JUSTICE 1 COMMITTEE

AGENDA

8th Meeting, 2006 (Session 2)

Wednesday 15 March 2006

The Committee will meet at 9.45 am in Committee Room 2.

1. Subordinate Legislation: Hugh Henry MSP (Deputy Minister for Justice) to move S2M-4071—

   That the Justice 1 Committee recommends that the draft Advice and Assistance (Financial Conditions) (Scotland) Regulations 2006 be approved.

2. Subordinate Legislation: Hugh Henry MSP (Deputy Minister for Justice) to move S2M-4070—

   That the Justice 1 Committee recommends that the draft Civil Legal Aid (Financial Conditions) (Scotland) Regulations 2006 be approved.

3. Subordinate Legislation: The Committee will consider the following negative instruments—

   the Advice and Assistance (Scotland) Amendment Regulations 2006 (SSI 2006/60);
   and

   the Civil Legal Aid (Scotland) Amendment Regulations 2006 (SSI 2006/61).

4. Family support services inquiry: The Committee will consider the remit and timescale for the inquiry as proposed by the Committee Reporter.

5. Scottish Criminal Record Office: The Committee will consider correspondence received from the Minister for Justice.

Callum Thomson
Clerk to the Committee
Papers for the meeting—

Agenda item 1
Note by the Clerk on SSI 2006/draft J1/S2/06/8/1

Agenda item 2
Note by the Clerk on SSI 2006/draft J1/S2/06/8/2

Agenda item 3
Note by the Clerk on SSI 2006/60 J1/S2/06/8/3
Note by the Clerk on SSI 2006/61 J1/S2/06/8/4

Agenda item 4
Note by the Clerk on family support services inquiry J1/S2/06/8/5

Agenda item 5
Correspondence from Convener to Minister for Justice, 24 February 2006 J1/S2/06/8/6
Correspondence received from Minister for Justice, 1 March 2006 J1/S2/06/8/7
Correspondence received from Minister for Justice, 10 March 2006 J1/S2/06/8/8

Documents for information—
The following documents are circulated for information:

- Membership of the Expert Group advising the European Commission on forthcoming proposals on succession and wills and property consequences of marriage;

- Letter from Minister for Justice to Convener, Meeting of the Justice and Home Affairs Council on 21 February 2006;

- Note by the clerk to the European And External Relations Committee, The Scottish Executive’s EU Priorities 2006; and

- Scottish Executive, EU Forward Look for 2006.

Documents not circulated—
A copy of the following document has been supplied to the clerk:

- HMIP, Inspection of HMP Kilmarnock

This document is available for consultation in Room T3.60. Additional copies may also be obtainable on request from the Parliament’s Document Supply Centre.

Forthcoming meetings—
Wednesday 22 March, Committee Room 6;
Wednesday 29 March, Committee Room 1;
Wednesday 29 March, Committee Room 1.
SSI Cover Note For Committee Meeting

SSI title and number: The draft Advice and Assistance (Financial Conditions) (Scotland) Regulations 2006 (SSI 2006/draft)

Type of Instrument: Affirmative

Meeting: 8th Meeting, 2006 (Session 2), Wednesday 15 March 2006.

Date circulated to members: Friday 10 March 2006

Minister to attend Justice 1 Committee meeting Hugh Henry MSP, Deputy Minister for Justice

SSI drawn to Parliament's attention by Sub Leg Committee: No

Affirmative Instrument – Procedure

1. The Justice 1 Committee has been designated lead committee and is required to report to the Parliament by 27 March 2006.

2. The draft Order was laid on 16 February 2006. Under Rule 10.6.1(b), the Order is subject to affirmative resolution before it can be made, it is for the Justice 1 Committee to recommend to the Parliament whether the Order should be approved. The Minister for Justice has, by motion S2M-4071 (set out in the agenda), proposed that the Committee recommends the approval of the Order. The Deputy Minister for Justice will attend in order to speak to and move the motion. The debate may last for up to 90 minutes.

3. At the end of the debate, the Committee must decide whether or not to agree to the motion, and then report to the Parliament accordingly. Such a report need only be a short statement of the Committee’s recommendation.

4. The motion will be considered by the Parliament on 22 March 2006.
SSI Cover Note For Committee Meeting

SSI title and number: The Civil Legal Aid (Financial Conditions) (Scotland) Regulations 2006, (SSI 2006/draft)

Type of Instrument: Affirmative

Meeting: 8th Meeting, 2006 (Session 2), Wednesday 15 March 2006

Date circulated to members: Friday 10 March 2006

Minister to attend Justice 1 Committee meeting: Hugh Henry MSP, Deputy Minister for Justice

SSI drawn to Parliament's attention by Sub Leg Committee: No

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3. At the end of the debate, the Committee must decide whether or not to agree to the motion, and then report to the Parliament accordingly. Such a report need only be a short statement of the Committee’s recommendation.

4. The motion will be considered by the Parliament on 22 March 2006.
SSI Cover Note For Committee Meeting

SSI title and number: The Advice and Assistance (Scotland) Amendment Regulations 2006 (SSI 2006/60)

Type of Instrument: Negative

Meeting: 8th Meeting, 2006 (Session 2), Wednesday 15 March 2006

Date circulated to members: Friday 10 March 2006

Justice 1 Committee deadline to consider SSI: Monday 27 March 2006

Motion for annulment lodged: No

SSI drawn to Parliament’s attention by Sub Leg Committee: No

If members have any queries or points of clarification on the instrument which they wish to have raised with the Scottish Executive in advance of the meeting, please could these be passed to the Clerk to the Committee as soon as possible, to allow sufficient time for a response to be received in advance of the Committee meeting.
SSI Cover Note For Committee Meeting

SSI title and number: The Civil Legal Aid (Scotland) Amendment Regulations 2006 (SSI 2006/61)

Type of Instrument: Negative

Meeting: 8th Meeting, 2006 (Session 2), Wednesday 15 March 2006

Date circulated to members: Friday 10 March 2006

Justice 1 Committee deadline to consider SSI: Monday 27 March 2006

Motion for annulment lodged: No

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If members have any queries or points of clarification on the instrument which they wish to have raised with the Scottish Executive in advance of the meeting, please could these be passed to the Clerk to the Committee as soon as possible, to allow sufficient time for a response to be received in advance of the Committee meeting.
Justice 1 Committee

Family support services inquiry

Remit, inquiry plan and timescale

Background

1. At its meeting on 1 February 2006, the Committee agreed to appoint Mary Mulligan as Committee Reporter on an inquiry that will examine the provision of family support services in Scotland. The Committee also agreed that it would consider the Reporter’s proposal for the inquiry, which will include a remit, inquiry plan and timeframe, at a future meeting.

2. In drawing up the proposed remit for the inquiry, the Reporter has considered the comments made by Members at the Committee’s meeting on 1 February, together with the plans for future work as outlined by the Deputy Minister for Justice in his letter of 26 January. This letter is attached at Annexe A.

3. The Reporter met with Executive officials on 2 March to discuss in detail the work that is currently underway in relation to family support services and to receive an update on the proposals outlined in the Minister’s letter. The issues raised at this meeting have also contributed to the formulation of the proposed remit for the inquiry.

Inquiry plan

Objective

4. The Reporter considers that the inquiry should avoid duplicating the work that the Executive is doing or plans to do and, whilst accepting that the Executive’s work should be scrutinised by the Committee, hopes to be able to add value to this subject area by focusing on local level service provision.

Proposed remit

5. The Reporter proposes that the remit for the inquiry can be split into three strands, as follows:

   Part A) to ascertain the extent of service provision across Scotland;

   Part B) to look at the different ways in which services are provided at a local level; and

   Part C) to consider any ways in which service provision can be improved.

6. The three strands of the proposed remit are described, in turn and in more detail below.
Part A: to ascertain the extent of service provision across Scotland
7. The Committee is aware, through its consideration of the Family Law (Scotland) Bill, that a range of family support services exist, that they are provided by local authorities, national support organisations and local service providers and that these services vary from one local authority to another. It has become clear, however, that there is no single source of information that is able to show a complete picture of the extent of service provision in Scotland.

8. In addition, the Reporter acknowledges that there is a wide range of different types of services available and suggests that the inquiry should refer to all of these. Service types include pre-marriage services, reconciliation and mediation services as well as ongoing support, such as contact centres.

9. The Reporter proposes to run a mapping exercise that will reflect the range of different services that are available in each local authority and by whom they are provided. This exercise will show any gaps in service provision.

10. Information will be actively sought from COSLA and the local authorities, umbrella groups and the four national bodies, as well as other organisations that are known to provide family support services.

Part B: to look at the different ways in which services are provided at a local level
11. It is envisaged that this part of the inquiry will be the emphasis of the Reporter's work, which will focus on the different methods of local service provision. From the meeting with Executive officials it is understood that there are various models of service provision across local authorities and that these reflect varying degrees of joint working between councils, national bodies and local groups. The amount of co-operation between different service providers is key to ensuring an efficient and effective family support network and avoids issues of duplication and promotes cross-referral between different service types.

12. Issues that are likely to be considered include:
   - joint working between local authorities and local groups
   - independence of local groups from the national bodies
   - funding issues
   - professional/ business nature of the voluntary sector.

13. The Reporter plans to arrange a number of visits to different areas in Scotland to compare the various models that are in operation.

Part C: to consider any ways in which service provision can be improved
14. The Reporter aims to report to the Committee with a clear picture of the services that are currently available and perhaps outlining some recommendations for improvement.
**Suggested timeframe**

15. The Reporter proposes the following timeframe for the inquiry:

- End March – issue call for evidence and consult service providers
- May – meetings with national bodies and COSLA
- June, August – fact-finding visits
- October – report to the Committee

**Recommendation**

16. The Committee is invited to note and agree the Reporter’s proposed remit and timeframe for the inquiry into family support services in Scotland.

Lewis McNaughton  
Assistant Clerk to the Committee  
10 March 2006
Dear Pauline

I am writing in relation to the Family Law (Scotland) Act 2006 for which Justice 1 Committee had lead responsibility as this legislation progressed through Parliament. The Act will shortly receive Royal Assent and while we have yet to fix a date for introduction, this will be in the late spring or early summer.

I want to thank you for the constructive working relationship with Justice 1 Committee during the passage of the Family Law Bill and I am certain that this will continue through the process of implementation of this legislation. In the meantime, I am writing to update you on the Executive’s progress in taking forward non-legislative initiatives to improve the level and quality of services and support available to Scotland’s families. The following paragraphs give a summary of the various strands of this initiative. I will write to you with further updates in the coming months.

**IMPROVING ADVICE AND SUPPORT FOR FAMILIES**

Discuss with national family support bodies and local service providers how to better focus their attention and resources on the provision of counselling and conciliation. Work is ongoing with the national family support bodies, including the 2 national relationship counselling bodies, to ensure that they can offer the best possible service to families facing relationship difficulties. The Executive’s vision is that family relationship support services should be accessible to all, integrated in their approach, and linked to wider local strategies for children and families. Additional funding of £300,000 will be available in 2006-07 to assist joint working between local mediation and counselling services to help raise their profile.
Launch a co-ordinated public information campaign to raise public awareness of family law. The Executive's forthcoming information campaign is designed to inform the public about family law as well as detailing the many different organisations offering advice and support to families in Scotland. The information campaign will be launched in the spring, and will consist of several strands, including a set of information booklets and an internet presence. We are providing funding for Parenting Across Scotland, in conjunction with its partners, to pilot a telephone helpline gateway so that families facing difficult times can phone one number, speak to a trained advisor and be put through to someone who can help.

The information campaign will also raise awareness of the Parenting Agreement for Scotland and the Charter for Grandchildren. We are liaising with organisations such as Citizens Advice Scotland to discuss how best we can work together to share materials and ensure that people can easily access the information they need. I will shortly be meeting with Councillor Eric Jackson, CoSLA's Social Work and Health Improvement spokesperson, to discuss the role of local government in this work.

**IMPROVING THE QUALITY OF CONTACT BETWEEN PARENTS AND THEIR CHILDREN**

**Contact Compliance Officer pilot project.** At stage 3 of the Family Law Bill, I announced the Executive's intention to launch a pilot project introducing Contact Compliance Officers with a remit to facilitate the successful resolution of contact-related disputes. Officials will shortly arrange to meet with the Sheriffs Principal and the Scottish Courts Service to discuss the role of the proposed Contact Compliance Officers. Funding of £50,000 is to be made available in the coming financial year and the pilot project will be in place as soon as this groundwork is completed and suitable candidates are recruited.

**Research into child contact issues is also being planned.** The research programme will explore both privately ordered contact, and contact disputes before the courts. The issue of contact enforcement will be highlighted as a key focus, and the Contact Compliance Officer pilots evaluated as part of the programme of work. It is anticipated that the research will commence in Spring 2006.

Yours sincerely

Hugh Henry

HUGH HENRY
Dear Cathy

Scottish Criminal Record Office and the Scottish Fingerprint Service

At its meeting yesterday, the Justice 1 Committee considered issues in relation to the Scottish Criminal Record Office (SCRO) and the Scottish Fingerprint Service in the light of recent speculation and comment following settlement of the Shirley McKie case.

It is vital that there is public confidence in all aspects of the criminal justice system. The Committee is concerned that recent events may have resulted in the public having concerns about the work done by the Scottish Fingerprint Service.

I wish to make clear that the Committee has not reached a view on whether it would or would not be appropriate for a committee of the Parliament to conduct an inquiry into the SCRO at this time. The magnitude of the issues which any parliamentary inquiry would need to consider and the time and resources which would be required should not be underestimated. The Committee is agreed, however, that any such inquiry could not be regarded as a substitute for a judicially led public inquiry.

The paramount duty of the Parliament is to hold the Executive to account. As such, the Justice Committees of the Parliament have a duty to scrutinise the work of the Justice Department. The Justice Department is responsible for the SCRO as one of the common police services.

Although our discussion was held prior to the Parliamentary statements made yesterday afternoon by both you and the Lord Advocate, the Committee agreed that I should write to you to seek a written response to a number of questions. These questions are set out in the annex to this letter.
I should be grateful for a response from you by Thursday 9 March in order to allow the Committee to consider the matter again on Wednesday 15 March.

Yours sincerely

Pauline McNeill MSP  
Convener, Justice 1 Committee
Questions for Minister for Justice regarding Scottish Criminal Record Office and Scottish Fingerprint Service

1. Can the Executive provide details of the weaknesses identified in the Scottish Fingerprint Service following internal reviews and HMIC inspections?

2. Can the Executive provide details of the steps taken since 2000 in order to address these weaknesses?

3. Can the Executive set out the steps which have been taken since 2000 to review identifications made by the SCRO Fingerprint Bureaux, including through external peer review, in order to validate their findings?

4. Can the Executive set out for the Committee the actions which have been taken in response to each of the recommendations contained in the HMIC report “Scottish Criminal Record Office: The Fingerprint Bureau – Primary Inspection 2000”?

5. Can the Executive explain why the move to the non-numeric standard of identification recommended in the HMIC report, and anticipated to take place during 2004, has not yet been implemented?

6. Can the Executive outline for the Committee what further steps it intends to take in order to restore confidence in the SCRO and Scottish Fingerprint Service?

7. Can the Executive explain what steps it will take to counter comments made by foreign fingerprint experts which cast doubt on the working practices and standards of the Scottish Fingerprint Service?
Dear Pauline

Scottish Criminal Record Office and the Scottish Fingerprint Service

Thank you for your letter dated 24 February. I will be glad to supply the information you have requested by next Thursday. I thought that I should also draw to your attention the latest developments in our plans for the future of the Scottish Fingerprint Service.

