
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<tr>
<td>Education, Youth and Culture Council, 24-25 November</td>
<td>Due 3/11/03</td>
<td></td>
</tr>
<tr>
<td><strong>Post-Council scrutiny</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Competitiveness Council (Internal Market, Industry and Research), 22-23 September</td>
<td>Yes</td>
<td>Members welcome this informative and comprehensive post-Council report.</td>
</tr>
<tr>
<td>General Affairs and External Relations Council, 29-30 September</td>
<td>Yes</td>
<td>To note and welcome the comprehensive report provided by the Executive</td>
</tr>
<tr>
<td>Event</td>
<td>Due Date</td>
<td>Action</td>
</tr>
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</tr>
<tr>
<td>Agriculture and Fisheries Council, 29-30 September</td>
<td>Due 20/10/03</td>
<td>Thank the Executive for its information and note developments on the Council Regulation on Parental Responsibility and the Draft Council Framework Decision on the application of the ‘Ne Bis In Idem’ principle</td>
</tr>
<tr>
<td>Justice and Home Affairs Council, 2-3 October</td>
<td>Yes</td>
<td>Thank the Executive for its information and note developments on the Investment Services Directive which is of interest to the Scottish Financial Services Industry</td>
</tr>
<tr>
<td>ECOFIN, 7 October</td>
<td>Yes</td>
<td>Thank the Executive for its information</td>
</tr>
<tr>
<td>Transport, Telecommunications and Energy Council, 9-10 October</td>
<td>Yes</td>
<td>Thank the Executive for its information</td>
</tr>
<tr>
<td>General Affairs and External Relations Council, 13-14 October</td>
<td>Yes</td>
<td>To note and welcome the comprehensive report provided by the Executive</td>
</tr>
<tr>
<td>Agriculture and Fisheries Council, 13-14 October</td>
<td>Due 3/11/03</td>
<td></td>
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</tbody>
</table>

(1) An overview of the agenda was provided

(2) The clerks asked if this could be provided in time for the previous meeting of the committee (7 October). Unfortunately, this did not prove possible.
ANNEX B

ANNOTATED AGENDAS/REPORTS

ECOFIN Council, 4 November

1. EPC report on the overall assessment of the impact of ageing on public finances

   Adoption

2. Preparation of the Ministerial Dialogue with the candidate countries

   Joint conclusions preparation


4. Ministerial dialogue with candidate countries
Justice and Home Affairs Council, 6 November

Please note that this Pre Council Report is based on a provisional agenda set in July 2003. The agenda may be subject to change.

Follow up to Thessaloniki:
- Commission communication on the development of a common policy on illegal immigration, smuggling and trafficking of human beings, external border and the return of illegal residents
- Commission communication towards more accessible, equitable and managed asylum systems. Outcome of Seminar on asylum applications submitted outside the European Union
- Commission Communication on Immigration, Integration and Employment

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

Proposal for a Council Directive on the short-term residence permit issued to victims of action to facilitate illegal immigration or trafficking in human beings who cooperate with the competent authorities


Proposal for a Council Decision on the organisation of joint return flights

Proposal for a Council Regulation on the creation of an Immigration Liaison Officers (ILO) network (Possible)

Proposal for a Council Directive on the conditions of entry and residence of third-country nationals for the purpose of study and vocational training (Possible)

Proposal for a Council Directive on the conditions of entry and residence of third-country nationals for the purpose of paid employment and self-employed economic activities (Possible)

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

Role of European Police Chief’s Task Force (Possible)

Unlikely to be on final agenda. If discussed the focus will be on the future role of the Task Force and the emphasis will be on it having a more strategic role that at present.

Outcome of seminar on the creation of a European Neighbouring Police model

It is unlikely that this item will be on the final agenda. We are unsighted as to the outcome of the seminar.
Proposal for a Council Act for the adoption of a protocol amending the Europol Convention – adoption and signature

Discussions on these issues have taken place and if this item is on the final agenda it will be a formality.


It is unlikely that this will be on the final agenda. There have been problems over the legal base of the directive. It is still being discussed in Working Group.

Proposal for a Council Framework Decision on the Ne Bis In Idem principle

Discussed at the October Council and depending on progress made in Working Group unlikely that this will be on the agenda. The Framework Decision, if implemented, will not require changes to domestic law.

Proposal for a Council Decision on the disqualification from professional activities for the condemned persons

This proposal has yet to emerge from the Italian Presidency therefore highly unlikely that it will be on the final agenda.

Decision on the signature of Agreements between the EU, Norway and Iceland on extradition/the European Arrest Warrant and on mutual legal assistance

A reserved issue. A consequence of the implementation of the European Arrest Warrant.
Competitiveness Council, 10-11 November

HORIZONTAL ISSUES

1. Internal Market Scoreboard
   - Exchange of views
The latest scoreboard was issued in May 2003. It shows that only 5 Member States meet the European Council’s target of 1.5% deficit or less and only 4 achieved the zero tolerance target for directives overdue more than 2 years. The UK was included in both lists. 
_There are no distinctly Scottish aspects in this._

2. (poss.) Better regulation/simplification of legislation
   - Progress report
The EU Better Regulation Task Force is carrying out a project to support the Commissions new simplification programme. The Task force will identify a small area of existing European legislation and work towards recommending how it might be simplified. The Task Force has launched a consultation on this project.

_Improving the regulatory environment has a part to play towards improving the competitiveness of Scotland and the administrations at Westminster and Holyrood are working together to secure a smart, successful Scotland._

INDIVIDUAL POLICY FILES

3. Directive on Recognition of professional qualifications
   - Political agreement
The European Commission’s proposal on the Mutual Recognition of Professional Qualifications clarifies and simplifies EU rules on professional recognition. Although DfES are leading for the UK on the implementation of this proposal, the Executive are closely involved in ensuring that Scotland’s interests are incorporated.

4. Community patent
   - Regulation on Community patent
   - Political agreement
   - Decision on jurisdictional aspects
   - General approach/Political agreement
The Community are attempting to reach agreement on a harmonised Community patent to be recognised in all member states. The current position makes it difficult for individuals to take out patents to protect their intellectual property in all member states due to the cumbersome bureaucracy and cost of ensuring compliance with the demands of the different states. The main problems relate to the demands of certain states on translation into different languages and the jurisdiction of the Community over the standards demanded by individual states. The Community is gradually advancing towards agreement but it has been a long and tortuous process and there is no guarantee of when a consensus might be reached. Regulation of intellectual property and particularly patents is a reserved matter and the UK position is led by the Patent Office.
_Scottish Executive officials are keeping in touch with developments._

5. Regulation amending the Community Trade Mark Regulation
   - (poss.) Adoption
Reserved issue and Executive keep in touch regularly with DTI

6. **Directive on the enforcement of intellectual property rights**
   - *(poss.) Political agreement*

   See 4 & 5 above.

   - **General approach/Political agreement**

   This proposed Directive covers a number of articles. One extremely contentious article is where a motorist is involved in an accident with a cyclist or a pedestrian. This article will make the motorist liable virtually 100% of the time. It is expected that this article will be dropped next month.

   Other areas included in the Directive are as follows and are not considered to be contentious.
   
   - Considers the checks which may be required when travelling between European countries;
   - Is looking to set lower level limits for compensation for personal liability and property damage. This is not expected to be an issue for the UK as our limits are well above the EU proposed minimum levels.

   Proposes that it will be possible to obtain cheaper car insurance if moving to another country within the EU. This will effectively enable you to take your no claims bonus with you by obtaining a statement from your insurer outlining the number of accidents you have been involved in over a 5 year period.

   *This is a reserved issue and the Scottish interests are represented through Treasury and the Department of Transport.*

   - **Political agreement**

   The EMC Directive came into force on 1st January 1992, and replaced all existing legislation for electrical and electronic equipment concerned, including fixed installations, from 1st January 1996. It has been subject to four amendments, and is currently the subject of a Commission proposal taking into account other legislative changes and experience.

   *There are no distinctly Scottish aspects.*

   - **Political agreement**

   This proposal for a Directive amends Directive 98/37/EC. The purpose of the work that has gone into the revision of the Machinery Directive has been to simplify its application and make it easier to interpret, on the basis of the experience acquired since its entry into force in the Member States and of the conclusions of the Molitor report. *There are no distinctly Scottish aspects.*
   - **Policy debate**
   This proposed Directive aims to provide common standards of consumer protection EU wide. It contains the first EU wide ban on unfair commercial practices. It regulates aggressive sales and marketing practices for the first time at EU level, thus promoting consumer confidence. By simplifying the regulatory environment for businesses it should make it easier and cheaper for firms to sell cross border so widening consumer choice.

11. **(poss.) Amended proposal for a Regulation of the European Parliament and of the Council concerning sales promotions in the Internal Market**
   - **(poss.) Political agreement**
   In 1996 a survey conducted by the Commission resulted in a Green Paper on Commercial Communications. This concluded that outmoded and differing national legislation created legal uncertainty for companies and was a barrier to sales promotion within the EU. The Green Paper was followed two years later by a Commission Communication that identified sales promotion as a priority area for Community legislation. Subsequently in October 2001 the Commission issued a proposal for a regulation on Sale Promotion.

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

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

   The Commission modified its proposal in October 2002 following first reading by the Parliament, but has since encountered difficulties in Council Working Group. Key Member States are blocking the proposal, in particular out of concerns over the application of country of origin and mutual recognition principles.

   The UK also has concerns over the text which will need to be addressed before the UK can agree the Regulation. Discussions on the Regulation are currently stalled, with no further Working Group meetings planned. At this stage, the UK Government does not believe that this item will be discussed at November’s Competitiveness Council. Should it be discussed, the UK position will be to work against prematurely agreeing the proposal.

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

12. **(poss.) Marketing and use of phtalates in toys**
   - **General approach/Political agreement**

13. Implementation of European Research and Innovation Area
   1. Researchers’ career
      – Exchange of views
      – Council Resolution
DTI lead on this and we have no difference in policy objectives

14. Modification of the specific Research and Development programme "Integrating and strengthening ERA" (bioethics and stem cell research)
   – (poss.) Political agreement/general approach
The various Scottish Partners involved in this field have endorsed the general approach as being in line with that already adopted in Scotland, through the BioRegions letter to the Barcelona Council last year. So far there has been little movement on implementation but officials will continue to stay abreast of developments.

15. (Poss.) Research Infrastructures
   – Council conclusions
DTI lead on this and we have no difference in policy objectives.

16. White Paper on Space Policy
   – Exchange of views
This is a reserved matter.

17. Communication on aerospace industry (Star 21)
   – Presentation
   – Exchange of views
The European Commission has presented a Communication on aerospace which identifies the steps needed to improve the political and regulatory framework affecting the competitiveness of this key industry in several important areas. With this Communication, the Commission is responding to the analyses and prescriptions of the STAR 21 report (Strategic aerospace review for the 21st Century) presented by the European Advisory Group on Aerospace in 2002. There are no distinctly Scottish aspects.

18. Closure of Joint European Venture Programme (JEV) and Council decision modifying the Multiannual Programme for enterprise and entrepreneurship 2001-2005 (MAP)
   – Policy debate
The prime aim of the Joint European Venture Programme (JEV) was to provide financial contributions to enable trans-national JVs by innovative EU SMEs to be established thereby helping them to benefit from the opportunities offered by the single market. Only 1 of the 71 intermediaries running the scheme was UK based. We await with interest the results of the evaluation and any proposals on the future of this programme. The (JEV) is incorporated into the Multiannual Programme for Enterprise and Entrepreneurship (MAP). The objectives of the MAP for 2001-2005 are supported via a series of activities that fall under the following three headings: financial instruments (Start-up Scheme of the European
Technology facility (ETF), SME Guarantee facility, Seed Capital Action; Business Support Networks (around 300 Euroinfo centres providing business with easier access to Community support services, programmes and networks); and Policy Development (support for policy development through the BEST Procedure (Business Environment Simplification Task Force)). There are two Euroinfocentres in Scotland - in Glasgow and Inverness. We have not yet received detailed papers on the proposed commission modification to the MAP.