In my statement to Parliament last week I announced that I had asked Deputy Chief Constable David Mulhern, the interim Chief Executive of the Scottish Police Services Authority, to bring forward by the end of March an action plan to develop the Scottish Fingerprint Service as an integrated part of the new Scottish Forensic Science Service from April 2007. In preparing his action plan Deputy Chief Constable Mulhern will draw on the best available international scientific advice, expertise in organisational development and human resource management and the best contemporary practice in fingerprinting and forensic science.

Practitioners, stakeholders and users of the service in Scotland will be given an opportunity to contribute. Our aim is to have a service which is world class, with transparency, accountability and the confidence of the public.

Once DCC Mulhern has completed his action plan I intend to make it available to your Committee to assist in its consideration of the Scottish Fingerprint Service. I would then be happy to answer any questions on it, or to supply any further evidence you may require.

If there is anything else I can provide to assist the Committee with its work I would be happy to do so.

Yours sincerely

CATHY JAMIESON
Dear Pauline

Thank you for your letter of 24 February 2006 following Justice 1 Committee’s discussion about the Scottish Criminal Record Office (SCRO) and the Scottish Fingerprint Service on 22 February. My letter of 1 March set out the work I have instructed Deputy Chief Constable David Mulhern, the interim Chief Executive of the planned Scottish Police Services Authority, to undertake to secure the incorporation of the Scottish Fingerprint Service within the planned Scottish Forensic Science Service from the beginning of April next year. This letter provides answers to the seven questions you asked.

I very much welcome the Committee’s interest in the development of the Scottish Fingerprint Service, the improvements we have made so far and our plans for the future. As you know I have made it repeatedly clear that Ministers consider it vital that the public should have full confidence in the service provided by the SFS. The criticisms made over the last few weeks focus on the service as it was in 1997. A significant programme of work has been undertaken since then and I hope this letter provides the evidence to demonstrate that the Scottish Fingerprint Service in 2006 is operating effectively and efficiently, and is worthy of that confidence.

In the following paragraphs I give a brief overview response to your questions; this is supported by more detailed answers in the annexes.

Q1. Can the Executive provide details of the weaknesses identified in the Scottish Fingerprint Service following internal reviews and HMIC Inspections? The main concerns focused on structure, organisation, training, resources quality assurance and independent scrutiny. The complete list is set out at Annex A along with the details of the HMIC report and ACPOS presidential review which made a number of wide reaching recommendations.
Both reports were published. The HMIC report can be found at http://www.scotland.gov.uk/hmic/docs/fppi-00.asp and the ACPOS report at http://www.scottish.police.uk/main/campaigns/interim/interim.htm.

Q2. **Can the Executive provide details of the steps taken since 2000 in order to address these weaknesses?** Following the 2000 HMIC inspection, ACPOS set up a Presidential Review under the leadership of Sir Willie Rae (then Chief Constable of Dumfries and Galloway) to take forward the recommendations of that report. ACPOS created a Change Management Review Team (CMRT) to carry out a 90-day scrutiny of the SCRO fingerprint bureau and it identified a further 87 areas which required action. In addition 3 follow up inspections in 2000, 2001 and 2003 were carried out. Each inspection highlighted the progress being made to reform the fingerprint service in Scotland. In his 2004 Primary Inspection of SCRO, HMCIC formally discharged the remaining recommendations from the 2000 Inspection. Overall he found SCRO to be effective and efficient. A description of the steps taken to move the service forward is given at Annex B.

Q3. **Can the Executive set out the steps which have been taken since 2000 to review identifications made by the SCRO Fingerprint Bureau, including through external peer review, in order to validate their findings?** In June 2000 the Lord Advocate instructed that in all current and future cases where fingerprint evidence was submitted by SCRO to a procurator fiscal an independent external check would be carried out before trial. In July 2001 the Lord Advocate announced that the Metropolitan Police and the Police Service for Northern Ireland had re examined over 1700 cases examined by SCRO Fingerprint staff. This review confirmed that each examination was accurate and that there had been no misidentifications.

Since then more rigorous procedures to ensure that identifications are independently verified have been introduced. Fingerprint Identifications are undertaken using robust verification procedures, with each identification verified by 2 independent experts. Procedures in SFS are subject to internal quality assurance and to external independent auditing. In addition, fingerprint officers have annual competency tests and are subject to a continuous professional development programme. Further details are attached at Annex C.

Q4. **Can the Executive set out for the Committee the actions which have been taken in response to each of the recommendations contained in the HMIC report “Scottish Criminal Record Office: The Fingerprint Bureau – Primary Inspection 2000”?** The steps taken include structural change, significant investment in quality assurance and the introduction of new systems and procedures. Annex D sets out in detail the action which followed the 2000 HMIC report and the 2004 Primary Inspection report on SCRO formally discharged all the recommendations from 2000 report and found that SCRO was effective and efficient.

Q5. **Can the Executive explain why the move to non-numeric standard of identification recommended in the HMIC report, and anticipated to take place during 2004, has not yet been implemented?** In planning for the adoption of the new standard SCRO needed to be confident that its system and processes had been externally validated and were considered to be robust. The HMIC 2004 inspection provided that evidence and allowed SCRO to commence implementation which included a substantial communications strategy to ensure that all those who would be involved in the new process were informed and trained in the application of the new standard. We anticipate that this will be complete and the non-
numeric standard will be fully implemented by Autumn this year. Annex E provides more detail.

Q6. **Can the Executive outline for the Committee what further steps it intends to take in order to restore confidence in the SCRO and Scottish Fingerprint Service?** The Police, Public Order and Criminal Justice (Scotland) Bill which is currently before the Parliament sets out our plans to establish the new Scottish Police Services Authority (SPSA). The SPSA will have an independent convener, a Board with independent members and a Chief Executive who can be held accountable for its performance. Within the SPSA the fingerprint service will be managed as part of a new Scottish Forensic Science Service. Deputy Chief Constable Mulhern has been tasked with producing a detailed Action Plan for the Scottish Fingerprint Service, as I outlined in my letter of 1 March. I will make that Action Plan available to the committee for scrutiny.

Q7. **Can the Executive explain what steps it will take to counter comments made by foreign fingerprint experts which cast doubt on the working practices and the standards of the Scottish Fingerprint Service?** As you know I have consistently sought to defend the integrity and performance of the Scottish Fingerprint Service as it is now in my statements to Parliament and I will continue to do so. I expect the action plan prepared by DCC Mulhern to be validated by experts of international standing. I have made it clear that forensic practitioners, stakeholders and users of the service will have an opportunity to contribute.

I welcome the Committee’s continuing interest in the SFS and will be happy to provide further information to assist in your consideration of this very important matter.

CATHY JAMIESON
Annexes:

A. Areas for improvement identified in the HMIC Report of 2000 and by the ACPOS Change Management Review Team.
B. Steps taken to address the recommendations in the HMIC Report of 2000 and the ACPOS Change Management Review Team.
C. Steps taken to review SCRO identifications.
D. SCRO HMIC Primary Inspection of Fingerprint Bureau 20002 Recommendations and Outcomes.
E. Non-numeric standard implementation.
F. Glossary of Terms
Q1. Can the Executive provide details of the weaknesses identified in the Scottish Fingerprint Service following internal reviews and HMIC Inspections?

1. The HMIC report of 2000 identified a number of areas where improvement was required around processes and systems in place within the SCRO Fingerprint Bureau and the force Bureaux. These areas for improvement were as follows:

   **Structure within the bureau** – It was identified that the SCRO Executive and Management structure was unwieldy and top heavy which was slow to respond and failed to focus on accountability.

   **Structure of the Service** – It was recommended that the fingerprint services in Scotland be rationalised into a national service.

   **Corporate Identity and independence** - It was considered important that SCRO was able to draw a distinction between its role as a fingerprint bureau for Strathclyde Police and Dumfries and Galloway and that of the key provider of fingerprint services to the Scottish Criminal Justice system.

   **Procedural guidelines** - It was noted that, across the world, there were different ways of describing similar characteristics and that this led to some problems in comparison of prints. There was a need for a procedural manual which would be standard across the SCRO and other Scottish Bureaux.

   **Administrative support** – It was acknowledged that there was insufficient administrative support and an over reliance on Strathclyde Police for many support services including personnel and administrative support.

   **Staffing** – The introduction in 1997 of the national livescan tenprint identification system had generated a heavy backlog within the SCRO Fingerprint Bureau of basic identification work. The need for the recruitment of experts and increases of trainee fingerprint officers was identified.

   **Competency testing** - It was noted that although the SCRO was the first agency to introduce a pilot for competency testing of fingerprint experts, these tests were prepared and marked internally.

   **Quality assurance** – A quality assurance/training officer post was created in 1996 within SCRO. It had been noted that the quality assurance aspect of the post was overtaken by the training aspects, this remained the case when a training officer was employed to allow the first officer to focus more on quality assurance, however training remained the major focus of both of these posts.

   **Training** – As above it was noted that the training officer post was overstretched and although an additional officer was employed to take on the
quality assurance role, this person spent most of their time on training indicating that more than one training officer was required.

Standards - It was noted that there was some confusion about the introduction of a non-numeric standard. This was identified as being due to no comprehensive project process being implemented to introduce the standard.

Audit - Case auditing had ceased as a result of the demands made on the quality assurance officer, although it was recognised that this was an important part of the quality assurance process and that internal and external audit procedures are required in order to meet the ISO accreditation standards.

Openness/Accountability - It was considered that the SCRO had an internalised culture which conducted its own internally managed competency testing, additionally recruitment processes were often only advertised internally; whereas other bureaux utilised the fingerprint expert training course at Durham and recruited more widely. Additionally, after court no record of an expert’s findings was kept, making accountability for decisions difficult.

Conflict resolution - It was noted that there was no formal process for recording misidentifications or disagreements between experts neither was there a procedure to ensure the resolution of erroneous and disputed fingerprint identifications.

2 Following the announcement of HMIC’s findings from its inspection, the Association of Chief Police Officers in Scotland (ACPOS) established a Presidential Review Team to co-ordinate the Scottish Police Service’s response. A further part of the response by ACPOS was the creation of a Change Management Review Team (CMRT) to undertake a 90 day scrutiny of the SCRO Fingerprint Bureau. The CMRT found 87 areas which required action and a copy of the “Summary of Findings” from the CMRT report is attached for reference at Appendix 1 to this Annex.
## ACPOS CHANGE MANAGEMENT REVIEW TEAM: SUMMARY OF FINDINGS