19. (poss.) Proposal for Chemical products package
    – Policy debate

The Commission will shortly table its formal legislative proposals for a new Regulation on chemicals. If it is ready to do so in time for the council, this item will provide a first opportunity to debate the proposals, which will introduce a system of Registration, Evaluation and Authorisation of Chemicals (REACH). The Commission consulted on draft proposals over the summer, and received around 7000 responses.

The Executive has been taking a close interest in development of these proposals, due to the significant manufacturing presence of the chemicals industry in Scotland. The Executive drew the attention of key Scottish stakeholders to the consultation, and contributed to a UK response to the Commission, which stressed the need for a streamlined, efficient and workable system that both protects the environment and avoids stifling innovation and competitiveness. The Council can be expected to debate whether the formal legislative proposals strike the right balance between environmental protection and maintaining competitiveness.
Agriculture and Fisheries Council, 17-18 November

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**

Possible adoption of Regulations on the following subjects:

- fixing the guide prices and Community producer prices for certain fishery products for the 2004 fishing year;

- amendment to Council Decision 431/2001 on a financial contribution by the Community to Member States’ expenditure incurred in implementing the control, inspection and surveillance systems applicable to the CFP;

- setting up Regional Advisory Councils;

- establishing measures for the recovery of hake stocks.

If time permits, the Presidency would also like to debate policy on:

- Action Plan for the conservation of eels;

- Revision of technical measures applicable in the Baltic Sea;

- A Council Regulation on the allocation of fishing possibilities between Member States;

- Action Plan on the evaluation of stocks in external waters.

**Agriculture**

Discussion on Reform of the CAP regimes applying to sugar and tobacco (possibly also olive oil and cotton).

*No Scottish producer interests but wider interest in seeing the June 2003 CAP Reform principles applied to these commodities, health issues re tobacco and manufacturing input costs.*

Discussion on Commission proposals to improve the welfare of animals during transport (depending on progress made in working group).

*The Executive supports high standards of animal welfare in all circumstances but is keen to ensure that producers in the more remote parts of Scotland are not unduly disadvantaged by the Commission’s proposals. Will continue to seek an agreement which both protects animal welfare and assists commercial operations.*
Post-Council Report - Competitiveness Council (Internal Market, Industry and Research), 22-23 September

Summary

Political Agreement reached by a qualified majority on directive on free movement of EU citizens. Germany and UK lead in pressing for changes to Commission proposals on chemicals. On the Research side - discussion on stem cell ethics shows continuing split. Agreement on EC-European Space Agency co-operation. Presidency seen off over reference to stability and growth pact in conclusions on investment in R & D. Consensus that Council should decide on ITER site on 27 November.

Directive on Free Movement of EU Citizens and their Family Members

Council reached Political Agreement on the Directive. Commission accepted 3 months as the period EU citizens can reside in another Member State without conditions, rather than the 6 months they had proposed. The basic concept of the proposal is that Union citizens should be able to move between Member States on similar terms as Nationals of a Member State moving around or changing their place of residence in their own country. The main content of the new measures agreed at Council is as follows:

- to simplify the conditions and administrative formalities associated with the exercise, by citizens of the Union and members of their families, of the right of free movement and residence in the Member States, notably by eliminating for EU citizens the need to obtain a residence card [replaced by registration in the population register of the place of residence];
- to introduce a permanent right of residence, which is no longer subject to any conditions, after five years of uninterrupted residence in the host Member State;
- to define more clearly the situation of family members and make it easier for them to exercise their right of free movement and residence. [In particular, family members who are nationals of third countries also enjoy greater legal protection, for example in the event of the death of the Union citizen on whom they depend, or the dissolution of the marriage under certain circumstances.]
- to restrict the scope for refusing or terminating residence on grounds of public policy, public security and public health and ensure strong protection against expulsion for minors and people having resided for a long period of time on the territory of the host Member State.

This Directive, once adopted, has the potential to make an enormous difference for the good of the millions of EU citizens who currently reside abroad and the many more who will want to do so in the future. It will also encourage mobility of EU citizens across the Union, which in return will have a positive impact on the competitiveness and growth of European economies. The Common Position, once finalised, will have to be sent to the European Parliament for a second reading under the co-decision procedure with a view to adoption before the end of the current legislature.

Internal Market & Competitiveness Strategy

The Commission pointed out that intra-EU trade, especially in services, is stalling and that prices differences across the internal market persist, which can only be put down to market
fragmentation. Implementation of reforms take too long and commitments in directives are not being honoured by Member States. Eight Member States have failed to implement more than 3% of Internal Market directives.

The Council adopted the following conclusions:

- recalling the Conclusions of the Brussels European Council of March 2003, which call for a strong new push to improve the Internal Market in view of enlargement and to boost competitiveness across the Union consistent with the Lisbon objectives, and which identify the Internal Market Strategy (2003-2006) as the basis for future action;
- recognising the Internal Market Strategy's importance as a key component of an integrated strategy for competitiveness and endorsing its general thrust;
- welcomes the benefits which the Internal Market has already delivered over the past ten years;
- notes, however, that many obstacles still need to be removed and Europe's communications and transport systems further integrated in order to facilitate the free movement of people, goods and services within the Internal Market;
- underlines that a robust Internal Market is essential for European business to compete successfully on global markets and for our economies to continue to grow and generate the wealth necessary to maintain and enhance the quality of life of our citizens, including through the provision of high quality and safe products;
- agrees on the need to speed up the adoption and implementation of outstanding Internal Market measures which are critical to improving Europe's competitiveness;
- calls on the Commission to make further proposals to implement the Strategy, including in the main priority areas for action, accompanied by adequate impact assessments with a clear focus on competitiveness;
- recalls in this context the importance of a balance between the different instruments available for strengthening the Internal Market;
- agrees that, while the Commission will continue to fulfil its role as guardian of the Treaties, in order to derive maximum benefits from the Internal Market in an enlarged Union, Member States will have to share responsibility for its functioning, ensuring timely and effective implementation and enforcement of the rules, solving problems where possible pragmatically, and refraining from adopting national provisions that hinder free movement and distort competition;
- undertakes to review progress on the basis of the Implementation Report to be produced by the Commission in January 2004, and to take swift remedial action in any areas where progress is lagging behind.

**Community Patent**

The Council took note of a progress report on the state of play regarding the draft Regulation creating a Community Patent. It confirmed also the importance it attaches to concluding work on all aspects of the Community patent system with minimum delay. The Commission urged Member States to agree the Regulation by the November Council.

**Pedestrian Protection**

Council reached a political agreement on the proposal for a Directive on the protection of pedestrians and other vulnerable road users which aims at reducing deaths and injuries of
pedestrians involved in collision with cars and light vehicles. The Directive will be formally adopted at a forthcoming Council meeting after finalisation of the text.

**Communication on European Contract Law**

Council welcomed the Commission’s work plan on making EU contract law more coherent.

**Chemicals**

Council took note of a presentation on the result of the Commission’s Internet consultation on draft legislation aimed at overhauling and modernising the existing EU regulatory system for chemicals and welcomed the Commission’s intention to present its final proposal shortly. In debate several delegations stressed the need for a balanced approach taking into account competitiveness, environmental and health aspects as equally important. Key concerns which the Commission is now looking at are; the scope and cost of the proposed REACH regulatory system and its effect on SMEs, polymers, chemical safety assessments for downstream users and the administrative efficiency of the EU Chemicals Agency. An impact assessment will accompany the Commission proposal.

**Pharmaceuticals**

Conclusion on the follow-up to the G10 report on the pharmaceutical sector were agreed, mainly supporting further benchmarking work and reflection on the effects of natural priority regulation

**Biotechnology**

The Council adopted a set of conclusions on the initiative “Life sciences and biotechnology a strategy for Europe”. The Council welcomed the Commission’s first progress report on the implementation of the European biotechnology strategy and agreed with the broad lines of the analysis. The Council:

- stressed the need for significant efforts to be made to move from the conceptual and planning stage to the implementation of the biotechnology strategy and of the roadmap in order to contribute effectively to the achievement of the EU competitiveness objectives set by the Lisbon European Council;
- underlined the need to encourage overall coherence in policy making and to envisage, at EU level, the development of appropriate means for closer co-operation among Member States together with the Commission, in implementing the biotechnology strategy.

**Stem Cell Research**

Discussion on stem cell ethics indicated a continuing split. Certain Member States were against the Commission’s proposed ethical guidelines for stem cell research funded by the 6th R & D framework programme. The Council agreed to return to this issue at its meeting on 27 November 2003 and to take a decision in the light of the European Parliament’s opinion which is expected to be adopted at the November plenary session in mid-November.
Resolution on investing in research

The Council considered draft conclusions endorsing the Commission’s action plan for increasing investment in R & D so as to meet the target of 3% of GDP. Discussion centred on a reference to the Stability and Growth Pact in the draft resolution, where the Presidency was keen to get agreement to the idea that research spending should not count towards SGP limits. However despite yet another formulation it was again clear, as in previous discussions at Working Group and COREPER levels, that any reference to the Pact in this context was not acceptable to a majority of Member States. The reference to the SGP was therefore removed and instead the resolution now refers back to the ECOFIN conclusions agreed on 15th July.

EC/ESA Framework Agreement

Council reached a political agreement on the draft Decision on the signing of a framework Agreement between the European Community and the European Space Agency. The Decision will be formally adopted at a forthcoming Council meeting after verification of the text by the legal-linguists.

Nuclear Fusion Energy Research

Council took note of the Commission presentation on the state of play regarding the international nuclear fusion energy research project (ITER), including the report of the ITER site analysis group chaired by Sir David King. The Council decided that discussion would continue on this question with a view to be in a position to reach a decision at its meeting on 27 November 2003.
Post Council Report - General Affairs and External Relations Council, 29-30 September

Denis MacShane, Minister of State for Europe represented the UK.

**LAUNCH OF THE INTERGOVERNMENTAL CONFERENCE**

The Council gave a favourable opinion on the convening of a Conference of the Representatives of the Governments of the Member States on the reform of the European Union treaties, with a view to its first meeting on 4 October in Rome. The Commission, the European Central Bank and the European Parliament having also given their favourable opinions, the Conference will now be convened by the President of the Council.

Heads of State and Government will open the Intergovernmental Conference on 4 October in Rome and Foreign Ministers will hold a first working session later in the same day. In order for the proposed timetable to be respected, the Presidency intends to conclude the Conference at the European Council meeting on 12 and 13 December in Brussels.

**PREPARATION OF THE EUROPEAN COUNCIL ON 16 AND 17 OCTOBER**

The Council examined an annotated draft agenda prepared by the Presidency for the European Council meeting to be held on 16 and 17 October in Brussels (doc. 12940/03). It will prepare the European Council in greater detail at its meeting on 13 and 14 October, on the basis of an updated version of the annotated draft agenda.

The document sets out the main items to be addressed, namely:

- Re–launching the European economy;
- Strengthening the area of freedom, security and justice;
- External relations.

Work on these items is due to be carried out in the various Council configurations concerned, and the Presidency will draw on this when fleshing out the elements for the European Council conclusions.

**EUROPEAN SECURITY AND DEFENCE POLICY (ESDP)**

**European Union Police Mission in the former Yugoslav Republic of Macedonia ("Proxima")**

The Council adopted a Joint Action establishing a European Union Police Mission (EUPOL) in the Former Yugoslav Republic of Macedonia (fYROM). Entitled "PROXIMA", this Operation will be launched in December 2003. The adoption of this Joint Action follows an invitation from Mr. Branko Crvenkovski, Prime Minister of the fYROM, to the EU through SG/HR Javier Solana.
Guidelines for financing civilian crisis management operations

The Council took note of Guidelines for financing civilian crisis management operations under Title V of the Treaty on European Union.