<table>
<thead>
<tr>
<th></th>
<th>Consideration should be given to the leasing of a further AFR workstation which would then allow all fingerprint bureaux to have direct access to this technology. (5.5.4)</th>
<th>Discharged</th>
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<tr>
<td>2</td>
<td>There is scope for forces to review, in conjunction with SCRO, their Livescan locations to ensure optimal use is being made of this valuable resource. (5.5.7)</td>
<td>Discharged</td>
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<td>3</td>
<td>The situation of an SCRO fingerprint expert representing Strathclyde Police and Strathclyde Fire Brigade personnel on union duties should be resolved. (5.7.5)</td>
<td>Discharged</td>
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<td>4</td>
<td>The 8-Force Standard Working Group (8FSG) should be the forum for the development and co-ordination of national standards across fingerprint bureaux in Scotland. (7.7.1)</td>
<td>Discharged</td>
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<td>5</td>
<td>Despite a number of reviews of SCRO, containing elements of commonality in their findings, there has been limited resulting action. (7.8.1)</td>
<td>Discharged</td>
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<td>6</td>
<td>In the short to medium term in the absence of a proper legislative footing for Common Police Services, it is vital that a clear distinction is maintained between SCRO and Strathclyde Police. (13.3.4)</td>
<td>Discharged</td>
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<td>7</td>
<td>The strengths of the various bureaux should be utilised fully, drawing on individual skills and aptitudes, in order to produce a National Guidance Manual on Fingerprint Standards and Procedures. The manual should be a dynamic document produced in a form which will facilitate this. (13.4.3 - 5)</td>
<td>Discharged</td>
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<td>8</td>
<td>SCRO is now working to ensure its current processes are compatible with the thrust of human rights legislation. There would be value in SCRO sharing its experience with other bureaux. (13.4.6)</td>
<td>Discharged</td>
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<td>9</td>
<td>The identification process should be approached in as independent a manner as possible, maintaining the integrity of the process by separating the identification process from the verification process. (13.4.13)</td>
<td>Discharged</td>
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<td>10</td>
<td>Notes should be made by fingerprint experts while undertaking the identification process. (13.4.13)</td>
<td>Discharged</td>
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<td>11</td>
<td>Where there is an element of doubt due to the quality of the mark, elimination prints should be subjected to the same identification process as suspect prints. (13.4.15)</td>
<td>Discharged</td>
</tr>
<tr>
<td>12</td>
<td>The 8FSG should consider the use by bureaux of different searches on AFR, e.g. mark to mark. (13.4.16)</td>
<td>Discharged</td>
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<td>13</td>
<td>Fingerprint bureaux should maintain accurate records of the level of elimination print submission and set targets to raise levels. (13.4.22)</td>
<td>Discharged</td>
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<td>14</td>
<td>The future structure of fingerprint delivery in Scotland will dictate the future of</td>
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<td>No.</td>
<td>Proposal</td>
<td>Status</td>
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<td>15</td>
<td>Those currently employed in the fingerprint officer/SOCO dual role should not conduct both roles in the same case, to ensure that independence and integrity is preserved. (13.4.31)</td>
<td>Discharged</td>
</tr>
<tr>
<td>16</td>
<td>Police fingerprint officers should be phased out and replaced by support staff (13.4.32).</td>
<td>Discharged</td>
</tr>
<tr>
<td>17</td>
<td>It is clearly good practice for there to be consensus on both sides, of the level of support SCRO can provide for the period of any force initiative or operation without affecting its ability to provide agreed service levels to all forces. (13.4.34).</td>
<td>Discharged</td>
</tr>
<tr>
<td>18</td>
<td>Section 19 of the Criminal Procedure (Scotland) Act 1995 outlines the authority to take fingerprints. It is the opinion of Crown Counsel that this currently extends to support staff, but a suitable amendment would remove the reliance on this more challengeable interpretation. In the absence of amended legislation, however, it is important for forces to clarify their position. (13.4.36)</td>
<td>Discharged</td>
</tr>
<tr>
<td>19</td>
<td>Forces should engage in dialogue with Procurators Fiscal and ACPOS Crime Standing Committee with Crown Office to gain acceptance of the provisions of Section 19 of the Criminal Procedure (Scotland) Act 1995, in respect of the re-taking of fingerprints (and other samples) where those initially taken were insufficient or deficient for the purposes of analysis. (13.4.40)</td>
<td>Discharged</td>
</tr>
<tr>
<td>20</td>
<td>SCRO should adopt a project management approach to the design and procurement of an office management system. (13.5.5)</td>
<td>Discharged</td>
</tr>
<tr>
<td>21</td>
<td>SCRO should change their case envelope to match current needs. This should be in a format suitable to all Scottish forces. (Section 13.5.10)</td>
<td>Discharged</td>
</tr>
<tr>
<td>22</td>
<td>Scottish forces should source their own fingerprint forms which should remain in a format under the control of SCRO. (13.5.12)</td>
<td>Discharged</td>
</tr>
<tr>
<td>23</td>
<td>Consideration should be given to development of the CHS as a priority, to allow for the automatic generation of the fingerprint weeding list. (13.5.15)</td>
<td>Discharged</td>
</tr>
<tr>
<td>24</td>
<td>Media support should be outsourced in a way which allows responsiveness and flexibility. (13.5.18)</td>
<td>Discharged</td>
</tr>
<tr>
<td>25</td>
<td>A slight variation in the way SCRO processes its absence notifications has allowed it to take advantage of Strathclyde Police’s computerised monitoring system. (13.6.3)</td>
<td>Discharged</td>
</tr>
<tr>
<td>26</td>
<td>It is suggested that ACPOS Crime Standing Committee offers competency based criteria to the Scottish Executive in respect of the requirements for registration as an ‘expert’ and formalize the application process, producing evidence of competency. (13.7.9 and 13.7.14)</td>
<td>Discharged</td>
</tr>
<tr>
<td>No.</td>
<td>Recommendation</td>
<td>Status</td>
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<tr>
<td>27</td>
<td>ACPOS Crime Standing Committee should progress registration of all fingerprint experts with the CRFP. It is suggested that registration with the Council for the Registration of Forensic Practitioners becomes a prerequisite of listing on the Scottish Executive Register of Expert Witnesses in respect of fingerprint examiners. (13.7.17 and 13.10.10)</td>
<td>Ongoing: 86% OF SFS experts are now registered with CFFP</td>
</tr>
<tr>
<td>28</td>
<td>In SCRO the dual role of quality assurance and training officer is to be separated with the advertisement of the training post in compliance with HMIC’s recommendations. (13.7.20 and 13.9.16)</td>
<td>Discharged</td>
</tr>
<tr>
<td>29</td>
<td>In SCRO the training officer’s role should be more of a management role with responsibility for overseeing the diverse training needs, monitoring the quality of training and developing specific courses as necessary. (13.7.21)</td>
<td>Discharged</td>
</tr>
<tr>
<td>30</td>
<td>SCRO fingerprint staff should attend the National and Expert Courses at NTC, Durham, to achieve external validation. SCRO should enter into dialogue with training staff at Durham to ensure courses are tailored to Scottish needs. (13.7.22 and 13.7.24)</td>
<td>Discharged</td>
</tr>
<tr>
<td>31</td>
<td>SCRO should exercise its prerogative as a purchaser of training and scope the market to ensure they attain the best training available in terms of quality and value for money. Training needs should be projected annually. (13.7.29 and 13.7.31)</td>
<td>Discharged</td>
</tr>
<tr>
<td>32</td>
<td>The 8FSG should consider the structure and content of continuous professional development (CPD) for fingerprint experts. (13.7.32–35)</td>
<td>Discharged</td>
</tr>
<tr>
<td>33</td>
<td>Fingerprint experts should disclose to the Procurator Fiscal details of all their case findings including marks eliminated and marks outstanding. (13.7.38)</td>
<td>Discharged</td>
</tr>
<tr>
<td>34</td>
<td>Fingerprint experts who make an identification or verification should remain the witnesses in the event of a court case as this ensures accountability, which is core to the identification process. (13.7.40)</td>
<td>Discharged</td>
</tr>
<tr>
<td>35</td>
<td>The Training Forum of the 8FSG should consider the various approaches adopted to court presentation and seek standardisation and best practice. (13.7.45)</td>
<td>Discharged</td>
</tr>
<tr>
<td>36</td>
<td>Fingerprint experts should undergo externally provided competency tests. The 8FSG is developing a protocol to deal with the attendant issues. (13.8.12 and 13.8.13)</td>
<td>Discharged</td>
</tr>
<tr>
<td>37</td>
<td>SCRO Fingerprint Bureau is progressing well towards ISO 9002 accreditation. It is not considered an appropriate system for quality assurance in small bureaux. (13.9.6 and 13.9.11)</td>
<td>Discharged</td>
</tr>
<tr>
<td>38</td>
<td>The job description and person specification of the Quality Assurance post in SCRO should be reviewed as soon as possible, in order to define clearly the importance and priorities of the role. (13.9.9)</td>
<td>Discharged</td>
</tr>
<tr>
<td>39</td>
<td>There are reservations regarding the complexity and control of ‘blind trialing’ which should be explored by the 8FSG when considering the wide range of quality assurance measures. (13.9.24)</td>
<td>Discharged</td>
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<tr>
<td>40</td>
<td>The work of the 8FSG is vital in ensuring uniformity of standards and processes in fingerprint bureaux throughout Scotland. This work should be completed before the transition is made to the non-numeric standard. (13.10.20)</td>
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</tr>
<tr>
<td>41</td>
<td>In order to give impetus to the change to the non-numeric standard, a Project Board should be set up under the aegis of ACPOS Crime Standing Committee. (13.10.21)</td>
<td></td>
</tr>
<tr>
<td>42</td>
<td>The 8FSG should continue their work on the development of statistical information and performance indicators to allow collection of this information from April 2001. (13.10.26)</td>
<td></td>
</tr>
<tr>
<td>43</td>
<td>In moving away from its historically introspective culture SCRO Fingerprint Bureau should be open to external influences in the wider fingerprint community. (13.11.1)</td>
<td></td>
</tr>
<tr>
<td>44</td>
<td>The 8FSG should continue to progress work on a code of ethics which could be adopted by the whole fingerprint service in Scotland. (13.11.6)</td>
<td></td>
</tr>
<tr>
<td>45</td>
<td>A clear procedure should be adopted to deal with ‘disputed identifications’ in a way which will strengthen the principles of integrity and independence in the identification and verification process. (13.12.2-6)</td>
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</tr>
<tr>
<td>46</td>
<td>A clear procedure should be adopted to deal with ‘erroneous identifications’. Where an ‘erroneous identification’ has been notified to the Procurator Fiscal an external enquiry should be initiated to address the cause. (13.12.17-24)</td>
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<tr>
<td>47</td>
<td>The CMRT is convinced that the current hybrid arrangement for Scottish fingerprint services is unsustainable. (14.4)</td>
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<tr>
<td>48</td>
<td>Without sufficient resources to provide an efficient service within the SCRO Fingerprint Bureau there can be no basis for an efficient “national fingerprint service”. (15.1.8)</td>
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<tr>
<td>49</td>
<td>The CMRT regards integrity as an imperative in considering procedures and structure. For processes to be effective it is considered that there should be a minimum number of fingerprint experts to constitute a bureau. It questions the sustainability, in view of this, of at least the bureaux at Central Scotland, Fife and Northern. (15.3.1 and 15.3.2)</td>
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<tr>
<td>50</td>
<td>There is a clear need to put the funding of the fingerprint service overall onto an equitable basis. (15.4.2)</td>
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<tr>
<td>51</td>
<td>There is merit in formalising a scheme of delegation from the Executive Committee to the Director which would lay out the clear roles and responsibilities to the relative parties. (15.6.2)</td>
<td></td>
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<tr>
<td>52</td>
<td>The restructuring of the Executive Committee into a leaner and more responsive board of management is considered to be worthy of consideration even in the short term. (15.6.2)</td>
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<tr>
<td>53</td>
<td>The skills and experience profiles deemed suitable for the posts of Director and</td>
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<td>No.</td>
<td>Description</td>
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<td>54</td>
<td>The CMRT recognises that considerable effort, including enhanced salaries, would be required to attract significant numbers of fingerprint experts to the SCRO Fingerprint Bureau at a time when there appears to be a very competitive market within the UK. (15.11.2)</td>
<td>Discharged</td>
</tr>
<tr>
<td>55</td>
<td>The issue of staffing levels within the SCRO Fingerprint Bureau must be addressed without delay. (16.1.2)</td>
<td>Discharged</td>
</tr>
<tr>
<td>56</td>
<td>The CMRT favours the Central Management/Central Delivery option for the future structure of the Scottish fingerprint service but recognises the major challenges and potential risks that it involves. (16.6.3)</td>
<td>Discharged</td>
</tr>
<tr>
<td>57</td>
<td>A national fingerprint service can only be achieved when there is a proper legislative basis for the employment of its own staff. The matter would best be taken forward by ACPOS in consultation with the Scottish Executive, with the support of specialist consultants, in order that the most appropriate manner of delivering the service is achieved and that the staged approach necessary to achieve it is identified. This should be progressed without delay. (16.6.8)</td>
<td>Discharged</td>
</tr>
<tr>
<td>58</td>
<td>The CMRT is firmly of the view that the Scottish fingerprint service should be part of a new National Identification Service for Scotland with three services, fingerprints, criminal history, and Part V (vetting). In time it could be linked with forensic science. (16.6.11) <strong>Ongoing. SFS will be included in the planned Scottish forensic Science service which will be part of SPSA.</strong></td>
<td></td>
</tr>
<tr>
<td>59</td>
<td>The size of SCRO alone should be sufficient to justify the recruitment of human resource, finance, data protection and information security officers. (16.6.12 and 17.3.6)</td>
<td>Discharged</td>
</tr>
<tr>
<td>60</td>
<td>It is against the backdrop of a separate National Identification Service for Scotland that a fully centralised option for the Scottish fingerprint service should be considered. (16.6.13)</td>
<td>Discharged</td>
</tr>
<tr>
<td>61</td>
<td>A phased approach is needed to allow for the significant practical considerations associated with a move towards a Centralised Management/Central Delivery fingerprint service model. (17.1.1)</td>
<td>Discharged</td>
</tr>
<tr>
<td>62</td>
<td>To secure an appropriate demand for fingerprint services in Scotland it must be acknowledged that additional funding is required. The recent announcement by the Scottish Executive of additional finding is welcomed. (17.2.2)</td>
<td>Discharged</td>
</tr>
<tr>
<td>63</td>
<td>The CMRT believes that the Head of the SCRO Fingerprint Bureau should be a civilian manager who has experience as a fingerprint expert or a forensic scientist. There is merit in considering an early appointment as a vacancy will arise in spring 2001, when the current Head of Bureau, a Chief Inspector, completes his period of secondment. (17.3.1-3)</td>
<td>Discharged</td>
</tr>
<tr>
<td>64</td>
<td>The argument for a civilian manager can be extended to the final management</td>
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</table>
team structure and the post of Head of the Scottish Fingerprint Service under a fully centralised model. (17.3.2)

65 The CMRT suggest the early appointment of the Head of the Scottish Fingerprint Service to enable the proper project management approach necessary to develop the centralized fingerprint service. (17.3.2) Discharged

66 It is proposed that the appointment of a senior police liaison officer be considered at the point of civilianisation, in order to strengthen and maintain the essential links between remote forces and the centralised service. (17.3.4) Discharged

67 Whilst there are barriers to the recruitment and retention of fingerprint officers, it is important to recognise the potential attractiveness, which a new Scottish fingerprint service has to offer. The opportunity to exercise an aggressive recruitment campaign, drawing on the developing conditions which prevail in Scotland, should not be underestimated. (17.5.1 and 17.5.6) Discharged

68 The potential of relocation of fingerprint experts received a general and shared resistance, with experts reflecting on their domestic circumstances and managers immediately considering options for retention of those staff in alternative crime scene roles. Another issue was the negative perception of SCRO which existed. (17.5.3 and 17.5.4) Discharged

69 Language barriers aside, the potential to tap into the wider fingerprint world should not be discounted, given the work of the Interpol European Expert Group on Fingerprint Identification (IEEGFI) and their aim to enhance compatibility across Europe. (17.5.11) Discharged

70 Given the limited opportunity for external recruitment of experts in such a constrained market, ‘growing your own’ experts is not only an essential part of succession planning but the only real means of sustaining and increasing the pool of experts in future years. (17.6.1) Discharged

71 In order to attract high quality experts to an emerging Scottish Fingerprint Service, the detail of relocation packages, assisted travel, market rate enhancements and retention and loyalty initiatives, would have to be fully considered. (17.7.1 and 17.7.2) Discharged

72 It is suggested that ACPOS Personnel and Training Standing Committee be approached to assist with some of the issues surrounding recruitment and retention. In addition, consideration should be given to enlisting external personnel consultancy expertise and to establishing the human resource post within the new structure, as one of the first stages in progressing towards centralisation. (17.8.1) Discharged

73 The CMRT believes that the issues of recruitment and retention need not prevent a phased approach to central delivery. This could be achieved by concentrating on the recruitment of fingerprint experts for the SCRO Fingerprint Bureau, and, at planned intervals, progressively transferring force bureaux, as the centralised service builds up to the levels necessary to cope with mark comparison for each force. (17.8.2) Discharged

74 The migration towards centralisation will attract expenditure, not least in respect
of market enhancements, relocation expenses and the provision of specialised Human Resource support. It would be essential to have an understanding of these costs developed and underwritten at an early stage of the phased approach. (17.8.3)

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<th>Ongoing</th>
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75 The additional accommodation required for a centrally delivered fingerprint service for Scotland based at Pacific Quay in Glasgow would require exploration of a number of options including the re-location of SPIS, the outsourcing of the call centre capability associated with Part V service delivery and the potential to introduce limited shift working for fingerprint officers. (17.9.5)  

| Discharged |

76 A detailed space audit of Pacific Quay should be conducted, considering the full range of requirements of a centralised service, to inform consideration, in cost terms, of centralisation. (17.9.7)  

| Discharged |

77 The CMRT presents a practical way forward for the Scottish fingerprint service which depends on Common Police Service legislation to provide a basis for employment of its own staff. It acknowledges that its development, at a time when resource levels within the SCRO Fingerprint Bureau are critical, will depend on existing working arrangements with Strathclyde Joint Police Board. An early priority will be the need for a meeting between the SCRO Executive Committee and the Joint Police Board to establish an agreement for the way in which SCRO business will be dealt with by the Joint Police Board. The innovative approach taken by Northern Constabulary to the use of consultants for job evaluation may be of interest in this regard. (17.10.1 and 17.10.2)  

| Discharged |

78 The advancement of fingerprint services in Scotland should be progressed in an open and timely manner ensuring clear communication, involving unions and staff associations. (17.11.1)  

| Discharged |

79 Whilst the centralised model offers the greatest benefits, the CMRT also acknowledges, that it is the most difficult and complex option to achieve from the starting point of the current structure. (17.11.2)  

| Discharged |

80 Given the dynamics of moving towards a centralised service, it is vitally important to adopt a determined strategy within a framework of contingency arrangements. (17.11.3)  

| Discharged |

81 Given the critical nature of failure to attract significantly more fingerprint experts to Glasgow, a target date should be identified as a point at which the final decision is taken to progress towards full centralisation. (17.11.4 and 17.11.5)  

| Discharged |

82 Whilst it is difficult to establish a clear timescale for the change to a centralised delivery to take place, it could easily take 5 years, given the likely emphasis on organic growth. (17.11.7)  

| Discharged |

83 A Project Management Team has been identified to progress the action plan established by the CMRT. This will work to a PRINCE 2 project management framework under the direction of a Project Board to be chaired by Mr John Hamilton, Chief Constable of Fife Constabulary. (17.12.1)  

| Discharged |

84 The Project Board will require to give the complex matters associated with the move towards a centralised delivery model a major commitment of time and
<table>
<thead>
<tr>
<th>effort. (17.12.2)</th>
<th>Discharged</th>
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<tbody>
<tr>
<td>85</td>
<td>Irrespective of the structure adopted for the provision of fingerprint services in Scotland, careful consideration needs to be given to the development of technology associated with fingerprint identifications, including palm capture, Livescan and AFR. (18.1-8)</td>
</tr>
<tr>
<td>86</td>
<td>It is important to plan strategically the development of the Scottish fingerprint services use of AFR in the long-term. A precipitate move to add services provided by SAGEM could unduly tie SCRO to the existing supplier. (18.9)</td>
</tr>
<tr>
<td>87</td>
<td>The CMRT suggests that bearing in mind the progress now being made by NAFIS, the potential benefits of a wider UK standard allowing the electronic comparison of marks across a vastly increased database, are fully considered. The matter should be referred through ACPOS TARC to the SPIS Programme Board to enable the development of fingerprint recognition equipment to be part of the strategic plan directly being pursued. (18.10)</td>
</tr>
</tbody>
</table>
Q2. Can the Executive provide details of the steps taken since 2000 in order to address these weaknesses?

Following the recommendations of the HMIC report and the ACPOS Presidential Review, the SCRO Executive Committee, senior management at SCRO and the Scottish Executive have put in place an extensive programme of change management which resulted in the implementation of the 25 recommendations and 20 suggestions made by the HMIC and the 87 actions identified by the Change Management Review Team.

This has included:

- Appointing a Head of Scottish Fingerprint Service in April 2001 to lead the work to establish the Scottish Fingerprint Service (SFS) based on 4 bureaux in Glasgow, Edinburgh, Dundee and Aberdeen. The model was approved in principle by the SCRO Executive Committee in June 2001 and rationalisation of the existing structure commenced. This work was completed in early 2002;

- Relocating SCRO and the Glasgow fingerprint bureau from Strathclyde Police Headquarters to Pacific Quay. This was intended to help create a distinct and independent corporate identity for SCRO and the SFS;

- The SFS uses the internationally accepted process of identification which conforms to the scientific principles of Analyse, Compare, Evaluate, Verify (ACE V) with verification by 2 fingerprint experts following the initial expert identification. Enhanced independent verification was introduced. Only after the independent verification procedure is complete will an identification be intimated to the police investigating officer and the Procurator Fiscal Service for their consideration in any court proceedings;

- To respond to concerns about administrative support, a business support unit, headed by Business Support Manager of Principal Officer Grade was set up to provide administrative support across the whole of SCRO including the Fingerprint Bureau;

- Quality assurance and training officers have been in post at Aberdeen, Dundee and Edinburgh bureaux since 2002. Within the Glasgow bureau the roles of quality assurance and training are separated with distinct staff employed in each area. The training officers are directed and managed by the SFS Training Manager;

- All fingerprint experts in the SFS Glasgow Fingerprint Bureau have been subject to external annual competency testing since 2001. This was introduced in the 3 other bureaux in 2002. The external testing is provided by Collaborative Testing Services, a USA-based forensic testing service;

- All experts have been provided with a Continuous Professional Development Programme since 2003. By 2004 86% of experts were accredited by the Council for the Registration of Forensic Practitioners;
• A National Training programme and career development structure for Trainee fingerprint officers has been instituted with key milestones. As part of this, assessments at introductory, intermediate and advanced stages are undertaken by Centrex National Training Centre for Scientific Support (NTC) based at Durham. The NTC provide this external assessment for bureaux across the UK. A mandatory requirement for achievement of expert status in Scotland is successful completion of the NTC advanced expert course;

• Training in the non-numeric standard and court room practice has been in place since 2003;

• Court skills training sessions facilitated by Bond Solon, the UK’s recognised leading provider of training in this area, are attended by experts from across the 4 bureaux;

• National Guidance on Fingerprint Standards and Procedures was published in 2003;

• Robust arrangements for monitoring sick leave and providing management support for staff have been introduced. This includes access to an occupational health service and an external employee assistance programme provided by Independent Counselling and Advisory Service Ltd; and

• New governance arrangements for SCRO were put in place in April 2004 with the establishment of the Common Police Services Programme Board to oversee the existing common police services and to manage the transition to the establishment of the planned Scottish Police Services Authority.

In addition, the organisation continues to review and develop its training, processes and procedures to ensure it remains able to deliver an effective and efficient service.
Q3. Can the Executive set out the steps which have been taken since 2000 to review identifications made by the SCRO Fingerprint Bureau, including through external peer review, in order to validate their findings?

Following Her Majesty’s Chief Inspector of Constabulary’s review of the Scottish Criminal Record Office in 2000, the Lord Advocate instructed Procurators Fiscal to obtain independent verification of fingerprint evidence from the Scottish Criminal Record Office. In the 11 months to 14 May 2001, a total of 1,781 cases were examined and the identification of 5,553 marks containing 8,350 impressions were verified by independent fingerprint experts from the Metropolitan Police and the Police Service for Northern Ireland. On this basis, the Crown Office was satisfied that evidence provided by the Scottish Criminal Record Office was of the highest quality.

Between 14 May 2001 and 19 July 2001 a total of 465 cases were examined and 1,341 marks containing 2,099 impressions were identified, all of which were verified by independent fingerprint evidence. Routine independent verification of fingerprint evidence was discontinued after 19 July 2001.

The independent verification procedures that are in place ensure that the expert carrying out the first verification after an identification has been made does not know which expert made the identification, does not have access to the identifying expert’s diary notes or working papers. The verifier is provided with an unmarked copy of the mark and tenprint and independently comes to his own expert opinion regarding the mark. This independent verification process is repeated for the second verification. All second verifications are carried out by a team of Principal Fingerprint Officers.

These processes are subject to random case reviews by the Quality Assurance Team.

As with all other processes within the Service, they are subject to internal and external quality audits as prescribed under the ISO 9001:2000 accreditation.
Q4. Can the Executive set out for the Committee the actions which have been taken in response to each of the recommendations contained in the HMIC report “Scottish Criminal Record Office: The Fingerprint Bureau – Primary Inspection 2000”?

### SCRO HMIC PRIMARY INSPECTION OF FINGERPRINT BUREAU 2000
### RECOMMENDATIONS AND OUTCOMES

(References given within column 2 of the table are to paragraphs and annexes etc of the original HMIC report)