These Guidelines seek to identify the different categories of costs involved in civilian crisis management operations:
- salaries of the personnel seconded by Member States to the operation should be borne by the sending Member State. Costs that form part of the salaries need to be clearly distinguished in advance.
- All other costs related to the operation, including *per diems*, should be borne, as far as possible, by the CFSP budget.
- Costs related to possible complementary Community measures, under the Commission’s responsibility, which are supporting or complementing the civilian crisis management operation under title V, are eligible for financing through the relevant Community budget line.

Participation of Poland in the EU-led Forces (EUF) in the Former Yugoslav Republic of Macedonia

The Council adopted a Decision concerning the conclusion of the Agreement between the European Union and the Republic of Poland on the participation of Polish Armed Forces in the European Union-led Forces (EUF) in the Former Yugoslav Republic of Macedonia (FYROM).

EXTERNAL RELATIONS

Joint Declaration on Political Dialogue between the EU and Bosnia and Herzegovina

The Council adopted the following declaration:

"Based on the commitments undertaken at the EU-Western Balkans Summit held in Thessaloniki on 21 June 2003, the European Union and Bosnia and Herzegovina (hereinafter referred to as "the Parties") express their resolution to reinforce and intensify their mutual relations in the political fields.

Accordingly, the Parties agree to establish a regular political dialogue which will accompany and consolidate their rapprochement, support the political and economic changes underway in Bosnia and Herzegovina, and contribute to establish new forms of co-operation, in particular taking into account Bosnia and Herzegovina's status as a potential candidate for European Union membership.

Joint Declaration on Political Dialogue between the EU and Serbia and Montenegro

"Based on the commitments undertaken at the EU-Western Balkans Summit held in Thessaloniki on 21 June 2003, the European Union and Serbia and Montenegro (hereinafter referred to as "the Parties") express their resolution to reinforce and intensify their mutual relations in the political fields."
Accordingly, the Parties agree to establish a regular political dialogue which will accompany and consolidate their rapprochement, support the political and economic changes underway in Serbia and Montenegro, and contribute to establish new forms of co-operation, in particular taking into account Serbia and Montenegro’s status as a potential candidate for European Union membership.

Relations with the Western Balkans

The Council adopted a decision authorising the Commission to open negotiations, on behalf of the Community and its Member States, with the former Yugoslav Republic of Macedonia and with Croatia in order to adapt the Stabilisation and Association Agreements.

Democratic Republic of Congo

- Common position on supply of certain equipment


On 28 July 2003, the UN Security Council adopted Resolution 1493 imposing an arms embargo and an embargo on assistance, advice or training related to military activities against all foreign and Congolese armed groups operating in the territory of North and South Kivu and of Ituri in the DRC and to groups not party to the Pretoria agreement and allowing certain exemptions. The new Common Position transposes Resolution 1493. The exemptions concern in particular the UN Mission in the DRC (MONUC) and the integrated Congolese national army and police forces.

- Regulation on certain restrictive measures

The Council adopted a Regulation concerning certain restrictive measures in respect of the Democratic Republic of Congo implementing the above Common Position. Community legislation is necessary to implement it as far as the territory of the Community is concerned.

EU/Canada - Council Conclusions

The Council adopted the following Conclusions:

"The Council recalls the decision taken at the December 2002 Ottawa Summit to carry out a comprehensive review of the EU – Canada relationship. It also noted the instruction from the Ottawa Summit to Trade Ministers to design a new type of forward-looking, wide-ranging bilateral trade and investment enhancement agreement and to report back to the December 2003 Summit on its potential scope.

The Council requests the Presidency, the High Representative and the Commission to pursue their contacts with the Canadian authorities with a view to agreeing joint conclusions at the December 2003 Ottawa Summit."
The Council invites the Presidency, the High Representative and the Commission to report back to it in the framework of the preparations for the December Summit and to make recommendations on appropriate institutional arrangements.

**Northern Dimension of EU policy - 2004-2006 Action Plan**

The Council approved, and agreed to recommend to the European Council to endorse, the 2004–2006 2nd Action Plan for the Northern Dimension in the external and cross-border policies of the European Union.

The first Action Plan (2000–2003), endorsed by the European Council in June 2000 at Feira, will expire at the end of the year. The Commission in June 2003 presented a working document for discussions and for consultations on the 2nd Action Plan, on the basis of the conclusions of a Ministerial Meeting on the Northern Dimension held in October 2002 in Luxembourg.

The Northern Dimension provides a common framework for policy dialogue and cooperation covering a broad and diverse area stretching from the Arctic and sub-Arctic to the southern shores of the Baltic, and from Northwest Russia in the East to Iceland and Greenland in the West.

**EU/Ukraine Summit**

The Council took note of an information note from the Presidency and the Secretary-General/High Representative on preparations for the sixth EU–Ukraine summit, to be held in Yalta on 7 October.

The summit agenda will cover developments in Ukraine and the EU, EU–Ukraine cooperation, the further development of relations between the EU and Ukraine and international issues.

**TRADE POLICY**

**Textiles - Serbia, Montenegro, Azerbaijan, Belarus, Kazakhstan, Tajikistan and Turkmenistan**

The Council adopted a Decision authorising the Commission to negotiate an Agreement on trade in textile products with Serbia and Montenegro, and a Decision authorising the Commission to negotiate the renewal of an existing Agreement on trade in textile products with Azerbaijan, Belarus, Kazakhstan, Tajikistan and Turkmenistan.

**Steel - Russia, Kazakhstan**

The Council adopted a Decision authorising the Commission to negotiate the modification of existing bilateral agreements on trade in steel products concluded between the European Coal and Steel Community and, respectively, the Russian Federation and Kazakhstan.
INSTITUTIONAL AFFAIRS

Reform of the EU staff regulations

The Council reached a political agreement on the proposal aimed at reforming the staff regulations for European Union civil servants.

Statute and financing of European political parties

The Council adopted a Regulation establishing rules on the statute and financing of European political parties, accepting all of the amendments voted by the European Parliament in first reading.

The decision was taken by qualified majority, the Danish, Italian and Austrian delegations voting against.

Most of the rules provided for by the Regulation are due to enter force as from the first plenary session after the European Parliament elections in June 2004.

APPOINTMENTS

Committee of the Regions

The Council adopted six Decisions appointing:

- Mr Heinz SCHADEN, Mayor of Salzburg, as a member of the Committee of the Regions in place of Mr Alfred STINGL for the remainder of his term of office, which ends on 25 January 2006 (doc. 12566/03)

- Mr Francisco CAMPS ORTIZ, Presidente de la Generalitat Valenciana, as a member of the Committee of the Regions in place of Mr José Luis OLIVAS MARTÍNEZ for the remainder of his term of office, which ends on 25 January 2006 (doc. 12551/1/03 rev1)

- Ms Maria Theresia OPLADEN, Bürgermeisterin von Bergisch-Gladbach, Erste Vizepräsidentin des Städte- und Gemeindebundes NRW, as an alternate member of the Committee of the Regions in place of Mr Friedrich Wilhelm HEINRICH for the remainder of his term of office, which ends on 25 January 2006 (doc. 12532/03)

- Mr Norbert KARTMANN, President of the Parliament of Hessen, as an alternate member of the Committee of the Regions in place of Mr Klaus Peter MÖLLER for the remainder of his term of office, which ends on 25 January 2006 (doc. 12533/03)

- Mr Ernst Walter GÖRISCH, Bürgermeister von Alzey/Land, Vizepräsident des Deutschen Städte-und Gemeindebundes, as a member of the Committee of the Regions in place of Mr Hans EVESLAGE for the remainder of his term of office, which ends on 25 January 2006 (doc. 12531/03)

- Mr Alejandro FONT DE MORA TURON, Consejero de Presidencia de la Generalitat Valenciana, as an alternate member of the Committee of the Regions in place of
Mr José RIPOLL SERRANO for the remainder of his term of office, which ends on 25 January 2006 (doc. 12546/1/03 rev1).

FOLLOW-UP TO THE FIFTH WTO MINISTERIAL CONFERENCE

The Council took note of Commissioner Pascal Lamy's assessment of the breakdown in negotiations at the 5th Ministerial Conference of the World Trade Organisation, which took place on 10–14 September in Cancún, Mexico. The Council shared the Commission's strong regret at the outcome and held a preliminary exchange of views on the next steps to be taken.

The Cancún conference was intended to move the negotiating agenda launched by the WTO at its 4th Ministerial Conference in November 2001 at Doha into its decisive phase, with a view to reaching an agreement by 1 January 2005. It ended however with a short statement indicating that participants had worked hard to make progress and that further work would be needed on the outstanding issues. The Conference instructed officials to continue work at WTO headquarters in Geneva with a view to convening a meeting of the WTO General Council at senior officials' level before 15 December.
Post Council Report - Justice and Home Affairs Council, 2-3 October

Comments by the Executive

The first formal Council of the Italian Presidency. The UK was represented by Caroline Flint and Lord Filkin. A Scottish Executive official was present at the Council. The first day of the Council was dominated by Asylum and Immigration with the proposal for a Council Directive on Minimum Standards on Procedures for granting and withdrawing refugee status having some interest for the SE in that Article 13 of concerns the provision of legal aid to asylum seekers. Issues of particular interest to Scotland were the discussion on the Council Regulation on Parental Responsibility and the Draft Council Framework Decision on the application of the Ne Bis In Idem principle.

Agenda Items


This Directive is a package of EU measures aimed at establishing minimum standards in procedures for considering the granting of asylum applications in line with the Geneva Convention. The only aspect of the Directive of interest to the Executive is Article 13 which concerns legal aid, a devolved matter. The Article as currently drafted proposes the need to ensure the asylum seeker can effectively consult with a legal advisor and access, under certain circumstances, legal aid for appeal proceedings. The current draft of the Article does not appear to be incompatible with the current legal system. The discussion at Council did not cover Article 13. Member States discussed three key issues: (i) a common EU list of safe countries of origin (ii) a common EU list of safe third countries and (iii) the criteria set for designating a country as safe.

The UK managed to successfully revise the text to make clear that the key criterion for determining whether a country is safe is that it is generally free from persecution. Broad support from Member States on a minimum common EU list of safe countries of origin but no real agreement on a similar list of safe third countries.

Operational Project Entitled “Multinational Ad Hoc Teams for Exchanging Information on Terrorists – Start of Activities

This project has been under discussion since the JHA Council in September 2001. The Presidency agreed to urge the Terrorism Working Group to expedite its work.

Framework Decision on Mutual Recognition of Confiscation Orders

A Danish initiative first tabled in June 2002 which is part of a programme of measures to implement the principle of mutual recognition of decisions within the EU in criminal matters. If implemented mutual recognition of confiscation orders would be a devolved matter. Discussion at Council centred on Germany’s proposal for an additional ground for refusing to execute confiscation orders in cases where fundamental rights may have been infringed. The UK and others argued that this would erode the principle of mutual recognition which is the cornerstone of judicial co-operation in the EU. No agreement was reached with the Presidency considering how best to modify Germany’s proposal in light of the discussion.
Proposal for a Council Regulation on Parental Responsibility

This proposal has been under discussion since July 2000. Political agreement was reached at the Council and formal adoption will follow at the November Council once the Netherlands has lifted its parliamentary scrutiny reserve. The Regulation will lead to quicker recognition and enforcement of judgements in child custody cases following the breakdown of a marriage. It will also make clear which country’s courts have jurisdiction. The Executive were represented at all working groups on this issue.