<table>
<thead>
<tr>
<th>No.</th>
<th>Recommendations</th>
<th>Recommendations Status &amp; Summary of HMIC Comment</th>
<th>Source Documentation / Reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>HMIC recommends that the SCRO oversight management structure be reformed as part of repositioning SCRO within a new Common Police Services arrangement. (paragraph 2.7.5)</td>
<td>This has been achieved with the establishment of the CPS Programme Board and the SCRO Senior Users Group. Recommendation discharged. Note: SCRO Senior User Group no longer exists. The SCRO Director is a member of ACPOS Crime Business Area, which provides the forum for raising and updating issues.</td>
<td>HMIC Primary Inspection of SCRO 2004 (Appendix A)</td>
</tr>
<tr>
<td>2</td>
<td>HMIC recommends that the post and role of quality assurance officer and training officer be separated. (paragraph 2.12.1)</td>
<td>SCRO has invested heavily in this area and excellent progress has been made. Given the staffing levels at the Bureaux out with Glasgow it is acknowledged that separating the role of Quality Assurance and Training is not practical. The Quality Assurance Officer based at Glasgow maintains an oversight across the Scottish Fingerprint Service and is free of training responsibilities to concentrate on this role. Recommendation discharged.</td>
<td>HMIC Third Year Review of the SCRO Fingerprint Bureau (Annex A)</td>
</tr>
<tr>
<td>3</td>
<td>HMIC recommends that a centralised model for a national fingerprint service be considered. (paragraph 2.15.11)</td>
<td>The changes to structure implemented reflect the recommendations of the Change Management Review Team (CMRT). This structure is still developing and there is a clear determination amongst SCRO senior management and in particular the head of the Scottish Fingerprint Service (SFS) to drive further change and to strengthen corporate identity as alluded to. The proposal to transfer in 2003/4 the budgets for the fingerprint bureaux in Lothian and Borders, Tayside and Grampian Police to capitalize control will further assist to secure the</td>
<td>HMIC Third Year Review of the SCRO Fingerprint Bureau (Annex A)</td>
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<td>4</td>
<td>HMIC recommends that the APRT scope the demands now and into the near future to determine the staff levels required. This exercise should include maximising the value that fingerprint evidence has for the prevention and detection of crime and take full account of available and emerging technological advances. (paragraph 3.1.8)</td>
<td>Scoping was completed by APRT. In addition the document entitled ‘Report to Establish an Appropriate Authorised Bureau Establishment of Fingerprint Experts’ published by SCRO in September 2004 addresses this recommendation. Recommendation discharged.</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>HMIC Primary Inspection of SCRO 2004 (Appendix A)</td>
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<tr>
<td>5</td>
<td>HMIC supports the move towards a competency-based standard for expert qualification and recommends early progress towards this goal. (paragraph 3.5.3)</td>
<td>With effect from 13 January 2003, Scottish Executive Justice Department Police Circular No: 1/2003 endorses and formalises arrangements for authorising fingerprint experts on competence based criterion as opposed to time based criterion. Following successful completion of the requisite training and independent assessment of competency, the Head of the Scottish Fingerprint Service will request authorisation from the Scottish Executive. It is anticipated dependent on individuals’ personal progress that it may still take up to four years to become authorised. Recommendation discharged.</td>
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<tr>
<td></td>
<td></td>
<td>HMIC Third Year Review of the SCRO Fingerprint Bureau (Annex A)</td>
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<tr>
<td>6</td>
<td>HMIC recommends that the concept of “authorisation” needs further consideration.(paragraph 3.5.5)</td>
<td>Authorisation of Fingerprint Experts based on the assessment of competency, rather than completion of a training timescale was formalised by the Scottish Executive in 2003. In tandem with preparation for a transfer to a non-numeric fingerprint standard, the SFS has actively encouraged membership of the Council for the Registration of Forensic Practitioners (CRFP) Upon completion of training, Fingerprint Experts undergo CRFP accreditation with the support of SFS and agreement with trade union. Recommendation discharged.</td>
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<td>HMIC Primary Inspection of SCRO 2004 (Appendix A)</td>
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<td>7</td>
<td>HMIC recommends that a protocol is agreed between SCRO and forces to ensure that due consideration is given during the planning stages of operations and initiatives, to managing the impact stability and independence of the fingerprints service and allow optimum resource management. Recommendation discharged.</td>
<td>The ongoing development of service level agreements with forces provides a method of ensuring all parties to the process are aware of their responsibilities. HMIC has been provided with a copy of the SLA between the Scottish Fingerprint Service and Grampian</td>
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<td>HMIC Third Year Review of the SCRO Fingerprint Bureau (Annex A)</td>
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<tr>
<td>Paragraph</td>
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<td>3.10.1</td>
<td>these can have on SCRO.</td>
<td>and Northern Constabularies. Within the financial year 2003/04, similar SLA’s will be completed between the SFS and the remaining forces. Recommendation discharged. Note: Service Level Agreements between SFS and all Forces have been completed and are now in operation.</td>
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<tr>
<td>3.12.2</td>
<td>HMIC recommends a review of the current locations of AFR terminals in Scotland with a view to securing improved access.</td>
<td>The provision of AFR terminals across Scotland meets the present needs of the service. Flexibility exists to relocate terminals should there be a requirement to do so. Recommendation discharged.</td>
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<tr>
<td>4.7.8</td>
<td>HMIC recommends that action is taken to secure data which informs management of sickness absence levels in a manner which can be used to monitor trends, set targets and manage sickness absence.</td>
<td>Alongside the appointment of a personnel officer for SCRO has been the development of an absence management policy and appropriate monitoring data. HMIC welcomes this. SCRO continue to focus on this issue and set absence reduction targets. Recommendation discharged.</td>
<td></td>
</tr>
<tr>
<td>4.8.2</td>
<td>HMIC recommends that a strategy is introduced for staff within all fingerprint bureaux and identification branches to offer staff support and to assist in the detection and prevention of stress related illness resulting in absence from work.</td>
<td>Significant changes have been made in working conditions and ergonomic improvements to workstations have been introduced throughout SFS. Additional training, quality assurance and support mechanisms have also been implemented. Sickness levels have been reduced. Recommendation discharged.</td>
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<tr>
<td>5.8.11</td>
<td>HMIC repeats the recommendation made by consultants in June 1999, that an improved automated system of case tracking should be introduced as part of a new office management system at SCRO.</td>
<td>HMIC acknowledges the work that has gone into developing the system and the use that is being made of the information to effectively manage the fingerprint caseload. Recommendation discharged.</td>
<td></td>
</tr>
<tr>
<td>5.11.3</td>
<td>HMIC recommends the production of a national Guidance Manual on Fingerprint Standards and Procedures to be issued to all fingerprint staff.</td>
<td>HMIC has viewed the National Procedures Manual. It is an impressive document. Evidence was seen that is constantly reviewed and updated. Recommendation discharged.</td>
<td></td>
</tr>
<tr>
<td>13</td>
<td>HMIC recommends the establishment of a national policy which encapsulates an independent review process to deal with all erroneous and disputed fingerprint identifications. (paragraph 5.20.4)</td>
<td>HMIC has had the opportunity to examine the Manual and the review process as laid out at Chapter 5 (P-23) and is satisfied that it meets the requirements of the recommendation. Documented records are kept of instances where the review process is invoked and were examined. There has been NO evidence of erroneous scenes of crime identifications, since the Primary Inspection of 2000. Recommendation discharged.</td>
<td>HMIC Third Year Review of the SCRO Fingerprint Bureau (Annex A)</td>
</tr>
<tr>
<td>14</td>
<td>HMIC recommends that the external provision and management of competency testing for experts is an aspect that the APRT needs to pursue with vigour to seek an early, sustainable and defensible programme. (paragraph 6.5.3)</td>
<td>Annual competency testing has been introduced and will be maintained. All 45 practising experts have to date undergone 129 CTS tests since the Primary Inspection. The American based company CTS was established in 1971 primarily to provide an inter laboratory testing programme. Since then the company has grown to offer proficiency testing of forensic personnel across a wide variety of fields including fingerprints. No other fingerprint bureau in the United Kingdom has pursued the external provision and management of competency testing for experts as recommended by HMIC. Recommendation discharged.</td>
<td>HMIC Third Year Review of the SCRO Fingerprint Bureau (Annex A)</td>
</tr>
<tr>
<td>15</td>
<td>HMIC recommends that managing the change to a non-numeric standard should be addressed at a very early point by the APRT. (paragraph 6.8.9)</td>
<td>Management of change in relation to a non-numeric standard was addressed by APRT. The SFS has undertaken significant and sustained preparation in anticipation of the non-numeric standard being introduced on the approval of the Lord Advocate. Recommendation discharged.</td>
<td>HMIC Primary Inspection of SCRO 2004 (Appendix A)</td>
</tr>
<tr>
<td>16</td>
<td>HMIC recommends that the important area of court presentation skills be given a new impetus. (paragraph 6.9.3)</td>
<td>All 54 fingerprint experts and trainee fingerprint experts at the four bureaux have now received this training which is highly regarded. A programme of refresher training has begun. In addition fingerprint experts attend a presentation skills course run by Strathclyde Police. Recommendation discharged.</td>
<td>HMIC Third Year Review of the SCRO Fingerprint Bureau (Annex A)</td>
</tr>
<tr>
<td>17</td>
<td>HMIC recommends that regular refresher training should be incorporated into a national training standard for fingerprint experts to ensure that</td>
<td>A continuous professional development programme for all experts within the service was initiated in 2003. The programme is scheduled to take place annually, with experts attending at least every three years.</td>
<td>HMIC Primary Inspection of SCRO 2004 (Appendix A)</td>
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<tr>
<td>Recommendation Number</td>
<td>Recommendation</td>
<td>Discharge Notes</td>
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<td>18</td>
<td>HMIC recommends that a specific effort be made to bring the weeding up to date. (paragraph 8.4.2)</td>
<td>HMIC notes the effort that has been made to bring weeding up to date. As the Scottish Fingerprint Service develops the necessity for local collections held by bureau at Aberdeen, Dundee and Edinburgh will be examined and while currently up to date consolidation will remove the need for unnecessary duplication of effort. Recommendation discharged.</td>
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<tr>
<td>19</td>
<td>HMIC recommends that all fingerprint experts within the SCRO Fingerprint Bureau should undergo competency testing provided and managed by an external provider as soon as possible. (paragraph 8.8.3)</td>
<td>As per evidence and comments as at Recommendation 14. Recommendation discharged.</td>
<td></td>
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<tr>
<td>20</td>
<td>HMIC recommends that a common procedure, subject to validation by an external body, be put in place in all fingerprint bureaux to deal with failure in the course of competency testing. (paragraph 8.9.1)</td>
<td>As part of the ISO process, on a six monthly basis, adherence to procedures is dip sampled by ISO. Tri-annually all procedures are audited. It is also recommended that an expert from another Bureau when examining the manual also examine these procedures by way of independent validation. The Head of the SFS will have this undertaken at the earliest opportunity. Recommendation discharged.</td>
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<td>21</td>
<td>HMIC recommends that a review is undertaken of the current process with a view to establishing a competency based qualification for expert status. (paragraph 8.11.5)</td>
<td>With effect from 13 January 2003, Scottish Executive Justice Department Police Circular No: 1/2003 endorses and formalises arrangements for authorising fingerprint experts on competence based criterion as opposed to time based criterion. Following successful completion of the requisite training and independent assessment of competency, the head of the Scottish Fingerprint Service will request authorisation from the Scottish Executive. It is anticipated dependent on individuals’ personal progress that it may still take up to four years to become authorised. Recommendation discharged.</td>
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<tr>
<td>22</td>
<td>HMIC recommends that the APRT give early attention to establishing a corporate identity for</td>
<td>HMIC notes the positive progress that has been made with regard to corporate identity. The move to new premises at Pacific Quay has been a significant contributor to this but in addition changes to</td>
<td></td>
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<td>SCRO. (paragraph 8.12.4)</td>
<td>the position of the Director and the implementation of such measures as a Corporate Identity Manual have all played a part. It is anticipated that the outcome of the review of Common Police Services will have further significant and positive impact with regard to this area. Recommendation discharged.</td>
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<td>23</td>
<td>HMIC recommends that practices be reviewed with a view to introducing a system which increases the independence within the identification/verification process. (paragraph 8.15.2) Organisational restructuring within the Glasgow Bureau has enhanced the independence of the verification process. Outwith the Glasgow Bureau, smaller staff numbers make anonymity of verification problematic but SFS is actively working towards an effective solution. Recommendation discharged.</td>
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<td>24</td>
<td>HMIC recommends that the SCRO fingerprint bureau liaises with the ACPOS working group on ECHR particularly in relation to its development of a manual on standards and procedures. (paragraph 8.17.2) The Scottish Fingerprint Procedures Manual was referred to the ACPOS Working Group on ECHR to ensure the processes and procedures being enshrined were compatible with the thrust of the legislation. It was reviewed and cleared by that body. Recommendation discharged</td>
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<td>25</td>
<td>HMIC recommends that the APRT look closely at the development of the National Council for Registration of Forensic Practitioners and give consideration as to how Scotland can Capitalize on this new Council. (paragraph 8.19.5) The SFS has readily embraced CRFP, providing support and financial assistance to encourage registration of its experts with this voluntary body. To date, an 86% registration rate for SFS has been achieved, placing it in the higher range of CRFP registration on a UK basis. Recommendation discharged.</td>
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<td>HMIC Primary Inspection of SCRO 2004 (Appendix A)</td>
<td>HMIC Third Year Review of the SCRO Fingerprint Bureau (Annex A)</td>
<td>HMIC Primary Inspection of SCRO 2004 (Appendix A)</td>
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<tr>
<td>1</td>
<td>HMIC recognises that the recommendations and suggestions in this report go beyond the remit of SCRO Executive Committee and, if accepted, impact on all Police Forces, the Scottish Executive and other areas of the criminal justice system. It would be helpful if a single reference point had the responsibility to consider the issues in the first instance and as the APRT has been established HMIC, mindful of the responsibility of other stakeholders, suggests that this team is uniquely placed to undertake that role. (paragraph xvi)</td>
<td>The Change Management Review Team progressed matters to a point where the opportunity for a natural transferral of responsibility arose and outstanding issues could be reasonably concluded by SCRO management. This transfer took place in May 2001 by which time only 20 issues were considered to be outstanding from over 140 issues identified in various reports including the HMIC Primary inspection report. Suggestion discharged.</td>
<td>HMIC Third Year Review of the SCRO Fingerprint Bureau (Annex A)</td>
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<tr>
<td>2</td>
<td>In essence the job description (Director, SCRO) does not reflect the legal position and requires emendation and HMIC suggests this be done. (paragraph 2.5.7)</td>
<td>HMIC recognizes that a number of useful steps have been taken to develop the management arrangements within SCRO and the Scottish Fingerprint Service. Suggestion is discharged.</td>
<td>HMIC Third Year Review of the SCRO Fingerprint Bureau (Annex A)</td>
</tr>
<tr>
<td>3</td>
<td>HMIC suggests that new service level agreements between SCRO and the eight Scottish forces are progressed by the APRT. (paragraph 2.6.6)</td>
<td>HMIC has been provided with a copy of the SLA between the Scottish Fingerprint Service and Grampian and Northern Constabularies. Within the financial year 2003/04, similar SLA’s will be completed between the SFS and the remaining forces. Suggestion is discharged.</td>
<td>HMIC Third Year Review of the SCRO Fingerprint Bureau (Annex A)</td>
</tr>
<tr>
<td>4</td>
<td>HMIC suggests that the number of training staff required be addressed by the APRT, taking account of the structures and functionality put in place. (paragraph 2.12.1)</td>
<td>HMIC acknowledges the considerable investment that has been made in training with the appointment of training officers at all four bureau and also the appointment of training co-ordinator with national oversight. Suggestion discharged</td>
<td>HMIC Third Year Review of the SCRO Fingerprint Bureau (Annex A)</td>
</tr>
<tr>
<td>5</td>
<td>There is a need to debate the appropriateness of the dual role of some fingerprint experts and HMIC suggests this issue should be part of the APRT review. As part of that review the issue of whether police officers, into the future, should be trained as fingerprint experts or the whole cadre of experts be comprised</td>
<td>At those bureaux where staff have a dual role capability they now rotate annually between roles to ensure a clear distinction exists. SCRO have embarked on a policy of recruiting trainee fingerprint officers with that sole responsibility. In the fullness of time all dual role staff will disappear from the organisation.</td>
<td>HMIC Third Year Review of the SCRO Fingerprint Bureau (Annex A)</td>
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<td></td>
<td>Suggestion discharged.</td>
<td>As part of the restructuring process within the Scottish Fingerprint Service the number and location of AFR terminals and workstations was reviewed. This review saw a redistribution of terminals that now sit more comfortably within the new Bureau structure. The provision of AFR terminals across Scotland meets the present needs of the Service. Flexibility exists to relocation terminals as and when deemed appropriate. Suggestion discharged.</td>
<td>HMIC Third Year Review of the SCRO Fingerprint Bureau (Annex A)</td>
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<td>6</td>
<td>HMIC suggests that a resource audit is undertaken to determine the appropriate number of AFR terminals for Scotland. (paragraph 3.12.2)</td>
<td>The SFS has actively encouraged the taking of fingerprints from all persons brought into police custody and the matter has been progressed within the ACPOS Crime Business Area. Suggestion discharged.</td>
<td>HMIC Primary Inspection of SCRO 2004 (Appendix B)</td>
</tr>
<tr>
<td>7</td>
<td>HMIC suggests that the Crown Office guidance on who can take fingerprints receives renewed attention by all forces. (paragraph 3.14.4)</td>
<td>HMIC notes the progress made and has reviewed the procedure in relation to mark to mark searching as detailed within the SFS Procedures Manual. It represents a sensible utilisation of finite resources. The possibility of a technical solution is being addressed through participation in the PITO sponsored, 'IDENT 1' project that if successful will be rolled out throughout the UK. Suggestion discharged.</td>
<td>HMIC Third Year Review of the SCRO Fingerprint Bureau (Annex A)</td>
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<td>8</td>
<td>HMIC suggests that mark to mark searching on AFR is an issue that the APRT needs to consider in scoping the resources and equipment needed to provide an efficient and effective service. (paragraph 5.3.12)</td>
<td>HMIC notes the progress that has been made and the potential developments around the installation of additional Livescan terminals. In terms of Tenprint fingerprint forms received, while fluctuations can be expected continued monitoring is required to ensure there is no significant tail off that cannot be explained. HMIC will also look with interest to see whether the introduction of Police Custody and Security Officers with powers to take fingerprints will impact positively on the taking of fingerprints. Suggestion is discharged.</td>
<td>HMIC Third Year Review of the SCRO Fingerprint Bureau (Annex A)</td>
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<tr>
<td>9</td>
<td>HMIC suggests that the policy of taking fingerprints from all persons where the law allows be pursued with vigour as this offers a singular opportunity to prevent and detect crime. (paragraph 5.4.7)</td>
<td>A clear policy of incremental targets was approved by the ACPOS Crime Business Area and incorporated into the SFS National Procedures Manual. Suggestion discharged.</td>
<td>HMIC Primary Inspection of SCRO 2004 (Appendix B)</td>
</tr>
<tr>
<td>10</td>
<td>HMIC would support SCRO in highlighting the importance of submitting elimination prints as a matter of routine and suggests that the setting of targets in this respect may assist. (paragraph 5.15.3)</td>
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<td>11</td>
<td>HMIC suggests that all staff involved in fingerprinting in Scotland require greater awareness of Section 19 to eliminate the confusion which currently exists in this area. (paragraph 5.18.6)</td>
<td>The Fingerprint Policy Group obtained Crown Office interpretation and views on the instruction contained in Section 19 of the Criminal Procedure (Scotland) Act 1995 and disseminated this across the Scottish forces, achieving the awareness required. It is recognised that further guidance may be of benefit and this is being actively sought by the SFS. Suggestion discharged.</td>
<td>HMIC Primary Inspection of SCRO 2004 (Appendix B)</td>
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<td>12</td>
<td>HMIC suggests that the Council for the Registration of Forensic Practitioners may provide a suitable reference point for benchmarking the policy and the independent review process to deal with disputed and erroneous fingerprint identifications. (paragraph 5.20.5)</td>
<td>Although CRFP does not provide a benchmarking capability, statistical performance information for each Scottish Bureau has now been incorporated into the SFS National Procedures Manual, allowing basic comparison. Furthermore, the OMS database allows cross-bureau comparison of performance within Scotland. A benchmarking exercise surrounding the verification process has been conducted with Greater Manchester Police and a programme of benchmarking against other bureaux in England and Wales has been initiated. Suggestion discharged.</td>
<td>HMIC Primary Inspection of SCRO 2004 (Appendix B)</td>
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<tr>
<td>13</td>
<td>HMIC suggests that all bureaux agree common Quality Assurance processes using the co-ordinating influence of the Council for the Registration of Forensic Practitioners. (paragraph 6.3.4)</td>
<td>The pursuit and achievement of ISO status addresses this suggestion. Suggestion discharged</td>
<td>HMIC Third Year Review of the SCRO Fingerprint Bureau (Annex A)</td>
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<tr>
<td>14</td>
<td>HMIC suggests that ‘blind trials’ are another tool that is worthy of consideration. (paragraph 6.6.1)</td>
<td>After discussion both with the Scottish Fingerprint Service and staff from the Fingerprint Section, Greater Manchester Police, it is accepted that blind trialing is not appropriate or necessary. The current testing regime as evidenced is considered more than satisfactory. Suggestion discharged.</td>
<td>HMIC Third Year Review of the SCRO Fingerprint Bureau (Annex A)</td>
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<td>15</td>
<td>HMIC suggests that the APRT give the issue of gathering common statistical performance information early attention. (paragraph 6.7.5)</td>
<td>With the introduction of the Office Management System and other potential developments, considerable progress has been made and is ongoing. Suggestion discharged.</td>
<td>HMIC Third Year Review of the SCRO Fingerprint Bureau (Annex A)</td>
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<tr>
<td>16</td>
<td>HMIC suggests a strategic re-assessment of how training is delivered is necessary. And this should be undertaken by the APRT. (paragraph 7.2.8)</td>
<td>Considerable investment has been made in training and is evidenced throughout HMIC’s Third Year Review of the SCRO Fingerprint Bureau. Suggestion discharged.</td>
<td>HMIC Third Year Review of the SCRO Fingerprint Bureau (Annex A)</td>
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<tr>
<td>17</td>
<td>HMIC suggests that where the exigencies of workloads</td>
<td>In addition to the above, the Heads of Bureau meet once a month as do the Trainers. Inter bureau visits are also</td>
<td>HMIC Third Year Review of the SCRO Fingerprint</td>
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<p>| 18 | HMIC suggests that the current testing regime as evidenced is considered more than satisfactory. Suggestion discharged. | | |</p>
<table>
<thead>
<tr>
<th>Permit, liaison and networking with staff from other bureaux should be encouraged among all fingerprint staff. (paragraph 8.13.4)</th>
<th>Encouraged. The current recruitment of trainee fingerprint officers means frequent opportunities exist for staff to mix during their training. HMIC is satisfied that SCRO management is alive to this issue and continues to address it. Suggestion discharged.</th>
<th>Bureau (Annex A)</th>
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<td><strong>18</strong> HMIC suggests that SCRO, in the development of its corporate identity, address the need for a more open and transparent culture within the organisation as a whole. (paragraph 8.14.2)</td>
<td>HMIC acknowledges the progress that has been made and is ongoing. The civilianisation of the Director’s post and the recruitment of a business manager from the private sector are both positive steps. The outcome of the Common Police Services Review should also impact significantly in this area. SCRO has carried customer satisfaction survey to seek customer’s attitudes on SCRO. It is suggested that SCRO commission further appropriate surveys both internally and externally to identify how the organisation is viewed and to measure the impact of change so far. HMIC will revisit this suggestion at the next primary inspection.</td>
<td>HMIC Third Year Review of the SCRO Fingerprint Bureau (Annex A)</td>
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<td><strong>19</strong> HMIC suggests that the adoption of a code of ethics should be an integral part of the change proposed for SCRO. (paragraph 8.18.1)</td>
<td>A code of ethics, approved by ACPOS, has been incorporated into the SFS National Procedures Manual. This establishes a clear set of principles which underpin the service’s commitment to integrity. Suggestion discharged.</td>
<td>HMIC Third Year Review of the SCRO Fingerprint Bureau (Annex A)</td>
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<td><strong>20</strong> HMIC suggests that SCRO develops a general media policy and appoints a media liaison officer as part of the corporate identity project recommended in paragraph 8.12.4. (paragraph 8.20.1)</td>
<td>HMIC would like to see a greater emphasis on marketing/publicising SCRO in light of the very positive developments that have been evidenced and will revisit this area at the next primary inspection. It is acknowledged that the suggestion has been addressed. Suggestion discharged.</td>
<td>HMIC Third Year Review of the SCRO Fingerprint Bureau (Annex A)</td>
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</table>
Q5. Can the Executive explain why the move to non-numeric standard of identification recommended in the HMIC report, and anticipated to take place during 2004, has not yet been implemented?

The Scottish Fingerprint Service has been preparing for a move to this system of fingerprint identification since 2001. It was important to ensure that the ongoing reviews were completed and all recommendations discharged before introducing the new system to the Service. The earliest date on which the Service was able to start its move towards introduction of the non-numeric standard was 17 March 2005 which was the date on which the Report on the 2004 Inspection was published.

The Lord Advocate has agreed in principle to this change to the new system and Director of SCRO has drawn up an implementation plan which takes account of aspects that are key to the successful transition to the non-numeric standard.

A major part of the implementation has been a communications exercise, including workshops, information packs and direct mailing, to ensure that all interested parties are fully prepared for the introduction of the new system which will take place in Autumn this year. Target audiences include the legal profession, the police community, the media, the wider fingerprint community and internal staff.
# ANNEX F

## GLOSSARY

<table>
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<tr>
<th>Acronym</th>
<th>Description</th>
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<tr>
<td>ACE V</td>
<td>Analyse, Compare, Evaluate, Verify</td>
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<tr>
<td>ACPOS TARC</td>
<td>ACPOS Technical and Research Committee (now Information Management Business Area)</td>
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<td>AFR</td>
<td>Automated Fingerprint Recognition</td>
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<td>APRT</td>
<td>ACPOS Presidential Review Team</td>
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<td>CMRT</td>
<td>Change Management Review Team</td>
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<td>CRFP</td>
<td>Council for Registration of Forensic Practitioners</td>
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<td>CTS</td>
<td>Collaborative Testing Services Inc</td>
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<td>HMIC</td>
<td>Her Majesty’s Inspectorate of Constabulary</td>
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<td>IEEGFI</td>
<td>Interpol European Expert Group on Fingerprint Identification</td>
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<td>NAFIS</td>
<td>National Automated Fingerprint Identification System</td>
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<tr>
<td>NTC</td>
<td>National Training Centre for Scientific Support (Durham)</td>
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<td>OMS</td>
<td>Office Management System</td>
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<td>PITO</td>
<td>Police Information Technology Organisation</td>
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<td>SAGEM</td>
<td>Manufacturer of AFR</td>
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<td>SLA</td>
<td>Service Level Agreement</td>
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<td>SPIS</td>
<td>Scottish Police Information Strategy</td>
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<td>SPSA</td>
<td>Scottish Police Services Authority</td>
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<td>SFS</td>
<td>Scottish Fingerprint Service</td>
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<td>8FSG</td>
<td>Eight Force Standard Working Group</td>
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Membership of the Expert Group advising the European Commission on forthcoming proposals on succession and wills and property consequences of marriage and other forms of union

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<tr>
<th>NOM</th>
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<th>Profession / Titres</th>
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<tbody>
<tr>
<td>Alice PERSCHA</td>
<td>AT</td>
<td>Notaire à Graz</td>
</tr>
<tr>
<td>Hélène CASMAN</td>
<td>BE</td>
<td>Professeur à la Faculté de Droit ULB</td>
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<td></td>
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<td>Docteur en Droit</td>
</tr>
<tr>
<td>Lenka LESZAY</td>
<td>CZ</td>
<td>Notaire à Prague</td>
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<tr>
<td>Christian BALDUS</td>
<td>DE</td>
<td>Professeur Université Heidelberg</td>
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<tr>
<td>Félix ODERSKY</td>
<td>DE</td>
<td>Notaire à Erlangen</td>
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<tr>
<td>Barbara REINHARTZ</td>
<td>DE</td>
<td>Professeur de Droit Notarial à l’Université d’Amsterdam</td>
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<tr>
<td>Hubertus ROHLLING</td>
<td>DE</td>
<td>Notaire à Hamm</td>
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Dear Pauline,

I wanted to make you aware of the outcome of the Justice and Home Affairs Council which took place in Brussels on 21 February. Tony McNulty MP, Baroness Ashton of Upholland and I represented the United Kingdom.

Council Agenda

Civil Judicial Co-operation

Proposal for a Regulation of the European Parliament and of the Council on the Law Applicable to Non-Contractual Obligations (Rome II)

This proposal seeks to regulate which country’s law should apply to a dispute with an international element concerning a non-contractual obligation. The Presidency sought to secure agreement to a package of measures with regard to Rome II. There has been difficulty in reaching agreement on whether or not to include defamation within the scope of the Regulation and the discussion at Council focussed on this issue. The Commission will shortly be publishing a revised proposal which would exclude defamation from the scope of the Regulation as a way of facilitating agreement. There was no consensus reached at Council and the Working Group was instructed to consider further the Commission’s revised proposal and draw up a clear approach for agreement at a later Council.

Criminal Judicial Co-operation

Data Retention

The Council adopted the Directive on the retention of electronic communications data by a qualified majority.
Framework Decision on the European Evidence (EEW) for obtaining objects, documents and data for use in proceedings in Criminal Matters

This measure extends the mutual recognition principle to the exchange of evidence between Member States. There was a great deal of progress made on this measure during the UK Presidency but we were unable to secure final agreement. The Council agreed to the provisions on the competent authorities for issuing and executing an EEW, and the grounds for refusal based on privileges and immunities and lack of measures available for execution. The Presidency tabled a compromise to the list of offences for which dual criminality was to be abolished. This followed the model used in the European Arrest Warrant and would attach explanations of the offences in a non-binding Council Declaration. The Council could not reach unanimity on this compromise and there is still further work to be done in the Working Group before that can be achieved. A Scottish Executive Official attends the Working Group meetings that discuss this proposal as part of the UK delegation.

Follow-up to the Court’s Judgement of 13 September 2005 (Case C-176/03 Commission v Council)

This item concerned the European Court of Justice judgement annulling the Framework Decision on Environmental Pollution. The Court found that the Council had legislated incorrectly under the 3rd Pillar provisions of the Treaty of the European Union rather than under the Treaty of the European Communities, i.e. 1st Pillar. This means that in the future criminal law measures are likely to be agreed under First Pillar (Directives) rather than the current Third Pillar (Framework Decision) rules. The proposal for the handling of First Pillar would be that Coreper II (Ambassadors) will consider any First Pillar proposals that include criminal law measures and refer them for an opinion to JHA experts. The Commission confirmed its intention to bring forward new proposals for Directives on environmental crime, counterfeiting of intellectual property rights and ship-source pollution.

Asylum and Immigration

Commission Communication on the Establishment of Structures involving the National Asylum Services of the Member States for Promoting Co-operation

The Commission presented its Communication on strengthening practical co-operation on asylum setting out the three core areas for activity:
- Establishing a single procedure
- Developing a common approach to country of origin information
- Providing assistance to relieve asylum pressure points.

The United Kingdom welcomed the Commission’s Communication but emphasised the need take a practical rather than legislative approach as the ideas set out in the Communication were developed. There was clarification that the proposed “asylum co-operation network” should be a tool rather than a new structure.

List of Safe Countries of Origin

The Commission was undertaking an analysis of country conditions in eleven countries to establish whether they fit the criteria for the safe list. Based on this analysis the Commission would draw up a formal proposal for an initial minimum common list of safe third countries as provided under Article 29 of the Asylum Procedures Directive. After a lengthy discussion the Presidency concluded that the Commission should make a proposal to Council as soon as possible and before the April Council.
Green Paper on European Migration Network

The Commission introduced its Green Paper stressing that its aim was to improve upon existing structures rather than creating new ones. A formal proposal is expected from the Commission by the end of 2006. There was discussion about the role of the Commission in appointing National Contact Points (the Commission proposal would make National Contact Points independent of Government) and the preference for some Ministers that Member States rather than the Commission should appoint and manage these.

Next Justice and Home Affairs Council

The next Council takes place on 27 and 28 April in Luxembourg.

I am copying this letter to David Davidson and Linda Fabiani.

[Signature]

CATHY JAMIESON
The Scottish Executive’s EU Priorities 2006

1. The attached Scottish Executive paper on its EU priorities has been agreed at Cabinet level and identifies 22 policy areas that the Executive intends to pursue. They are all currently at various stages of progress through the European Commission, the European Parliament and Council.

2. This paper and the appearance of the Minister at this meeting are part of the revised process proposed by the Executive and to which the Committee agreed in December last year. It replaces the Executive’s twice-yearly presentation to the Committee of its policy priorities for the upcoming 6-monthly EU Presidency which included a paper discussing the main issues for Scotland during the Presidency and statements of each Minister’s priorities.

3. The Executive’s view has been that, whilst this system had it merits, it was a little cumbersome and concentrated on the work of the European Council and less so on that of the Commission or European Parliament. An annual time horizon also takes better account of the fact that many major issues remain on the EU agenda for considerably longer than 6 months and fits better with the EU annual legislative cycle.

4. The Executive envisages a revision to the key dossiers in the course of the year with new dossiers being added and others falling off the list. Although this new process envisages that the Minister appears to present the Executive’s EU priorities to the Committee annually, rather than 6-monthly, it remains open to the Committee to invite a Minister to appear to give evidence on EU matters whenever it sees the need.

5. In future years, the Executive will aim to present its priorities to the Committee before the February recess.
6. I also attach a copy of the Scottish Executive European Union Office’s Forward Look for 2006. The Forward Look provides an overview of EU business of relevance to Scotland over the year. The format has changed this year to bring it into line with the Executive’s broader, more strategic view and provides an analysis of how all the key EU Institutions are dealing with and influencing the EU agenda for 2006.

Alasdair Rankin
Clerk to the Committee
0131 348 5234
KEY EU DOSSIERS FOR THE SCOTTISH EXECUTIVE

Policy Area       Agriculture
Title of Dossier  Lifting of the EU Beef Export Ban
Stage in EU process  Commission proposal

Brief Summary of Dossier
The EU beef export ban was imposed in March 1996 following the announcement of a link between BSE in cattle and vCJD in the human population. The Commission subsequently laid out a series of steps to be met before UK exports could resume. Attaining moderate BSE risk status for the UK cattle herd (achieved April 2005) together with the satisfactory report on UK BSE controls from the Food and Veterinary Office (September 2005), ensures that the conditions required by the Commission to lift the beef export ban have now been fully met. The Commission tabled a draft Decision to lift the Export Embargo on UK beef in late January which received a favourable response from many Member States. Key countries, such as France, Germany and Austria indicated they were not prepared to agree the ban should be lifted at that point. Formal adoption is anticipated (but not guaranteed) in early March leading to the EU ban being lifted in April.

Implications for Scotland
The lifting of the export ban is crucial to the beef industry in Scotland. Beef production is a key sector within Scotland’s agriculture industry and beef exports from Scotland in the year prior to the ban were worth £120m. Scotch beef still projects a positive image overseas and also commands a premium price on the UK market. The replacement of the Over Thirty Months Scheme by the Older Cattle Disposal Scheme on 23 January 2006 is likely to put pressure on the domestic market because of over-supply: the resumption of exports would release that pressure. Regaining access to EU markets is expected to increase livestock returns. While the rebuilding of markets is an uncertain process, work has already begun and many European buyers remain keen to source Scotch beef.

What the Executive is doing on this dossier
The Executive is fully involved in discussions with DEFRA and UKREP over the lifting of the ban. The Rural Affairs Minister has also participated in discussions with the Commission where appropriate. Briefing and information has also been provided to Scottish MEPs via the Executive’s EU Office in Brussels. The Scottish Executive, in conjunction with other interested organisations including Scottish Enterprise, Scottish Development International and Food From Britain has been actively supporting Quality Meat Scotland and the meat processing sector in the run-up to the opening of beef exports. We shall continue to work closely with these organisations to identify export opportunities for Scottish companies.
KEY EU DOSSIERS FOR THE SCOTTISH EXECUTIVE

Policy Area: Fisheries

Title of Dossier: Common Fisheries Policy: Review of the Cod Recovery Plan

Stage in EU process: Commission pre-proposal

Brief Summary of Dossier
The next steps in implementing the reform of the Common Fisheries Policy (CFP) will include further development of the role of Regional Advisory Councils and a programme of simplification. In addition, the forthcoming review of the cod recovery plan (CRP), which has in recent years dominated negotiations, will be critical to the future effectiveness and credibility of the CFP.

Cod is a key stock for many EU fishing fleets. Since 2002, the EU has agreed a series of measures to secure the recovery of cod stocks. The Fisheries Council is committed to taking action to achieve annual increases in the stock. A wide range of actions have been taken, including cuts in cod quotas, enhanced control measures and a restrictive effort control regime. Despite all these steps – which have had a severe impact on many EU fishing fleets – the scientific evidence suggests that there is still little sign of cod recovery. The Commission have indicated that they intend to instigate a review of the CRP. This is likely to look in particular at the nature of the effort control regime, but may also address the underlying objectives. The debate will be influenced by a number of other initiatives, such as the EU’s international commitment to maximum sustainable yield fisheries and the Commission’s work programme for simplifying the Common Fisheries Policy. The Review is likely to take at least 2 years.

Implications for Scotland
Recovery of cod stocks would be of considerable benefit to Scotland’s fishing industry, in particular the important whitefish fleet. Since 2002, that fleet has been reduced by over 150 vessels in order to bring fishing capacity more in line with fishing opportunities. A review of the CRP will be a major piece of work of importance to a number of member states, each with differing interests. There can be no certainty as to what it will conclude. From a Scottish perspective, it should be an opportunity to introduce measures which are more effective, better targeted and more transparent and which reflect better the sacrifices already made by the Scottish fleet.

What the Executive is doing on this dossier
The Executive has set out in its Sustainable Framework for Scottish Sea Fisheries the principles which should apply to sustainable stock management, including cod recovery. We shall be bringing these principles to bear in discussions in Whitehall and with the Commission as the Review gets underway. The current Cod Recovery Plan includes a number of extremely demanding targets, including the automatic further reduction in fishing effort unless there is a 30% improvement in the cod
biomass year-on-year. The merits and achievability of these targets should ideally be included in any review. We shall also be seeking to ensure that the Review takes a broad view of the issues to be addressed, includes clear objectives in terms of simplification, equity and effectiveness and is conducted in close collaboration with stakeholders, in particular the Regional Advisory Councils.
KEY EU DOSSIERS FOR THE SCOTTISH EXECUTIVE

Policy Area  Fisheries
Title of Dossier  Internal EU fisheries negotiations
Stage in EU process  Pre-proposal

Brief Summary of Dossier
Under the Common Fisheries Policy, the EU Fisheries Council decides annually on fishing opportunities for EU fishing fleets and a range of associated measures. These decisions are traditionally taken at the December Fisheries Council in the week before Christmas, on the basis of advice from independent scientists. Whilst many of the key decisions on quotas are increasingly taken in the context of external negotiations (see separate note), the measures which the Council adopts on issues such as the number of days on which vessels may operate are of considerable importance to the Scottish fleet. This year there are in addition a number of important issues outstanding from 2005 which will need to be pursued during 2006. These include an in-year increase in the monkfish quota and increased days at seas in return for an enhanced scientific observer programme and for the use in the nephrops (prawns) fishery of more selective gear.

Implications for Scotland
Several of the quotas decided in the EU internal negotiations – whether in-year or in December – are of importance to Scotland. These include monkfish and prawns. We shall be seeking to ensure that the quota levels agreed reflect sound science, allow for the sustainable exploitation of the stock and give Scottish fishermen a fair deal. On days at sea, much will depend on progress on the review of the Cod Recovery Plan (see separate note). The Scottish whitefish fleet has already suffered significant reductions in its fishing effort. Any further reductions must be focused primarily on other fleets.

What the Executive is doing on this dossier
The Scottish Executive will, as in previous years, contribute scientific expertise to the international stock assessment process, analyse the scientific assessments when they emerge in October and consult stakeholders on the issues which should be pursued in the negotiations. We shall be actively involved alongside DEFRA colleagues in those negotiations. On in-year issues, we have increased significantly our scientific programme on monkfish so as to be in a position at the end of the first quarter to provide the scientific evidence for an in-year increase. We are also preparing for deployment with the Commission the cases for increased days at sea in return for an enhanced observer programme and for the use of more selective gear in the nephrops fleet.
KEY EU DOSSIERS FOR THE SCOTTISH EXECUTIVE

Policy Area          Fisheries
Title of Dossier     External Fisheries Negotiations
Stage in EU process  Annual Negotiations: no Commission proposals

Brief Summary of Dossier
The EU negotiates fisheries agreements each year with a number of coastal states, setting fishing opportunities for shared stocks and associated control provisions. These negotiations are of crucial importance to the Scottish fishing fleet. They are conducted by the Commission on a negotiating mandate from the Council of Ministers with further instructions given in situ by officials from the interested Member States. The multilateral negotiations cover in particular mackerel, blue whiting and Atlanto-Scandian herring. The most important bilateral negotiations are with Faeroe Islands and, especially, Norway: the EU/Norway agreement sets fishing opportunities for key stocks such as North Sea herring, cod and haddock. They cover the setting of total allowable catches, technical measures and agreements on transfers. On EU/Norway, technical preparations begin in the Spring. The formal negotiations normally take the form of 2 rounds, concluding at the end of November or in early December. A key issue this year will be the review of the long term haddock management plan.