Draft Council Framework Decision on the Application of the Ne Bis In Idem Principle

An initiative of the Greek Presidency. The Framework Decision does not require changes to domestic provision; it is about how double jeopardy is recognised between Member States. It sets to update provisions in Schengen and as such does not do anything to compromise the principles of double jeopardy. There was a lengthy discussion at Council on Articles 2, 3 and 4 of the draft. The Presidency concluded that further technical work was required on Article 2. On the remaining Articles there was broad support but the Presidency asked the Commission to bring forward an initiative on jurisdiction rules as a means of removing any future need for a “territoriality” exception.
Post Council Report - Economic and Financial Affairs (ECOFIN) Council, 7 October

UK Participant: Mr Paul Boateng (Chief Secretary to the Treasury)

ITEMS APPROVED WITHOUT DEBATE

1. ECOFIN – Monetary Convention
2. BUDGET – Mobilisation of the European Union Solidarity Fund
3. TAXATION – Supply of gas and electricity
   - Administrative cooperation in the field of VAT
4. EXTERNAL RELATIONS - Relations with Croatia
5. FISHERIES - Tariff quotas for fishery products

ITEMS DEBATED

AGENDA FOR GROWTH – INTERIM REPORT

The council debated the agenda for growth with the view to provide the European Council “with a positive message”. They debated measures that would increase long-term growth in the EU. For example, measures that would improve the supply side of economies through increased competitiveness, efficient infrastructure, the role of private money and, in particular, how to maximise private capital participation through public-private structures. The ECOFIN council, will discuss the issue again on the basis of the final report to be submitted by the Commission in November.

The UK Government and the Scottish Executive already realise the importance of increasing sustainable long-term growth and follow policies with this goal in mind. Of particular note is that public – private partnerships are already widely used in the UK.

STRENGTHENING THE SOCIAL DIMENSION OF THE LISBON STRATEGY IN THE FIELD OF SOCIAL PROTECTION

The council endorsed the Economic Policy Committee’s (EPC) opinion on strengthening the social dimension of the Lisbon strategy. The EPC’s opinion, underlines the importance of close coordination of pension and healthcare between the ECOFIN Council and the Employment and Social Affairs Committee.

FINANCIAL SERVICES – INVESTMENT SERVICES DIRECTIVE

The council reached political agreement on a common position with a view to a Directive on financial markets. The draft directive forms part of a coherent programme of legislative measures to facilitate the emergence of integrated and efficient European capital markets, while imposing proportionate checks and balances to avoid market volatility and to protect investors and consumers.

TAXATION APPLICABLE TO PARENT COMPANIES AND SUBSIDIARIES

The council examined a proposal for a Directive enlarging the scope of Directive 90/435, thus further reducing double taxation of dividend payments and other profit distributions in
the case of a parent company and subsidiaries in different Member States. The proposal is one of the initiatives aimed at achieving a more efficient internal market without tax obstacles in the context of the strategic objective of building a supportive general framework for the EU economy as called for by the 2000 Lisbon European Council.

**TAXATION – VAT – REDUCED RATES**

The council held a policy debate on the potential for reaching agreement on the proposal for a Directive on VAT reduced rates. The Presidency invited the Commission and the Member States to take into account comments made during the debate and to show the flexibility necessary to reach agreement on the proposed Directive. This is a difficult topic and agreement had not yet been reached.

Any reduction in VAT rates will be of interest to the Scottish Executive but this is a reserved matter.
Post Council Report - Transport Council, 9 October

Summary

2. David Jamieson, Parliamentary Under Secretary of State, Department for Transport represented the UK interest. The Council reached agreement on maritime security, unfair airline pricing practices, aviation insurance requirements and tunnel safety. There was also broad support for the Commission’s proposals on Trans-European Transport Networks.

Ship and Port Security

3. The new International Maritime Organisation security regime agreed in December 2002 has been implemented in EU law. Domestic traffic will be covered subject to a security assessment, and security information will be required upon entry to a port.

Unfair Airline Pricing Practices

4. The Commission proposed a Regulation to allow it to take counter measures against countries that subsidised their airlines or supported other unfair pricing practices. These measures largely followed the existing trade defence instrument. The Presidency proposed a series of minor amendments and political agreement was reached.

Insurance Requirements for Aviation

5. The Commission proposed minimum levels of insurance for aircraft and passengers in the event of accidents and/or war or terrorism incidents. The measure was adopted for political agreement.

Tunnel Safety

6. A general approach was reached on the Directive establishing minimum safety standards for tunnels on the Trans-European Road Network (TERN). The Directive aims to establish minimum safety standards for TERN tunnels, following several catastrophic road accidents in tunnels in Europe in the past few years. The Presidency will now look for an early deal with the European Parliament.

Trans-European Transport Networks

7. The Commission proposed a list of additional priority projects, increased EU funding levels (up to 30% for some key cross-border elements) and better project co-ordination.
Post Council Report - General Affairs and External Relations Council, 13-14 October

Jack Straw, Foreign Secretary represented the UK.

PROGRESS OF WORK IN OTHER COUNCIL CONFIGURATIONS

The Council took note of a report from the Presidency on work underway in the Council’s other configurations, covering meetings held since the last report on 29 September.

The Presidency’s report highlights in particular the Agriculture Council’s discussions on genetically modified crops and formal adoption of the seven Regulations on reform of the Common Agriculture Policy, the Justice and Home Affairs Council’s agreements on matrimonial matters and parental responsibility and on the setting-up of a network of immigration liaison officers, and the Economic and Financial Affairs Council’s agreement on the investment services Directive.

PREPARATION OF THE EUROPEAN COUNCIL ON 16 AND 17 OCTOBER

The Council approved the agenda of the European Council meeting to be held on 16 and 17 October in Brussels and took note of the annotated draft agenda prepared by the Presidency as the basis for deliberations (doc. 13459/03).

The annotated draft agenda sets out the main items that the European Council is due to address, namely:
- Re-launching the European economy;
- Strengthening the area of freedom security and justice;
- External relations.

STATUTE FOR MEMBERS OF THE EUROPEAN PARLIAMENT

The Council examined a request from the President of the European Parliament, Pat Cox, for the Statute for members of the European Parliament to be reviewed by the Intergovernmental Conference on the reform of the EU treaties.

In a letter dated 26 September, Mr Cox considered it inappropriate that there should continue to be different national regimes governing MEPs’ immunities, and requested that the 1965 Protocol on MEP privileges and immunities be reviewed by the Intergovernmental Conference.

GENERAL AFFAIRS

Enlargement - Code of conduct for business taxation - Council conclusions

The Council took note of a report from its working group on enlargement (tax experts) on harmful tax measures in the acceding States and on measures to bring their corporate tax systems into line with the Code of Conduct on business taxation by the date of their accession to the European Union.

During the accession negotiations, the acceding States committed themselves to the principles of the Code of Conduct, adopted in December 1997, and to only introduce new measures that
are in conformity with those principles. In order to monitor implementation of these measures, the enlargement group is currently preparing a Council decision on a list of harmful tax measures in the acceding States.

The Council also adopted the following conclusions:

"The Council welcomes the work accomplished by the Enlargement Group (Tax Experts) in establishing a list of tax measures in the acceding States which are harmful and which must be eliminated or amended in order to bring their corporate tax systems in line with the principles of the Code of Conduct for business taxation by the date of accession. The Council takes note of the report of the Group, as set out in doc. 13213/03 and agrees that the rollback measures envisaged or already undertaken by the acceding States are adequate to either remove the harmful features or to abolish the harmful tax measure concerned for 27 of the 30 measures listed in the Annex to doc. 13213/03. The Council invites the Commission to take the report into account in the monitoring of the acceding States’ commitments and in its comprehensive monitoring reports to be presented by the Commission on 5 November 2003."

**EXTERNAL RELATIONS**

The Council adopted conclusions in relation to the following countries:

- China
- Eritrea
- Angola
- Tajikistan

**Relations with Russia - Co-operation Committee on 20 October**

The Council agreed on the position of the European Union for the 8th meeting of the EU-Russia Co-operation Committee, which will take place in Moscow on 20 October.

The Co-operation Committee is due to examine, in particular, EU enlargement and EU-Russia relations, work on a Common Economic Space, justice and home affairs and issues related to the EU-Russia Partnership and Co-operation Agreement.

**WIDER EUROPE**

"**Council conclusions on the implementation of the Wider Europe - New Neighbourhood Initiative**

1. The Council reviewed the situation regarding the Wider Europe - New Neighbourhood Initiative. It welcomed the initial interest shown by many partner countries and underlined the EU’s intention to proceed in close dialogue with all the countries concerned. The Council took note of the oral report presented by Commissioner Verheugen and invited the Commission with the contribution, where appropriate, of the High Representative to present, in the light of the conclusions of 16 June, detailed proposals for the relevant action plans early in 2004 in order to take this matter forward by June 2004."
2. In this context, the Council welcomed the Commission Communication "Paving the way for a New Neighbourhood Instrument" as an important step in implementing the conclusions of 16 June. The Council considered that the Communication provides a useful basis for developing the relevant instruments aimed at enhancing cross-border co-operation on the external borders of the Union, in particular regional/transnational co-operation. The Council confirmed the EU commitment to promote political, economic and cultural relations with all the neighbouring regions of the Union according to the conclusions of 16 June. Particular attention will be paid to strengthening of civil society, supporting institutional capacity as well as promoting transparency of state and local authorities.

3. The Council welcomed the intention of the Commission to develop Neighbourhood Programmes covering the external borders of the enlarged Union for the 2004-2006 period as an intermediate step before possible creation of a single new Neighbourhood Instrument.

4. While political, economic and social conditions vary from border to border, the Neighbourhood Programmes should address the following key co-operation objectives:
   - Promoting sustainable economic and social development in the border areas;
   - Working together to address common challenges, in fields such as environment, public health, and the prevention of and fight against organised crime;
   - Ensuring efficient and secure borders;
   - Promoting local, “people-to-people” type actions.

The Council will review the key objectives in due time.

5. The Council agreed with the two-step approach suggested by the Communication.

The Council adopted conclusions in relation to the following areas:

Iraq
Middle East
Western Balkans
Iran

REGIONAL CO-OPERATION

The Council recalled that regional co-operation and good neighbourly relations form an essential part of the process of moving towards the EU. In this context and without prejudice to sovereign rights of States deriving from the relevant international law, it noted with regret that the Croatian Parliament decided to declare a protected ecological and fishing zone in the Adriatic Sea without appropriate dialogue and co-ordination with the other countries concerned. It called on Croatia to urgently pursue a constructive dialogue with its neighbours meant to meet the concerns of all the parties involved."
EU-RUSSIA RELATIONS

The Council held an exchange of views on the EU-Russia Summit to be held on 6 November in Rome, on the basis of an information from the Presidency and the High Representative.

The EU–Russia Summit will be the twelfth to be held under the EU–Russia partnership and co-operation agreement. It is due to address the following issues: EU–Russia relations – building the four "spaces" (common economic space; freedom, security and justice; external security; research and education), developments in Russia, developments in the EU and international issues.

Commissioner Pascal Lamy briefed the Council on current discussions concerning Russia's accession to the World Trade Organisation. Progress has been made in negotiations on Russia's accession to the WTO although a number of substantive issues of interest to the EU remain to be resolved.

OTHER BUSINESS

– Democratic Republic of Congo / ICC
   Over lunch, Ministers had an exchange of views on the role of the International Criminal Court in the Democratic Republic of Congo.

– Great Lakes
   The Belgian delegation briefed the Council on Minister Louis Michel's recent visit to the African Great Lakes region, underlining in particular the role the EU did and could play in this area.

– Afghanistan
   Ministers had a brief exchange of views on Afghanistan and on EU assistance to next June elections.