Implications for Scotland
For many of the key stocks for Scotland’s fishing industry, fishing opportunities are determined in these external negotiations. Of particular importance are mackerel, herring, haddock and cod. The importance of these agreements for Scotland will grow if agreement is reached on the joint management of other stocks, in particular monkfish. The Scottish objectives will be to ensure that, in the setting of TACs and agreements on transfers, a reasonable balance is struck between safeguarding the future of these stocks and securing a fair deal for Scottish fishermen.

What the Executive is doing on this dossier
The Scottish Executive is working with DEFRA to ensure that the UK’s position for these negotiations fully reflects Scottish interests and is effectively deployed. This should include a greater role for the EU Council of Ministers in scrutinising and developing the EU’s negotiating strategy for the annual negotiations with Norway. It is also working with Fisheries Research Services and stakeholders to ensure that there is an early informed debate on the options for the review of the haddock management plan.
KEY EU DOSSIERS FOR THE SCOTTISH EXECUTIVE

Policy Area                                  Aquaculture

Title of Dossier                             EU Trade Defence: Anti dumping measures against Norwegian farmed salmon

Stage in EU process                         Commission Regulation Published

Brief Summary of Dossier
The Commission has, at the request of Scottish and Irish salmon producers, pursued the application of trade defence measures over the past 2 years. This has resulted in anti dumping regulations being applied against Norway. The measures were adopted by the Council on the 17 January and can last for 5 years. The measures consist of a 2.8 Euro per kilo whole fish equivalent minimum import price (MIP) but can be subject to review.

The Commission is likely to consider a review of measures if there is an identified economic impact on the EU fish processing industry, or if imports from other non EU countries increase and have a significant effect on the market price.

Implications for Scotland
The Scottish industry can be split into 2 groups, the multi national business and smaller Scottish owned companies.

Small Scottish businesses, represented by the EUSPG, highlighted that they were being forced to close, or sell, because of a long and sustained market recession. They believed that market failure was being sustained by large volumes of Norwegian salmon being sold into the EU below the cost of production. The Commission anti dumping investigation has proven the EUSPG correct and confirmed that large volumes of Norwegian salmon were being sold into the EU market at loss making prices over a sustained period.

The multi national businesses have opposed measures probably because they have significant production interests in Norway. They argue that the Executive should prioritise effort into streamlining regulation, improving access to medicines and facilitating site optimisation.

What the Executive is doing on this dossier
We have pursued trade defence measures to support the Scottish-owned industry and will continue to support efforts to ensure fair trade within any review process. We will also support the Commission on any work required for WTO or other appeal processes. Prices on the EU market are currently at their highest level since 2000, which suits all salmon production businesses operating out of Scotland.

We will continue to work on streamlining regulation, improving access to medicines and are progressing the ‘relocation’ priority action. At the same time we continue to progress the Strategic Framework for Scottish Aquaculture to ensure a fully sustainable industry.
KEY EU DOSSIERS FOR THE SCOTTISH EXECUTIVE

Policy Area: Fisheries

Title of Dossier: Common Fisheries Policy: Proposals for a new aquaculture health Directive

Stage in EU process: The document is a Council proposal (not Commission)

Brief Summary of Dossier:
The proposal updates and consolidates existing legislation to take account of development of aquaculture practices over the past 15 years. The proposed changes include:

- Additional provisions for authorisation of aquaculture businesses
- Provisions for centralised electronic recording of live fish movements within Member States
- Member State discretion to pay compensation for compulsory slaughter
- Risk based health surveillance system
- Provision for Member State to declare disease freedom for areas of their territory in certain circumstances

Implications for Scotland:
Scotland enjoys a high fish health status compared to much of continental Europe and it is important that any changes to the current regime do not jeopardise that status. The Scottish Executive is generally supportive of the aims of the proposal but we have concerns on a range of issues, notably the following:

- *Gyrodactylus salaris* (Gs) (a parasite that affects wild salmon populations) should be included in the list of non-exotic disease in Annex II of the proposal rather than being subject to control solely on the basis of national measures. Moreover, those Member States like the UK who have been declared free of the parasite should be permitted to retain the safeguard trade measures that currently operate to prevent the introduction of Gs to free areas of the Community.

- We need to ensure that the financial impact of the proposal is proportionate to its benefits for example in relation to the introduction of new risk based surveillance arrangements and other operations.

- The proposed risk based health surveillance arrangements need to be more clearly defined and transparent to ensure that we do not become obliged to accept imports of live fish from countries that adopt an inadequate surveillance regime.

What the Executive is doing on this dossier:
SEERAD and our fish health scientists at the Fisheries Research Services have been working closely with our UK counterparts and with industry representatives. Discussions are continuing on areas of concern to ensure that negotiations at EU
Working Groups deliver outcomes that maintain our comparatively high health status.
KEY EU DOSSIERS FOR THE SCOTTISH EXECUTIVE

Policy Area          Fisheries
Title of Dossier    European Fisheries Fund
Stage in EU process Commission proposal

Brief Summary of Dossier
European funding for the fisheries sector has been delivered through a number of Commission programmes, the current one being the Financial Instrument for Fisheries Guidance (FIFG). The programming period covered by FIFG is 2000-2006. The FIFG programme is therefore about to end and will be replaced by the European Fisheries Fund (EFF) over the period 2007-1013.

There is as yet no agreement between Member States on the terms of the final EFF regulation. Coupled with this the uncertainties associated with financial allocations to the UK, and their apportionment between the fisheries administrations, delivering a successful launch of the EFF programme in early 2007 is becoming increasingly challenging.

Implications for Scotland
Under the FIFG programme Scotland’s allocation was some £55m (£17m in the Highlands and Islands and £38m for ‘Lowland’ Scotland). Enlargement of the European Union coupled with a relatively static Community budget means that the UK, and Scotland, will receive considerably less EFF than FIFG. Although this is inevitable the EFF will still represent the main source of ‘State Aid proof’ Executive funding to the fisheries sector and the principal route by which we can deploy financial resources to deliver our stated objectives for the individual sectors.

What the Executive is doing on this dossier
Scottish Executive officials are working with the three other fisheries administrations to ensure that UK and Scottish interests are communicated effectively to the Commission. In advance of delivering its EFF programme the UK is required to submit a National Strategic Plan and an Operational Programme to the Commission. As part of the wider UK effort Scotland will produce its own ‘stand alone’ versions of these documents and deliver a locally managed Scottish EFF programme. The Executive will need to ensure that Scotland receives an equitable share of UK resources and that stakeholders make a full contribution to the development of the content of the Operational Programme and also to the management and delivery of the EFF programme.
KEY EU DOSSIERS FOR THE SCOTTISH EXECUTIVE

Policy Area
Justice and Home Affairs

Title of Dossier
Draft Framework Decision on mutual recognition of Bail Decisions

Stage in EU process
Commission proposal – Expected early 2006

Brief Summary of Dossier
We expect the thrust on this initiative to be that where it is viewed appropriate for a national of a Member State to be granted interim liberation by a court of his State of nationality pending further criminal proceedings, that right should also be extended to a foreign national where the situation of the individual concerned is similar to that of a national. It is believed, for example, that many foreign nationals are imprisoned after being refused bail, simply on the grounds of their nationality and that there is no guarantee that they will return for the subsequent proceedings. We think that the draft Framework Decision will propose the mutual recognition of bail orders, with conditions and obligations built in to ensure attendance at any subsequent proceedings, to be guaranteed by the State of nationality.

Implications for Scotland
It is likely that Scottish courts will be required to consider offering a type of bail to foreign suspects, where they would do so in a like situation where a national would be liable to be offered bail. Likewise, it is likely that the Scottish authorities would be asked to monitor Scottish nationals who had been subject to initial proceedings in another Member State and who had been offered bail under the scheme, with the need to ensure where required the attendance of individual concerned at subsequent proceedings in that Member State.

What the Executive is doing on this dossier
Once the draft Framework Decision is published the SE will assess it and will liaise with the lead HO unit which is likely to be involved in the Working Group negotiations. Once the FD enters with Working Group, and depending on the assessment as to possible implications for Scotland, we will consider, if resources permit, attendance by an official at the Working Group.
KEY EU DOSSIERS FOR THE SCOTTISH EXECUTIVE

Policy Area: Higher Education and Research

Title of Dossier: Proposal to establish a European Institute of Technology (EIT)

Stage in EU process: Commission Proposal – expected early 2006

Brief Summary of Dossier
In its mid-term review of the Lisbon Strategy, the European Commission indicated that it would explore the idea of a European Institute of Technology (EIT) which is intended to rival the USA’s MIT. The aim of the EIT, if established, would be to raise the quality and profile of European research, drawing together the academic, research and business worlds to maximise Europe’s knowledge potential. The Commission issued a public consultation document which presented a wide range of options for the possible mission, added value, structure and priorities for an EIT. The EC consultation states that no new institution is to be created and some form of collaborative institution is envisaged which would be self-selecting and autonomous. The consultation closed on 15 November and, if the concept is supported, the Commission will present a Communication to the 2006 Spring European Council.

Implications for Scotland
If the EIT goes ahead, the Commission will issue a call for expressions of interest and Scottish higher education institutions will be able to bid. Much depends on the model for the EIT that the Commission chooses, and until this is known it is unclear whether Scottish institutions will be in a position to bid strongly. However, measures of research intensity in the university sector in Scotland are amongst the highest in Europe and this can only help in any bid. Strong Scottish participation in the EIT could help to build our position as a science nation, acting as a magnet for talented scientists. Funding of EIT has still to be resolved but is envisaged to come from existing EU resources. Any financial contribution from member states would be from the UK government rather than the Executive.

What the Executive is doing on this dossier
The Scottish Executive is fully engaged with Whitehall on developing a response from the UK Government to this proposal, following discussion with stakeholders including the Scottish Funding Council, Universities Scotland and the Royal Society of Edinburgh. We are closely monitoring developments on this issue, in liaison with Whitehall, and are awaiting a decision by the Commission on whether they will take the EIT concept forward to the Spring Council. The Deputy Minister for Enterprise and Lifelong Learning attended the European and External Relations Committee on 20 December to discuss EIT and agreed to keep the Committee updated on the Commission’s progress.
KEY EU DOSSIERS FOR THE SCOTTISH EXECUTIVE

Policy Area          Education
Title of Dossier     European Qualifications Framework
Stage in EU process  Commission recommendation. A consultation exercise has just been completed and results will be announced at 27 February in Budapest.

Brief Summary of Dossier
The February 2004 Joint Interim Report of the Education Council and Commission on the implementation of the Education and Training 2010 work programme gave priority to the development of a European Qualifications Framework as an essential contribution towards the Lisbon Strategy. In the Maastricht Communiqué of December 2004, Ministers from 32 European countries, European social partners and the Commission gave priority to the development of an open and flexible reference tool designed to facilitate the recognition and transferability of qualifications. The main policy objective is to establish – on a voluntary basis – a European reference framework. A set of common principles will allow for the comparison of education and training provision supported by principles of quality assurance, guidance, validation and competences.

Implications for Scotland
Scotland already has an integrated qualifications framework in the Scottish Credit and Qualifications Framework (SCQF). A European Qualifications Framework would provide the mechanism for Scottish qualifications to be recognised by other European Union member states, and vice-versa, in order to facilitate mobility, progression and transferability across Europe.

What the Executive is doing on this dossier
As part of the UK Presidency of the EU, the Scotland Executive held a major conference to directly inform the EQF consultation exercise. SCQF Development Partners both within and out with the Executive are directly involved in the development of the framework to ensure that Scotland’s framework and related policies can influence and direct the proposal as appropriate. Scottish Executive officials will attend, as part of the official UK delegation, the EQF conference, to disseminate the consultation findings, in Hungary on 27-28 February 2005.
## KEY EU DOSSIERS FOR THE SCOTTISH EXECUTIVE

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### Brief Summary of Dossier
After detailed discussions over the past few years a draft Directive provides for the protection of groundwater in a proportionate, risk-based manner in line with the Water Framework Directive. It is likely that some interests in the EP will seek to amend the draft Directive. A Westminster EM – Explanatory Memorandum – has been submitted.

### Implications for Scotland
Scotland has supported the UK line that groundwater is a valuable resource, which should be protected, and that the protection should be on a proportionate and risk-related basis, as opposed to the application of common standards across all groundwaters.

### What the Executive is doing on this dossier
We are liaising with DEFRA, the Environment Agency and SEPA on the development and application of appropriate environmental standards for particular substances in relation to groundwater.
KEY EU DOSSIERS FOR THE SCOTTISH EXECUTIVE

Policy Area [Marine] Environment

Title of Dossier Marine Strategy Directive

Stage in EU process Commission Proposal Published October 2005. European Parliament First reading has commenced.

Brief Summary of Dossier
The Marine Strategy consists of a Communication and a draft Marine Strategy Directive which aims to promote sustainable use of the seas and to conserve marine ecosystems. The draft Directive, modelled on the EU Water Framework Directive, establishes a framework for the development of national Marine Strategies by Member States designed, collectively, to achieve Good Environmental Status (GES) for Europe’s marine environment by 2021. The strategies will require initial assessment of the current environmental status, determination of GES (taking account of criteria and standards to be developed by the Commission), establishment of environmental targets and a monitoring programme for ongoing assessment and updating of targets. Measures, to manage human activities, will have to be developed to ensure that the good environmental status identified is achieved.

Implications for Scotland
The seas around Scotland, out to the limits of UK jurisdiction, would be subject to the required Marine Strategies, including assessment, ongoing monitoring and environmental targets. This work, which could possibly be much more than currently occurs, would be undertaken by such bodies as Fisheries Research Services. At this stage it is not known if Scottish waters would be subject to a Scottish strategy or part of a wider UK strategy. Either way, implementation in the UK territorial waters adjacent to Scotland would be a matter for the Executive under the devolution settlement and would inevitably result in additional costs. The aspirations of the Directive are very similar to the objectives in the Executive’s “Strategy for the long term sustainability of Scotland’s coasts and seas” published in September 2005.

What the Executive is doing on this dossier
Scottish Executive is working closely with DEFRA in its public consultation exercise on the dossier (closes 31 March 2006) and in developing the UK line for negotiations on the draft Directive. The Scottish Executive has reservations about the need for a new Directive because other, non-legislative, options have not been fully explored and because the costs to industry and in implementation are likely to be significant and have not yet been fully assessed at an EU level.
KEY EU DOSSIERS FOR THE SCOTTISH EXECUTIVE

Policy Area: Transport

Title of Dossier: PSO Regulation ("Public Service Obligations in Land Transport")

Stage in EU process: Council first reading

Brief Summary of Dossier
The proposal would replace the existing Community Regulation (1191/69) governing the procurement and funding of inland public transport, to provide greater legal clarity. Recent European Court of Justice cases, including 'Altmark', have provided some clarification of the relationship between public service contracts ("PSCs") and EU competition law. In general, the proposal would define the conditions under which authorities would be able to intervene in the delivery of public passenger transport by road and rail to ensure the provision of services which are more frequent, safer, of higher quality or more affordable than those that pure market forces would provide. It would not require authorities to tender services requiring financial support or exclusive rights. Rather, it would give them discretion to provide the services themselves or directly to award a contract to an internal operator (which would then be precluded from seeking to tender for services elsewhere). Additionally, in the case of regional or long-distance rail services, an authority would be free directly to award a PSC to any operator without competitive tendering.

Implications for Scotland
Existing arrangements for subsidised bus services would appear to be in line with this proposal. The possibility to continue to operate the Glasgow Underground as a vertically integrated service, directly operated by SPT, would be preserved by this proposal. Existing rail franchise arrangements should also remain possible. However, any changes to the proposal in negotiations in the Council and European Parliament would need to be closely monitored. Unless the proposal changes substantially there are no implications of any significance with respect to rail’s legal and policy position, nor for the FSR franchise.