– Moldova
   At the Ministers' lunch, the situation in Moldova was raised in the light of recent discussions with the president of Moldova

IN THE MARGINS OF THE COUNCIL

AGREEMENT WITH MACAO ON READMISSION

An Agreement was signed between the Community and the Special Administrative Region of Macao of the People's Republic of China on the readmission of persons residing without authorisation
EUROPEAN AND EXTERNAL RELATIONS
COMMITTEE

BRIEFING PAPER

“Correspondence received from Scottish Executive on pre- and post-Council scrutiny conducted on 23 September and 7 October”

Introduction

1 At its 4th and 5th meetings 2003 (23 September and 7 September), the Committee asked for further information on a variety of subjects following its analysis of material on pre-Council of the EU agendas. On behalf of the Committee, the Convener sent letters to various ministers in the Scottish Executive seeking more information. Copies of these letters are attached as Annex A (from committee meeting of 23 September) and Annex B (from committee meeting of 7 October). Various replies have been received. These are set out next to the appropriate letter from the Committee.

Action requested

2 Members are requested to consider the letters and the responses set out in Annexes A and B.

Richard Lochhead MSP
Convener
Tel: 0131 348 5234
Email: europe@scottish.parliament.uk
MINISTER FOR TRANSPORT

Dear Nicol,

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

Following the recent meeting of the Committee, it was agreed that further information be sought on various items relating to the information you kindly provided on the Council of the EU agendas.

Transport Council

1. To congratulate the department on the excellent and informative information previously provided.

2. To ask the Scottish Executive to keep parliamentary committees informed on the progress of the EU’s minimum safety standards for HGVs in tunnels which may have implications for the Clyde Tunnel.

3. To ask the Scottish Executive for a statement on whether the proposals on the charging of the use of road infrastructure and fees collection in road transport have any implications for the Skye Bridge.

As these information requests are to do with the scrutiny of EC/EU legislation, it is my view that they are not covered by the usual timescales set out in the relevant concordat. Furthermore, the meeting subsequent to our meeting of the 7 October does not take place until 4 November (due to recess). I would be grateful therefore if you could arrange to provide this material in time for the Committee’s meeting of the 7 October.

If this is not possible, could I be informed as to the reasons for the delay and your suggested solutions, which would enable responses to be received from one meeting of the Committee to the next.

Yours sincerely,
EXECUTIVE’S RESPONSE

Dear Richard

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

Thank you for your letter of 25 September requesting further information in relation to the brief the department provided on the Council of the EU agendas.

On point 2 of your request, we will be happy to keep the relevant parliamentary committees informed on the progress of the EU’s minimum safety standards for HGVs in tunnels which may have implications for the Clyde Tunnel.

On point 3, I note you would like a statement on whether the proposals on the charging of the use of road infrastructure and fees collection in road transport have any implications for the Skye Bridge. There are two points to be made.

1. The Executive is entering into negotiations with a view to ending the toll regime for the Skye Bridge. That work is underway but it is too early yet to say when negotiations might conclude.

2. Skye Bridge is on the Trans-European Road Network (TERN). As such, the proposal for a Directive on the charging of the use of road infrastructure applies in theory to both the route and the Bridge. However, given that the current toll regime on the Bridge is ending, the proposed Directive will have no practical implications specific to the Bridge. The proposed Directive does not require Member States to introduce new charges. If the situation changes, we will inform the relevant committees.
MINISTER FOR HEALTH AND COMMUNITY CARE (DATED 25 SEPTEMBER)

Dear Malcolm,

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

Following the recent meeting of the Committee, it was agreed that further information be sought on various items relating to the information you kindly provided on the Council of the EU agendas.

Competitiveness Council


2. To ask for the Executive’s view whether the G10 Medicines/Pharmaceuticals agenda item contains any provisions governing the use of generic medicines and, if so what implications this has for NHS bills but also for the ability of firms to conduct research.

As these information requests are to do with the scrutiny of EC/EU legislation, it is my view that they are not covered by the usual timescales set out in the relevant concordat. Furthermore, the meeting subsequent to our meeting of the 7 October does not take place until 4 November (due to recess). I would be grateful therefore if you could arrange to provide this material in time for the Committee’s meeting of the 7 October.

If this is not possible, could I be informed as to the reasons for the delay and your suggested solutions, which would enable responses to be received from one meeting of the Committee to the next.

Yours sincerely,

EXECUTIVE’S RESPONSE

Dear Richard

You wrote to me on 25 September seeking further information on two items to inform the Committee’s discussions on 7 October.

The first of these bore on the Directive of the European Parliament and of the Council amending Directive 2000/13/EC “as regards indication of the ingredients present in foodstuffs”. This is a food-labelling measure that will impact equally across all parts of the UK. Therefore the implications on Scottish produce will be the same as those for the rest of the UK.

The Directive will improve current labelling requirements by ensuring that consumers are given more comprehensive ingredients listing information.
Specifically, it will remove the current “25% rule”, thus making it compulsory to list components of compound ingredients that make up less than 25% of the final product. The Directive will also make it compulsory to list certain specified allergens whenever these are used in foods, including alcoholic drinks. This will be particularly helpful to allergic consumers so that those with food allergies can avoid ingredients which may damage their health.

The Directive will impact on food retail and manufacturing businesses across the UK, as many ingredient lists will need to be updated and redesigned to accommodate the new longer lists.

A full Regulatory Impact Assessment will be prepared which will take into consideration the impact of the new Directive on industry and, in particular, small and micro businesses. This will form part of the full consultation process that will take place once the implementing Scottish Statutory Instrument has been drafted.

Your second point asked for the Executive’s view on issues relating to the G10 Medicines/Pharmaceuticals agenda item. I can confirm that generics are covered in this context. At present, in Scotland, our generic prescribing rate is in the order of 77% and therefore quicker access to generic medicines may have a positive effect on our drugs bill. In relation to research, it will be necessary to find an appropriate balance between encouraging and rewarding the development of innovative medicines, including providing sufficient intellectual property for these medicines, and creating a genuine market in generics.

I hope this is helpful.

Malcolm Chisholm MSP
MINISTER FOR ENVIRONMENT AND RURAL AFFAIRS (DATED 25 SEPTEMBER)

Dear Ross,

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

Following the recent meeting of the Committee, it was agreed that further information be sought on various items relating to the information you kindly provided on the Council of the EU agendas.

Agriculture and Fisheries Council

1. To ask the Scottish Executive for a progress report on the reform of the EU sugar industry and regulatory regime, including implications for Scotland.
2. To ask the Scottish Executive for a progress report on the moves to reform the EU tobacco industry and regulatory regime.
3. To ask the Scottish Executive for a progress report on the current state of the debate on GMOs, including a statement on the Executive’s preferences for any new regulations set to be adopted with regard to banning GM-free zones and allowing the "co-existence" of GM crops with conventional crops.
4. To ask the Scottish Executive for a statement on the outcome of the WTO talks and the implications for Scotland.

It was also agreed that the Scottish Executive be asked for a progress report on the various plans with regards to veterinary medicinal products.

As these information requests are to do with the scrutiny of EC/EU legislation, it is my view that they are not covered by the usual timescales set out in the relevant concordat. Furthermore, the meeting subsequent to our meeting of the 7 October does not take place until 4 November (due to recess). I would be grateful therefore if you could arrange to provide this material in time for the Committee’s meeting of the 7 October.

If this is not possible, could I be informed as to the reasons for the delay and your suggested solutions, which would enable responses to be received from one meeting of the Committee to the next.

Yours sincerely,

EXECUTIVE’S RESPONSE

Thank you for your letter of 25 September in which you raise a number of issues for which I am responsible and one for which I am not – 3G telecommunications systems – on which I understand you have subsequently sought advice from Jim Wallace. Taking your remaining points in order:
Agriculture and Fisheries Council

At the Council meeting in Brussels on 29 September the Commission presented proposals to reform the tobacco, sugar, olive oil and cotton regimes of the CAP. This follows on from the CAP reform agreement in June and extends the possibility of decoupling to these sectors.

Sugar

The sugar regime accounts for about 4% of the CAP budget, i.e. around €1.7 billion, and is very much as it was 35 years ago. EU prices are at 3 times world levels and the regime is now out of step with the more flexible CAP agreed in June. Member States recognise that there is a strong case for more, if not full, liberalisation of the regime. However, there are many interests at stake, not least those of the developing countries. At this stage, the Commission is making no recommendations for reform but is initiating discussion on three broad options:

- Maintain the status quo this leaves prices high and production quotas and tariff protection in place. But as duty free imports from the least developed countries (LDCs) under the Everything But Arms agreement progressively increase (prior to unrestricted access from 2009), sugar beet quotas would have to be cut more and more. The regime would thus be gradually eroded. This would leave the regime out of line with the rest of the CAP.

- Price cuts these would go a long way towards ending the distortions of the existing regime. Quotas could be abolished and sugar beet producers paid a Single Farm Payment. Beet growing would end in some Member States (as it has already done in Scotland.) Efficient ACP (African, Caribbean and Pacific) and LDC exporters would benefit, but many would be unable to compete at the lower price. Cane refiners, particularly in the UK, could also be disadvantaged.

- Full liberalisation this means a completely free and open market, with no internal or external controls. It might well produce the best result in terms of economic welfare gains, simplification and WTO compatibility but it would effectively end ACP preferences and could seriously undermine the value of EBA. Brazil would probably end up taking a large share of the EU market. There might also be cane refining issues for the UK.

In summary, negotiations on sugar are likely to be long and difficult. There are no specific Scottish issues, other than our consumers would benefit from any proposal that reduced prices.

Tobacco

The tobacco regime accounts for about 2% of the CAP budget, i.e. around €1 billion. The Treaty of Rome provides for tobacco production to be eligible for support under the Common Agricultural Policy of the European Union, and the UK inherited this regime on succession to the Community. Obviously, this regime does not rest easily with the Executive’s policy on health and tobacco. However, in order to achieve radical changes to the tobacco regime it should be noted that
such production provides a crucial source of income and employment in rural communities in southern Europe and is grown in 8 of the Member States, i.e. Greece, Spain, Portugal, Italy, France, Austria, Germany and Belgium. Of the new Member States, Cyprus, Hungary, Poland and Slovakia also produce small quantities.

Aid takes the form of premia paid on production, within a quota for each Member State, which contains costs within pre-set budgetary limits. There is a voluntary quota buy-back scheme for producers wanting to give up production (although most unwanted quota is bought up by other growers) and a Tobacco Fund into which 3% of premium is diverted to finance health information campaigns and help producers switch out of tobacco production.

Scotland (and the UK) supports the principle of decoupling and market liberalisation for as many sectors as possible. We are also committed to promoting public health by ending the situation whereby the EU subsidises a product that is harmful to health. The UK opposition to subsidising tobacco production is shared by other Northern Member States but Southern producer countries (especially Greece) have concerns because of the dependence on tobacco of small farms in poorly developed rural communities.

Reform of the sector has been championed by the Commission President, Romano Prodi, and its Health Commissioner, David Byrne, who both want an end to the €1 billion of aid paid annually for a crop “that causes illness and death, and consequential burdens on national health budgets”. The Commission proposes a three-stage full decoupling of the tobacco premium, together with phasing out of the Tobacco Fund and the establishment of a financial envelope within Pillar 2 to help restructure tobacco producing areas. In the short term, this should encourage less profitable farmers (particularly small tobacco farmers) to shift to other sectors or activities, with remaining production moving towards larger, more viable operations in the longer term.

Full decoupling and integration of subsidy into the Single Payment Scheme, i.e. the new regime covering the main CAP sectors, would remove a particularly burdensome administrative regime. Critics might argue that this still means tobacco growers will be receiving subsidy, albeit not dependent on what they grow. There may also be fears that decoupling will lead to other farmers moving into the sector and increasing total EU production. However, the Commission’s impact assessment concludes that farm income from tobacco would drop as result of the proposed reform in all areas except Greece, and that tobacco production would become the least attractive choice for the farmer.

We welcome the Commission’s proposals to move to full decoupling of these regime subsidies away from production. There are no distinctive Scottish issues. At the meeting on 29 September, the Council held a short policy debate on the reform package. Commissioner Fischler presented the reform proposals for tobacco, considering them to be in line with the reform decision in Luxembourg in June 2003 and also with the objective of achieving sustainability. The Commission intends to table legal proposals in November with a view to applying the reforms from 1 January 2005.
As regards sugar, the intention is to follow the principles of the CAP reform and switch from product support to farmer support, reduce the gap between world market and internal market prices and include consideration of the quota regime. Reform should also take account of the international impact, especially on ACP countries.

**GM Crops**

The report of the GM Public Debate was published on 24 September 2003. The Executive is currently considering the report in detail and will respond in due course. No decisions have yet been taken on the possible commercialisation of GM crops. Our policy will be based on an objective assessment of all available information, including the report from the Public Debate, along with the outcome of the other strands of the GM dialogue and the results of the farm scale trials.

We recognise that GM crops could affect the interests of conventional and organic farming and that co-existence issues would need to be addressed before commercial cultivation could proceed. We see the Commission’s guidelines as providing a reasonable basis for considering practical co-existence measures. Our understanding is that prohibiting the growing of GM crops in a given area or region, i.e. the creation of a compulsory “GM-Free zone”, would be inconsistent with the Community law principles of proportionality and non-discrimination. The guidelines, however, do not exclude the possibility of voluntary agreements between local farmers about what types of crops they intend to grow.

**WTO Trade Negotiations - Agriculture**

The Doha development round was launched in November 2001 with the aim not only to cut barriers in highly protected sectors such as agriculture and services but also to write new rules for globalisation in areas such as investment and policy (the so called ‘Singapore issues’). It was envisaged that these new rules would be underpinned by the commitment to substantially strengthen assistance to developing countries. It was proposed at the outset that the Doha round would last for 3 years – until January 2005. The Cancun meeting in September 2003 was a half-way point in the process.

Against a background of weak global economic growth it was predicted that liberalisation of trade as a result of the Doha round would stimulate growth and reduce poverty levels in developing countries. The hope was that trade would be liberalised through a reduction in trade-distorting farm support, large reductions in tariffs on farm goods, elimination of agricultural-export subsidies and cuts in industrial tariffs. The World Bank estimated that the proposed reduction in trade barriers could increase global income by between $290 billion and $520 billion per year. Over half those gains would go to developing countries, lifting 144m people out of poverty by 2015.

After five days of negotiation, the Chairman of the Cancun Ministerial meeting decided to close the talks without agreement on either cuts in tariffs or rules for globalisation. Developing states, led by the newly formed G21 group (formed to
promote the views of developing countries on agriculture in particular), were unhappy with the lack of progress in reducing agricultural support and protection. The EU was unhappy with the lack of progress on the ‘Singapore issues’ and it was the failure of the G21 to negotiate on these issues that ultimately led to the break up of the talks.

The breakdown of the Cancun talks may be regarded as an opportunity missed rather than the irretrievable breakdown of negotiations. All parties will now be reflecting on their positions and talks are likely to resume some time later this year. The latest opportunity for this would be the meeting of the WTO General Council in December though there is a strong feeling within the EU at least that an earlier opportunity should be found. EU Member States have expressed disappointment at the outcome of Cancun, noting that there are no winners. The EU Agriculture Commissioner, Franz Fischler, has expressed the view that the gap on farm trade liberalisation had narrowed to a point where a deal would have been possible but the real stumbling block was the “Singapore issues”.

The breakdown of the Cancun talks has no direct implications for Scotland as negotiations will be resumed at a later date. The Executive will continue with its plans for the implementation of the CAP reform package which was widely regarded as facilitating agreement on agricultural trade within the Doha round. A formal consultation on the CAP reform options will be launched in Scotland on 6 October. The Scottish Executive remains committed to sensible liberalisation of agricultural trade which can bring benefits to all parties.

Veterinary Medicines

I note the Committee’s interest in veterinary medicines though as this is a reserved matter it is not a subject on which the Executive has briefed the Committee in relation to any Council meeting. If, however, the Committee required specific factual information then I may be able to provide that.

I trust this information will be helpful. I am sorry I was unable to provide it very far in advance of your meeting today but I hope you will appreciate that – particularly with the Agriculture and Fisheries Council having taken place as recently as 29 September – it did take some time to put together a response.

ROSS FINNIE MSP
MINISTER FOR JUSTICE (DATED 25 SEPTEMBER)

Dear Cathy,

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

Following the recent meeting of the Committee, it was agreed that further information be sought on various items relating to the information you kindly provided on the Council of the EU agendas.

Justice and Home Affairs Council


As these information requests are to do with the scrutiny of EC/EU legislation, it is my view that they are not covered by the usual timescales set out in the relevant concordat. Furthermore, the meeting subsequent to our meeting of the 7 October does not take place until 4 November (due to recess). I would be grateful therefore if you could arrange to provide this material in time for the Committee’s meeting of the 7 October. If this is not possible, could I be informed as to the reasons for the delay and your suggested solutions, which would enable responses to be received from one meeting of the Committee to the next.

Yours sincerely,

EXECUTIVE’S RESPONSE

Thank you for your letter of 25 September to Ms Jamieson seeking the Executive’s view on the Proposal for a Council Directive on minimum standards on procedures for granting and withdrawing refugee status. I have been asked to respond.

The Procedures Directive is a package of EU measures aimed at establishing minimum standards in procedures for considering the granting asylum applications in line with the Geneva Convention. Since asylum procedures are reserved, the only aspect of the Directive of interest to the Executive is Article 13 which concerns legal aid, a devolved matter. The Article, as currently drafted, proposes the need to ensure that the asylum seeker can effectively consult with a legal adviser and, under certain circumstances, can access legal aid for appeal proceedings. The current draft of the Article does not appear to be incompatible with the current legal aid system. My officials have been working closely with the Home Office and the Department for Constitutional Affairs on the text of the UK response to this point and will continue to do so as negotiations proceed.

For information, I attach a copy of the latest Home Office Explanatory Memorandum which will be deposited by 7 October. [copies from the clerks]
I hope that this has been helpful.

Margaret Curran MSP
MINISTER FOR EDUCATION AND YOUNG PEOPLE (DATED 25 SEPTEMBER)

Dear Peter,

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

Following the recent meeting of the Committee, it was agreed that further information be sought on various items relating to the information you kindly provided on the Council of the EU agendas.

The Committee is seeking a view from the Executive on how it plans to engage with the proposed EU action plan for language learning and linguistic diversity.

As these information requests are to do with the scrutiny of EC/EU legislation, it is my view that they are not covered by the usual timescales set out in the relevant concordat. Furthermore, the meeting subsequent to our meeting of the 7 October does not take place until 4 November (due to recess). I would be grateful therefore if you could arrange to provide this material in time for the Committee’s meeting of the 7 October. If this is not possible, could I be informed as to the reasons for the delay and your suggested solutions, which would enable responses to be received from one meeting of the Committee to the next.

Yours sincerely,

EXECUTIVE’S RESPONSE

Thank you for you letter of 25 September 2003 requesting information relating to forthcoming EU Education Council business.

As you may know, the European Commission’s Action Plan to Promote Language Learning & Linguistic Diversity 2004 – 2006 aims to increase inter-cultural understanding, to protect linguistic diversity and to promote mobility by enabling Europeans to learn more languages and to learn them more effectively. You will also be aware that the Executive, the UK Government and other Member States of the EU are not subject to EU obligations and competence in this area.

An initial exchange of views on the Action Plan took place at the most recent EU Education Committee meeting on 22 & 23 September. At this meeting, the Italian Presidency confirmed that there would be no conclusions on this at the Education Council in November but Ministers would be invited to discuss the issue.

Although the plan is ambitious in its scope, we welcome its broad objectives to promote language learning and linguistic diversity; and enhance linguistic ability. We are engaging in discussions, along with our other UK colleagues, to seek to ensure that the final plan is consistent with our aim to increase pupil choice and make the curriculum more relevant to every pupil, no matter where their strengths lie. We will also seek to ensure that the plan fits with our commitments in this area, including the provision of opportunities to learn a
modern language in primary schools; investment in Gaelic Medium Education; and commitments in the Partnership Agreement to a national language strategy for Scotland.

The Action Plan focusses on three key areas – lifelong language learning, improved language teaching and creating language friendly environments. Various aspects of the Executive’s work in this area sit well with these key areas and are evidence of our ongoing commitment to Modern Languages in Scotland e.g. the Modern Languages in Primary Schools (MLPS) project and the ongoing financial support for implementation of the recommendations contained in the Ministerial Action Group on Languages’ report – ‘Citizens of a Multi-lingual World’ (2001). We are also currently holding a series of Good Practice in Modern Languages Conferences around the country, with the aim to illustrate the good practice in the learning and teaching of modern languages currently taking place across Scotland; and provide a forum for discussion, sharing ideas and reflection on the revised 5-14 Modern Language Guidelines.

Support in the plan for lesser used languages, both indigenous and migrant community, is also to be welcomed and is consistent with the Executive’s National Priorities in Education and explicit commitments made in this area; including, as previously mentioned, investment in Gaelic Medium Education and commitments in the Partnership Agreement to a national language strategy for Scotland.

I hope this reply is helpful.

PETER PEACOCK MSP
Dear Jim,

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

Following the recent meeting of the Committee, it was agreed that further information be sought on various items relating to the information you kindly provided on the Council of the EU agendas.

Competitiveness Council

1. To ask the Scottish Executive for its view with regards the Scottish biotech industry and the agenda item - Biotechnology: State of play of implementation of Strategy and Roadmap.

As these information requests are to do with the scrutiny of EC/EU legislation, it is my view that they are not covered by the usual timescales set out in the relevant concordat. Furthermore, the meeting subsequent to our meeting of the 7 October does not take place until 4 November (due to recess). I would be grateful therefore if you could arrange to provide this material in time for the Committee's meeting of the 7 October. If this is not possible, could I be informed as to the reasons for the delay and your suggested solutions, which would enable responses to be received from one meeting of the Committee to the next.

EXECUTIVE’S RESPONSE

Thank you for your e-mail of 25 September 2003 seeking information on various items relating to the Council of the EU agendas and in particular the Competitiveness Council meeting.

Please find below as requested the Scottish Executive view with regard to the Scottish biotech industry and the agenda item - Biotechnology: State of play of implementation of Strategy and Roadmap.

At its most recent meeting on 22 September 2003 the Council adopted the following conclusions:

"Council conclusions on "Life sciences and Biotechnology - a Strategy for Europe"

THE COUNCIL:

1. RECALLING that the European biotechnology strategy aims at facilitating the comprehensive and responsible development of biotechnology applications as an important step towards a competitive knowledge-based economy;

2. RECOGNISING the important role that biotechnology, as an enabling technology, plays in many different fields, and thus its significance for the overall competitiveness of European industry;

3. WELCOMES the Commission's first progress report "Communication from the Commission to the European Parliament, to the Council and to the European Economic and Social Committee Life Sciences and Biotechnology - A strategy for Europe - Progress report and Future Orientations" on the implementation of the European biotechnology strategy and agrees with the broad lines of its analysis; in this context RECALLS the importance of an integrated approach addressing all the complex and multifaceted societal and economic issues involved;
4. STRESSES the need for significant efforts to be made to move from the conceptual and planning stage to the implementation of the biotechnology strategy and of the roadmap contained in the Council Conclusions of 26 November 2002 (See OJ C 39 of 18.02.2003, p. 9.) in order to contribute effectively to the achievement of the EU competitiveness objectives set by the Lisbon European Council;

5. UNDERLINES the need to encourage overall coherence in policy making and to envisage, at EU level, the development of appropriate means for closer cooperation among Member States together with the Commission, in implementing the biotechnology strategy;

6. ENCOURAGES Member States and the Commission to step up their co-operation and to regularly exchange information on progress made in order to advance in the priority areas for future action already identified and, in particular, to improve conditions for access to finance for biotechnology companies and to complete and implement the general regulatory framework;

7. AWAITS with interest the results of the Conference on life sciences and biotechnology to be held in Rome on 21-22 November, as a source of possible further input in the process of implementing the Action Plan and the Road-map;

8. INVITES the Commission to assess the progress achieved in this area in its next report."

The Executive takes the view that at this stage the Council are just asking the Commission to proceed with the work on encouraging an integrated approach, further cooperation between member states, greater sharing of information with a focus on moving to the actual implementation of the strategy and a report back on progress.

The Commission/Council is addressing this to the member states to implement, so any Executive response will be a contribution to the UK response. However the strategy does make mention of the role of the regions and following this the various Scottish Partners involved have endorsed the approach, as being in line with that already adopted in Scotland, through the BioRegions letter to the Barcelona Council last year. So far there has been little movement on implementation but officials will continue to keep abreast of developments. Scotland is well positioned and connected with other European regions and States active in the Biotech field, indeed regional cooperation developments mentioned in the Commissions progress report this year are very similar to that already undertaken by Scottish organisations.

Following this Council we should expect to see more activity from Member states (the onus is on activities for Member States in the progress report - the main one being adoption of the Biotech Patents Directive which the UK has already done) and the Commission in relation to the implementation of the approach and aims outlined in the Strategy and Progress report.

Despite a difficult economic backdrop the Scottish Biotechnology community will exceed its own ambitious growth targets set in 1999. In four years the community has more than doubled in size. The number of biotech companies; the number of support and supply organisations; and the number employed in the cluster have all doubled. Since March 1999 the number of core biotechnology companies has grown at an average rate of 28% per annum, which compares well with the European average rate of 15% per annum over the same period.

The Scottish Enterprise Biotechnology Cluster team, in collaboration with the community, is currently in the process of developing a new vision for Scottish Biotechnology to build on the progress already made and ensure that biotechnology in Scotland can continue to prosper and grow.

This new strategy is due to be launched early next year, and will involve full discussion with the business community in its development.

I hope that this information is useful to the committee.
LETTERS SENT TO THE SCOTTISH EXECUTIVE BY THE CONVENOR (DATED 8 OCTOBER)

MINISTER FOR HEALTH AND COMMUNITY CARE

Dear Malcolm,

Re. Traditional herbal medicines

Following the recent meeting of the Committee, it was agreed that further information be sought on various items relating to the information you kindly provided on the Council of the EU agendas.

Employment, Social Policy, Health and Consumer Affairs Council


As these information requests are to do with the scrutiny of EC/EU legislation, it is my view that they are not covered by the usual timescales set out in the relevant concordat. In this respect, if possible, may we have a reply in time for the next meeting of the Committee. To this extent, a response by Monday 3 November would be greatly appreciated.

I shall endeavour to copy this letter and your response to Christine Grahame MSP, Convener of the Health Committee, for her interest.

EXECUTIVE’S RESPONSE

Thank you for your letter of 8 October seeking information about the proposed Directive on Traditional Herbal Medicinal Products and the implications for Scottish health food shops.

The Directive is intended to address widely acknowledged weaknesses in the current regulatory regime for traditional herbal medicines by requiring these products to meet appropriate minimum standards of safety and quality. It will also require the products to be accompanied by systematic information about their safe usage. The proposals will only impact on traditional herbal medicines intended for general retail sale to the public without the need for professional advice. Regulatory arrangements for herbal medicines prepared for individual patients following a face-to-face consultation with a herbal practitioner are unaffected.

Many experienced people in the sector see improved regulation as essential to the continuing maintenance of public confidence and the future growth of the sector.
A new regulatory scheme giving enhanced status and recognition to herbal medicines, permitting a wide range of consumer choice, requiring consistent quality and safety standards and giving the consumer proper product information, could give a major boost to the sector. Potentially these are benefits that could all be realised by the proposed Directive.

Among groups which are either wholly or at least broadly in favour of the Directive are: a range of individual UK manufacturing companies including small and medium sized enterprises, the British Herbal Medicine Association, the European Herbal Practitioners Association, the National Institute of Medical Herbalists, the Royal College of GPs, the Royal College of Physicians, the Association of Medical Charities, the Royal Pharmaceutical Society of Great Britain, the Consumers’ Association and the Natural Medicines Society.

As currently written, the scope of the Directive has been extended to allow vitamins and minerals to be added to traditional herbal medicines where there is evidence of safety and where the action of the nutrient is ancillary to the herb. Currently, where these combination products are classified as medicines, they are not covered by the present UK regime for unlicensed herbal remedies and are therefore required to obtain a Marketing Authorisation by demonstrating they meet the same standards of safety, quality and efficacy as conventional pharmaceuticals. Proof of efficacy (effectiveness) requires detailed clinical data which is costly and difficult to produce. The inclusion of vitamins and minerals within the revised scope of the Directive, if agreed, will therefore offer the sector greater flexibility on the issue of herb/nutrient combinations than does current UK legislation, leading to an expansion in consumer choice.

A wide range of retailers are involved in the sale of traditional herbal medicines. These include major chains of supermarkets, pharmacists and health food retailers who have been consulted throughout the development of the Directive. However, the Directive will not apply direct compliance costs on retailers other than the need to ensure that any herbal medicine they sell has an appropriate Marketing Authorisation or traditional use registration. The MHRA has prepared a Regulatory Impact Assessment to quantify as far as possible the compliance costs associated with the Directive. This can be viewed on the MHRA website at www.mhra.gov.uk

A number of manufacturers and suppliers in the UK herbal sector are relatively small and the Medicines and Healthcare products Regulatory Agency, who are representing the UK’s interests in the negotiations, are working at a European level to ensure that the regulatory impact of the proposals can be contained to a necessary minimum. At a domestic level, the Agency is liaising with the industry’s trade association, the Herbal Forum, to look at ways to ease the impact of the Directive on their members. The joint work programme includes informal visits to manufacturers and suppliers, including in Scotland, to identify issues where guidance and workshops may be useful.

I do hope this information is helpful.
MINISTER FOR ENVIRONMENT AND RURAL DEVELOPMENT (DATED 8 OCTOBER)

Dear Ross,

Re. Fisheries Council and Sheep Tagging

Following the recent meeting of the Committee, it was agreed that further information be sought on various items relating to the information you kindly provided on the Council of the EU agendas.

Agriculture and Fisheries Council

1. To ask why a statement was not provided covering its views on the measures for the recovery of cod stocks set to be adopted and what its views are.

2. To ask which aspects of the proposed regime for Sheep Identification and Traceability are “unworkable” and why. Furthermore, to ask what alternatives are preferred, whether they are supported by the UK Government, whether they are supported by the Commission and/or other member state governments.

As these information requests are to do with the scrutiny of EC/EU legislation, it is my view that they are not covered by the usual timescales set out in the relevant concordat. In this respect, if possible, may we have a reply in time for the next meeting of the Committee. To this extent, a response by Monday 3 November would be greatly appreciated.

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

Yours sincerely,

EXECUTIVE’S RESPONSE

Due by 3/11/03
MINISTER FOR ENVIRONMENT AND RURAL DEVELOPMENT (DATED 8 OCTOBER)

Dear Ross,

Re. WEEE (letter from your private secretary)

Thank you for the letter written and signed by your private secretary (dated 24 September) on the implementation of the WEEE Directive. This was discussed at yesterday’s Committee meeting.

Members shared my disappointment at its brevity, especially on the issues of your views with regards to the merits or otherwise of separate Scottish Regulations to transpose the Community obligations within this Directive.

Your private secretary’s letter notes, however, that you do intend to inform the Committee prior to the Executive’s and UK Government’s proposals; expected late autumn.

Can I seek your assurance that we will be informed sufficiently in advance of any decision being made as to how the WEEE Directive will be transposed and implemented? As you are aware, our Committee has a role in holding the Executive to account for the implementation of Community obligations as well as a role in assessing the Scottish input to negotiations on draft legislation.

One of the agreed priorities of the Committee is to monitor recourse to S57(1) of the Scotland Act and the reasons why. If we are to do this effectively, it is important that we know sufficiently in advance of a ministerial decision in this respect.

I look forward to hearing from you shortly. If possible, may we have a reply in time for the next meeting of the Committee. To this extent, a response by Monday 3 November would be greatly appreciated.

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

Yours sincerely,

EXECUTIVE’S RESPONSE

Due by 3/11/03
CONVENER’S REPORT

1. Current status of the Committee’s forward work programme to June 2004. Members will be aware that in recent weeks formal calls for evidence have been issued for the Committee’s two main inquiries. Various other initiatives have been agreed to, such as civic participation events on the Constitutional Treaty and on enlargement. Annex A contains a summary of the latest version of the Committee’s forward work programme to June 2004.

In terms of invitations to Scottish and UK ministers, some decisions have been taken by the various ministers/departments with respect to the finalisation of the following invites agreed to by the Committee:

- Invite to Andy Kerr MSP and to Dr Denis MacShane MP to address jointly the Committee in November or December on the progress at the IGC and its implications for Scotland (awaiting confirmation)
- Invite to Jim Wallace MSP and a UK Minister from the Department of Trade and Industry or other UK Government department to address jointly the Committee in December or January on the repatriation of European regional development funding (awaiting confirmation)
- Invite to Ross Finnie MSP and Ben Bradshaw MP to address jointly the Committee on 2 December on issues to be discussed at the subsequent December Fisheries Council (Mr Finnie has confirmed but no news from Mr Bradshaw at this stage)

The Convener now recommends that:

Members note the updated forward work programme and reaffirm their wish that the outstanding invites be accepted and task the Convener and clerk with expediting the requests.

2. Monthly report by the Clerk/Chief Executive and External Liaison Unit on the Parliament’s external relations activities. Each month, the Clerk/Chief Executive and ELU send Members for interest a report on the external relations activities in the Scottish Parliament (see Annex B). The Convener now recommends that:

Members note the contents and thank the Clerk/Chief Executive and External Liaison Unit.

3. Correspondence with the Scottish Executive on the Intergovernmental Conference and on links with the Nordic States and Nordic institutions. Following
the last meeting of the Committee, two letters were sent to the Executive on these separate issues. Replies have now been received (see Annex C). The Convener now recommends that:

Members note the contents and thank the Executive for its replies.

Richard Lochhead MSP
Convener
24 October 2003
# Updated Version of the Committee's Forward Work Programme

## ANNEX A

### Activity

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<td>Sift of draft EC-EU legislative</td>
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<td>Scrutiny of transposition and implementation of EC/EU obligations</td>
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<td>Civic events: Informing the public on the new EU constitutional treaty</td>
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<td>Civic events: Promoting the opportunities and challenges of EU enlargement and links to new member states</td>
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<td>Videoconference with Finnish Parliament’s EU Grand Committee</td>
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<td>NORPEEC Meeting, Barcelona</td>
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<td>NORPEEC Conference, Edinburgh</td>
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<td>Fact-finding visit to Brussels and EU institutions</td>
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<td>Meeting of the European Committee Chairs – United Kingdom Group</td>
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1. Call for evidence launched
2. Deadline for written evidence, 14/11/03 (some flexibility allowed for late submissions)
3. Beginning of oral evidence taking
4. Call for evidence launched
5. Deadline for written evidence, 14/11/03 (some flexibility allowed for late submissions)
6. Beginning of oral evidence taking
7. End date for inquiry is flexible
8. Invite to Ross Finnie MSP and Ellen Brodie MP to give evidence on 21/12/03 re. December Fisheries Council
9. Invite to Dennis MacShane MP (UK Europe Minister) and Andy Kerr MSP for evidence taking on progress at the ISG (dates to be confirmed)
10. Event in Chamber and 3-4 public hearings/meetings across Scotland (dates to be confirmed)
11. Event to promote enlargement and make links with new Member States (dates to be confirmed)
12. Videoconference on ISG and regional development with Finnish Parliament, 12/11/03
13. Meeting of NORPEEC with new Croatian Committee (dates to be confirmed)
14. NORPEEC Conference with representatives of 8-10 European Affairs Committees from selected regional parliaments (dates to be confirmed, maybe summer or autumn 2004)
15. Proposal for the Committee's annual visit to Brussels (to inform work programme of 2004-2005) (dates to be confirmed)
16. Meeting with Chairs of the European Affairs Committees of House of Commons, House of Lords and Welsh and Northern Irish Assemblies (dates to be confirmed)
ANNEX B

MONTHLY REPORT ON THE PARLIAMENT'S EXTERNAL RELATIONS ACTIVITIES

Visits/events that have taken place in September 2003

- **Wednesday 3 September**: HE Signor Luigi Amaduzzi, Ambassador of Italy gave a presentation on plans and priorities for the Italian Presidency of the European Council.

- **Thursday 4 September**: Consultative Council of the Generalitat of Catalonia observed FM Question time.

- **Thursday 4 September**: Visit by Australian Federal Civil Servants for a tour of Visitor Centre and to observe QT and FMQT.

- **Wednesday 10 to Friday 13 September**: Delegation from Flemish Community visited to the Scottish Parliament to look at devolution in detail. Unfortunately this visit attracted negative press coverage because Dominiek Lootens-Stael a Member of the controversial extreme right wing Vlaams Bloc group was included in the delegation. The visit went ahead without Mr Lootens-Stael although he came to the Parliament to register his protest about his exclusion.

- **Thursday 11 September**: The Committee for Economy and Business from Schleswig Holstein, Germany visited. The Committee met representatives from the Parliament/Executive to discuss North Sea Cooperation, the regions in Europe, tourism and business links between Scotland and Schleswig Holstein.

- **Friday 12 September**: Mr Michael Arthur CMG the new British High Commissioner to India visited the Scottish Parliament to find out more about devolution and how the Parliament operates.

- **Wednesday 17 September**: Council of Europe Committee on Legal Affairs & Human Rights Visit which included a dinner at Edinburgh Castle hosted by Cathy Jamieson MSP. Murray Tosh MSP, DPO attended on behalf of the Scottish Parliament.

- **Wednesday 17 September**: Visit by Mr Ingo Radcke, the new German Consul General to Scotland paid the Presiding Officer a Courtesy call.

- **Thursday 18 September**: Ene Ergma, Speaker of Estonian Parliament visited the Scottish Parliament and attended a lunch with cross part Members and hosted by a Deputy Presiding Officer. The purpose of the visit was to look at devolution first hand and further strengthen the links between the two parliaments.
Thursday 18 to Sunday 21 September: As part of this week’s ‘Scotland with Catalunya’ events, the Presiding Officer George Reid and the Deputy First Minister Jim Wallace officially opened the ‘Landforms’ architectural exhibition in Barcelona. Both the Enric Miralles-designed Holyrood Parliament building and Sutherland Hussey’s “An Turas”, recently short-listed for the prestigious Stirling Prize for Architecture are also featured. This visit will further strengthen the already solid relationship between devolved Scotland and devolved Catalunya. The PO was accompanied by 8 MSPs and officials.

Friday 19 September: Visit by Jan Zahradil, leader of the ODC party from the Czech Republic. This visit was at the behest of Struan Stevenson.

Thursday 25 September: Visit by senior civil servants from across the UK to obtain a constructive, solid overview of how the Parliament operates.

Thursday 25 September: Singapore High Commissioner. Direct request from High Commission. Lunch with CPA EC, Courtesy call on the Po and meeting with a Member of the Enterprise and Culture Committee and tour and VIP Gallery.

Thursday 25 September: Visit by Ms Hamdi and Ms Ramdane, representatives from the National Union of Saharawi Women to learn about Scottish parliamentary democracy.

Thursday 25 September: Visit by group from North East Assembly Health Group to gain overview of the development of the health agenda and delivery structures in Scotland following devolution. This visit will also include presentations on the establishment of the Scottish Parliament.

Thursday 25 September: The Committee for Constitutional & Legal Questions from the Saxony Parliament, Germany will visit to study the Scottish legal system, the experience of devolution, the prison system and racial equality.

Forthcoming Visits:

Tuesday 7 October: Visit by Mr Joseba Azkarraga, Minister of Justice, Employment and Social Security of the Basque Government, Spain. Will visit with Members and view the Parliaments Justice Committee followed by a tour.

Tuesday 7 October: Public Petitions Committee of the Kosovo Assembly will visit to look at how the Scottish Parliaments Public Petitions Committee operates.

Tuesday 7 to Sunday 12 October: 49th Commonwealth Parliamentary Conference, Dhaka, Bangladesh. 2 Members will attend the Annual CPA Conference (one delegate & one observer). The Secretary of the CPA
(Scotland Branch) will accompany Members from Scottish Parliament and National Assembly of Wales. Bill Thomson will also attend the Society of Clerks-at-the-Table in Commonwealth Parliaments - 40th Meeting

- **Wednesday 8 October**: The Hon. Russell Marshall, High Commissioner to New Zealand will visit the Parliament for a tour of the Parliamentary complex and courtesy call with the PO.

- **Sunday 19 to Tuesday 21 October**: Murray Tosh, DPO will lead a delegation of nominated MSPs to the Annual Plenary session of the BIIPB in Ware, Hertfordshire, England.

- **Friday 24 October**: Lynne Brown, Speaker of the Western Cape Provincial Parliament, South Africa, accompanied by the Parliament’s Secretary will visit the Scottish Parliament to find out more about devolution and its framework.

- **Friday 26 to Sunday 28 October**: The CALRE Annual Conference will be held in Italy to be attended by the PO and officials.

- **Monday 27 to Thursday 30 October**–: 15th Conference of Commonwealth Education Ministers being held in Edinburgh and organised by Commonwealth Secretariat with assistance from the Scottish Executive.

- **Wednesday 29 October**: Ogun House State of Assembly will visit Parliament with an interest in Standards and the committee system. Delegation will include all 26 members and officials (32 in total).

- **Wednesday 29 October**: London Assembly to visit the Parliament to explore networking opportunities and to look at the impact of the Parliament and the scrutiny function.

- **Thursday 30 and Friday 31 October**: Members of the Czech Senate to study aspects of devolution and our committee system.

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

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

Visit reports and background notes are available on

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

**Status of outward reports this session:**

- August 2003: CPA visit to Canada – with delegation Members for clearance.
LETTERS FROM THE SCOTTISH EXECUTIVE

Intergovernmental Conference

Thank you for your further letter of 24 September setting in response to my letter of 22 September.

The position is as set out in my letter of 22 September. The Executive is content with the draft Treaty language on subsidiarity and the role of the regions. Our work to date with the UK Government has helped to deliver outcomes, in the Peter Hain paper and the draft Treaty, which represent a real recognition of the value of ensuring better consultation and better policies. I did not suggest that REGLEG had formal authority in terms of the IGC. Rather, I wrote that some of the issues around EU reform – many of which extend beyond Treaty language – can and will be pursued outside the Treaty process.

As for the forthcoming work of the REGLEG Group, this will obviously be a topic for consideration at the forthcoming Minister-Presidents’ conference, at which the First Minister will assume the Chair, on 11-12 November. It would not be appropriate for me to speculate about what the members of the Group will collectively agree then, but I think it is almost certain that under the First Minister’s Chairmanship there will be an ongoing concern with ensuring that the institutions and policies of the EU fully reflect the role of devolved governments.

Finally, you ask about areas where we have been considering the extension of QMV or the competences of the EU. Although we have been looking at the effects of the draft Treaty as a whole, we have in particular been concerned with those areas where there is a particular Scottish context, as distinct from UK interests, which needs to be taken into account. In this regard, Executive officials have been working closely with their Home Office counterparts to ensure that the specific impacts in Scotland of some of the proposals on Justice and Home Affairs in Scotland remain in the mind of the UK Government during the IGC negotiations.

ANDY KERR MSP
**Nordic institutions and links to the Nordic states**

Thank you for your letter of 24 September 2003 enquiring about the Executive’s intentions for strengthening links with the Nordic states and whether this might involve an observer or other role for the Executive in the Nordic institutions.

You will by now have seen my reply to a Parliamentary Question from Rob Gibson on the same subject. I stated that “benefits of co-operation are expected to include exchanges of best practice, sharing of information and research findings, exchanges of officials and reciprocal attendance and participation at conferences and seminars. There may also be cases where it is appropriate to work jointly on specific projects. Any future collaboration between the Scottish Executive and the Nordic Council of Ministers will complement existing co-operation in the framework of the Nordic Scottish Action Plan, the Scottish/Finnish Health Agreement and the North Atlantic Conference.”

In addition, Tavish Scott made clear at last week’s North Atlantic Conference in Shetland that the Scottish Executive will explore the avenues open to us to strengthen our links with the Nordic Council of Ministers. We will work closely to develop positions on shared interests, like the joint declaration which emerged from the conference, and keep a close eye on other matters they discuss which affect Scotland and our other Atlantic neighbours.

Scottish Ministers keep the Executive’s external relations strategy under regular review and will announce our proposals for future external links, including with the Nordic countries and their institutions, in the near future. I hope that this will allow the opportunities you seek for complementary working between the Executive and the Parliament in our external relations strategies.

ANDY KERR MSP
Background
This document contains the list of EC/EU documents received by the European and External Relations Committee for this meeting, classified according to which committee(s) the particular document is most relevant too. The document is sent by the European and External Relations Committee to each of the Scottish Parliament’s committees for their attention.

Table of Contents

Note
As a new feature, this list of recent legislative proposals and developments in the EU contains a preface to the Committee Relevancy lists. This preface highlights certain documents considered of ‘Special Importance’ by the European and External Relations Committee, along with a short explanatory note of why they have been highlighted as such.

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<td>Equal Opportunities</td>
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<td>Justice</td>
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<td>Local Government and Transport</td>
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Sift of EC/EU legislative proposals and other documents

Other

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## Documents of Special Importance

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<tr>
<th>Subject Committee</th>
<th>SP Ref</th>
<th>EU Ref</th>
<th>Document Title</th>
<th>Explanatory Note</th>
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<tr>
<td>Enterprise and Culture (to include Lifelong Learning, Tourism)</td>
<td>415</td>
<td>5976/03</td>
<td>Communication from the Commission - Second progress report on economic and social cohesion</td>
<td>This document will be relevant to the Inquiry by the European and External Relations Committee into repatriation of European regional development funds</td>
</tr>
<tr>
<td>Environment and Rural Development</td>
<td>409</td>
<td>13239/03</td>
<td>Communication from the Commission to the Council and the European Parliament entitled &quot;Towards a thematic strategy on the sustainable use of natural resources&quot;</td>
<td>This may be of interest to this Committee, given it sets out a future framework for sustainable development issues</td>
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<tr>
<td>Environment and Rural Development</td>
<td>448</td>
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<td>Proposal for a Council Decision establishing Regional Advisory Councils under the Common Fisheries Policy</td>
<td>This document will be of relevance to the questioning of Ross Finnie by the European and External Relations Committee on 2 December</td>
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<td>This document will be relevant to the Inquiry by the European and External Relations Committee into repatriation of European regional development funds</td>
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<td>Draft Framework Decision on the application of the &quot;ne bis in idem&quot; principle</td>
<td>This may be of interest given ramifications for Scots Law.</td>
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<td>403</td>
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<td>Proposal for a Council Regulation on conclusion of an Agreement in the form of an Exchange of Letters extending to the period 1 July 2003 to 30 June 2004 the validity of the Protocol setting fishing opportunities and a financial contribution as provided for in the Agreement between the European Economic Community and the Republic of Cote d'Ivoire on fishing off the coast of Cote d'Ivoire</td>
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