What the Executive is doing on this dossier
Transport Group has been in touch with DfT in the development of a UK position, on which public consultation has just been completed. Transport Scotland will continue to work with DfT and will monitor the proposals. The EU Office will attend Working Groups in Brussels to monitor progress.
KEY EU DOSSIERS FOR THE SCOTTISH EXECUTIVE

Policy Area: Transport

Title of Dossier: Reform of the EC regulation governing airport slot allocation

Stage in EU process: Commission proposal

Brief Summary of Dossier:
The Commission intends to produce a Communication including a legislative proposal on slots i.e. the revision of Slots Regulation 95/93 as amended. This issue is provisionally down for discussion at the June Council. This is likely to support formalising secondary trading and possibility a permissive stance on auctioning new capacity. The UK Government is continuing dialogue with the Commission and other Member States to build support for the UK position which supports formalising secondary trading of slots at congested airports; favours auctioning as the most effective allocation method for new capacity and pool slots; and believes a full assessment of the impacts of formalised secondary trading is required after an initial time period before the Commission considers proposing any further more radical reforms. Slot allocation is not in the Austrian Presidency’s priorities for aviation.

Implications for Scotland:
If the revised Slots Regulation formalised secondary slot trading, regional bodies could have the ability to buy slots as a mechanism of protecting their access to that hub. The Executive would be concerned about any mechanism which could lead to a requirement for Scottish interests to buy slots to secure access.

What the Executive is doing on this dossier:
Nicol Stephen (as Transport Minister) wrote to the Secretary of State for Transport accepting the logic of formalising present secondary trading practices but expressing concern about the potential requirement for Scottish interests to buy slots to secure access. The Executive will continue dialogue to ensure that the Scottish interests are considered in the UK position. Austria and Finland may well delay the proposal because they do not share the UK’s problems of airport congestion. Consequently this may mean waiting until the German Presidency in 2007 before the proposal is advanced.
KEY EU DOSSIERS FOR THE SCOTTISH EXECUTIVE

Policy Area
Justice and Home Affairs

Title of Dossier
Applicable Law & Jurisdiction in Divorce (“Rome III”)

Stage in EU process
Commission Green Paper

Brief Summary of Dossier
This Green Paper explores the possibility of harmonising applicable law rules in divorce. These are the rules which determine which country’s law should apply to an international divorce, e.g. a Spanish husband and Finnish wife divorcing in Scotland. There are an increasing number of such proceedings. It also poses questions about reforming the jurisdictional rules in international divorces, which are currently contained in the Brussels IIA Regulation (Council Regulation (EC) No 2201/2003).

Implications for Scotland
Scottish Executive and UK Government are not in principle hostile to changes in the rules concerning which countries’ courts have jurisdiction, so long as these can be properly justified with evidence. The current rules in Brussels IIA are fairly recent and we would not want to see further change for no good reason. Harmonisation of applicable law is a problem for all the UK jurisdictions, as none of us apply foreign law in family cases. To do so would be liable to add to the cost and complexity of such divorces, and to cause delay.

What the Executive is doing on this dossier
Extensive consultation took place on the UKG response to the Green Paper, which consisted of officials from the Scottish Executive’s Justice Department and the Department for Constitutional Affairs drafting separate responses and then merging these. There is UK-wide agreement on policy. The response has now been submitted. Justice 1 Committee are taking an interest in this dossier and in Wills and Succession (see separate note). They are anxious about the implications and are seeking a debate in the Chamber in February/March 2006, although the Commission proposal is not likely to issue until summer/autumn.
KEY EU DOSSIERS FOR THE SCOTTISH EXECUTIVE

Policy Area            Justice and Home Affairs
Title of Dossier      Succession and Wills
Stage in EU Process   Commission Green Paper

Brief Summary of Dossier
This is a lengthy and complex Green Paper which explores possible harmonisation of the rules of applicable law (which country’s law applies), jurisdiction (which countries’ courts/authorities should have jurisdiction) and recognition and enforcement of judgements across frontiers in international successions. It also looks at the possibility of common administrative procedures in certain areas. International successions are increasingly common, for instance when the deceased lived in one country but potential beneficiaries are in another, or where assets are owned in more than one country.

Implications for Scotland
Scottish courts already have experience of applying foreign law in this area, although it is likely that any common European agreement would require changes to our current rules. The benefit would be international uniformity. At present there is potential for different countries which have an interest in the succession to disagree about whose law should apply or who should take jurisdiction. The risk is that new rules might have to be significantly more complex in order to achieve consensus.

What the Executive is doing on this dossier
Because of the complexity of the issues raised by the Green Paper, the Department for Constitutional Affairs (DCA) has obtained an extension of time from the Commission for submitting a response. Draft Scottish Executive and DCA responses have been prepared and are in the process of mutual adjustment. Scottish Executive officials are consulting external Scottish experts. It is expected that a UK Government response (possibly with a separate Scottish section) will be submitted soon. Justice 1 Committee have taken an interest in this dossier and in Rome III and are pushing for a debate in the Chamber in February/March, though the Commission’s proposal will not issue until substantially later.
KEY EU DOSSIERS FOR THE SCOTTISH EXECUTIVE

Policy Area
Justice and Home Affairs

Title of Dossier
Decision of the European Court of Justice (ECJ) on the Framework Decision on Environmental Pollution

Stage in EU process
Consideration by Commission and Member States of the implications of the case

Brief Summary of Dossier
The ECJ on 13 September 2005 gave judgment in case C-176/03 concerning the correct Treaty base for legislating in the EU on criminal law issues, to ensure the effectiveness of measures taken to protect the environment. The Court found that the Council had, in that case, incorrectly legislated under the provisions of the TEU and annulled the measure in question.

The European Commission then published a communication setting out its interpretation of the judgment and proposals for Instruments already adopted and future legislative proposals. That communication though recognising that, as a general rule, criminal law falls out with the Treaty of the European Communities, went on to take a wide interpretation of the judgment. It suggests that where criminal measures are necessary to ensure effective implementation of First Pillar legislation, these may be agreed in a First Pillar Instrument (usually by qualified majority voting and co-decision) as opposed to the unanimity required for Third Pillar Instruments.

Implications for Scotland
The judgment reads across all areas of Community policy where criminal law measures are considered necessary in order to ensure that the provisions of those measures are properly observed. Such a wide interpretation has potentially serious implications for the competence of the Scottish Parliament to legislate in areas of criminal law. This is a concern shared in their own legal systems by the UK Government and the majority of other Member States.

What the Executive is doing on this dossier
Executive officials are working closely with the UK Government to monitor the development of the response of the Commission to the reaction by Member States of its communication. Although there are indications that it accepts the need to retreat from the very wide interpretation initially given, it seems likely that the Commission will push – in individual cases – for a broadening of its competence in areas of criminal law, using this case as a precedent. The Executive need to continue its involvement in influencing UK Government thinking on the immediate response to the decision and in monitoring future proposals across all areas of Commission activity, where criminal sanctions might be considered appropriate.
KEY EU DOSSIERS FOR THE SCOTTISH EXECUTIVE

Policy Area : Competitiveness (Developing a genuine Internal Market)

Title of Dossier : Internal Market in Services

Stage in EU Process : The current draft text is provisionally scheduled to go before a European Parliament plenary session in February 2006. Following the European Parliament plenary session, the EC will produce a revised draft of the proposal, and negotiations will reconvene in relevant EU committees. There are significant differences of opinion and direction amongst the member states – including on the primary issue of the country of origin principle, and of the definition of the scope of the directive. Negotiations are expected to be protracted and the outcome is not clear.

Brief Summary of Dossier:
The European Commission has published proposals to improve the free flow of services around the EU in an effort to realise European businesses’ full potential, increase productivity and job creation, and deliver benefits to consumers through greater competition. The Services Directive aims to break down barriers to cross border trade in services between EU Member States by making it easier for providers to:

- Establish themselves and offer services in other Member States by removing unnecessary regulation and bureaucracy
- Provide services temporarily and/or at a distance based on the rules in the country in which they are established (under the country of origin principle).

Implications for Scotland
Except in the technical application of the Directive requirements to Scottish service industry structures and standards where they are distinct from UK industry norms, there is no specific implication for Scotland as distinct from the UK.

What is the Executive doing on this dossier?
The regulation of international trade is reserved, and as such the DTI has taken the lead role for the UK in EU negotiations over the Services Directive.

The Scottish Executive has maintained an ongoing interest in the progress of negotiations, contributing formally to UK governmental correspondence requesting agreement on negotiating positions and policy, and through input to ongoing DTI consultations and discussions.

Where appropriate, Scottish Executive Departments have also been in liaison with UK counterpart departments to align their policy positions and activity on this issue. Scottish Executive interpretation of the Directive has matched that of the DTI / UK Government, with any concerns raised being held in common with the overall UK position.
KEY EU DOSSIERS FOR THE SCOTTISH EXECUTIVE

Policy Area: Structural Funds

Dossier: Structural Funds/EU Financial Perspective 2007-13

Stage in EU Process
With the settlement of an EU budget deal by the UK Presidency in December, the key financing issue for Structural Funds has been settled. However, the Austrian Presidency needs to steer the Council’s budget agreement through the European Parliament, as well as the Community Strategic Guidelines (which set overall policy for EU cohesion policy) and the individual Fund regulations.

Summary
The Council’s budget deal needs to pass through the European Parliament, but it is expected that this is likely to happen under the Austrian Presidency with few significant changes to the deal. The deal sets the overall budget for Structural Funds, the amounts for each of the Objectives within the budget heading and the eligibility criteria for different regions. The Community Strategic Guidelines are close to being agreed at Council level as well – the Commission will resubmit a revised version to Council and then the Austrian Presidency will negotiate the CSGs with the European Parliament. Again, some minor changes may result, but it is unlikely that the European Parliament would push through any significant revisions.

Implications for Scotland
With the settlement of the budget deal, Scotland will receive Structural Funds in all regions, though at a greatly reduced level.

What is the Executive doing?
Preparations are underway to begin planning future programmes in Scotland. Stakeholder events have been held across Scotland and proposals for new programmes and new delivery arrangements will be developed over the coming months. The intention is for programmes to be submitted to the Commission for negotiation by the summer so that the new programmes will be in place for the start of the new financial perspective period on 1 January 2007.
KEY EU DOSSIERS FOR THE SCOTTISH EXECUTIVE

Policy Area
Competitiveness

Title of Dossier
Better Regulation Agenda

Stage in EU process
Better Regulation was a key UK Presidency priority and one of the corner stones of the UK’s economic reform agenda. Fortuitously Better Regulation was also a priority for Gunter Verheugen, European Commissioner for Enterprise and Industry, who has pledged to make reducing EU red tape a trade mark of his tenure in office.

Brief Summary of Dossier
The Executive strongly supported the UK Government in its efforts to make Better Regulation a key Presidency priority. Indeed many of the new initiatives coming from the EU Commission are ones which we in the Executive have been practising for years. (better consultation, use of Regulatory Impact Assessments, simplification, post legislative reviews etc).

Implications for Scotland
Although the UK’s relations with the EU is a reserved matter we work closely with SBCG sub group and Scottish industry generally, the Scottish Executive Office in Brussels, the UKREP, REGLEG counterparts, the European Policy Centre Task Force on Better Regulation and with officials in the EU Commission itself to influence the EU Better Regulation agenda.

What the Executive is doing on this dossier
The Improving Regulation unit keeps in contact with our office in Brussels in an attempt to learn of EU regulatory proposals at an early stage so that we can alert appropriate bodies to any prospective developments which may affect them. Following an discussion in Brussels in December under our Sub Rosa¹ series we have just made available a report focusing on the clarity and transparency of EU legislation and its effects on businesses and in particular SMEs. On Tuesday 31st January 2006, the Head of Enterprise and Industry Division of ETLLD, gave a Better Regulation presentation from a devolved administration perspective, to German Länder Representatives organised by the Foreign and Commonwealth Office in London.

¹ Sub Rosa (latin) “Under the Rose” - in confidence - from the practice in diplomacy during the Middle Ages of hanging a rose over a meeting as a sign of confidentiality and freedom to speak candidly. ‘Sub Rosa’ is a high level, European policy discussion forum sponsored by an informal partnership between the Scottish Executive and the two government Development Agencies for Scotland - Scottish Enterprise and Highlands and Islands Enterprise.
KEY EU DOSSIERS FOR THE SCOTTISH EXECUTIVE

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**Brief Summary of Dossier**
The proposal simplifies the current legislation (including simplifying future reviews); categorises spirit drinks into three broad groups; defines composition and preparation for specific spirits; responds to WTO and TRIPs requirements; and clarifies the rules on geographical indications.

**Implications for Scotland**
It is an important proposal for the Scotch Whisky industry, which welcomes most of its content, particularly clarification of the definition of whisky and clarification of geographical indications. When concluded it should make it easier to protect the unique nature of the Scotch Whisky brand in international markets.

**What the Executive is doing on this dossier**
The Scottish Executive, along with other bodies such as the relevant trade associations, have been consulted for initial views and will be involved in a more detailed consultation ahead of formal discussions on the proposal in Brussels. Once negotiations in the Council and European Parliament start, the Scottish Executive will follow developments very closely, keeping in touch with the industry as necessary. Executive officials and solicitors are working very closely with DEFRA'S and a meeting of all interested stakeholders will take place later this month.
KEY EU DOSSIERS FOR THE SCOTTISH EXECUTIVE

Policy Area Employment

Title of Dossier Working Time Directive (WTD)

Stage in EU process
Austrian Presidency will endeavour to bring negotiations on this to a conclusion. Seeking political agreement. No agreement was reached under the UK Presidency despite extensive discussion on the topic at the Employment Council on 8/9 December.

Brief Summary of Dossier
The Directive lays down minimum safety and health requirements for various aspects of working time including maximum weekly working time, rest breaks and annual leave. It sets a time limit of 48 hrs per week up to which an employee can work although voluntary opt-out provision means that Member States may allow workers to exceed this limit provided that they have official agreement of individual workers. The Commission undertook a review of Article 22(1) which also covered the definition of working time following the ECJ judgements of SiMAP/Jaeger which concern workers 'on-call' at a place of work.

Implications for Scotland
The SiMAP/Jaeger judgements have the greatest impact on the NHS with the potential to impact on various other sectors that use on-call working although there does not appear to be any peculiarly Scottish dimensions. If the opt-out is not retained there will be implications across most sectors.

What is the Executive doing?
The regulation of Employment is a reserved matter and DTI takes the lead but officials remain in close contact with the Whitehall leads and Health colleagues are fully engaged with their DoH counterparts in respect of the NHS aspects. Scottish Ministers also attend the regular meetings of the Joint Ministerial Committee (Europe) which takes stock of developments and considers the UK strategy.
EU Office

EUROPEAN UNION

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1. INTRODUCTION TO THE FORWARD LOOK

Content of the Forward Look

This Forward Look for 2006 provides an overview of EU business of relevance to Scotland during the year. The format has changed this year in order to provide a more strategic and broader analysis looking beyond the work of the Presidency to include how all the key EU Institutions are dealing with and influencing the EU agenda for 2006. This approach should allow us to track issues of interest to Scotland more fully; and it reflects the limitations of the role of six monthly presidencies. The document is split into policy sectors (see contents) which provide detailed commentary on the dossiers to be taken forward during the year. There is a “Horizontal Issues” section, which covers a number of cross-cutting issues. Each section gives dates for key, relevant meetings including Councils, where these are known.

What is on the horizon for the EU in 2006?

The EU in 2006 is likely to be an EU of two distinct halves. On the one hand, at the strategic level there will be the continuing “EU in crisis” agenda with the problems over the Constitution Treaty and popular misunderstanding and criticism of Europe. This debate is likely to spill over into a number of other areas including the discussions on growth and jobs and enlargement. On the other hand, following the successful UK brokering of the financial perspectives deal and the resolution of several key legislative dossiers, there will also be clear evidence that EU is making steady progress on a raft of legislative and spending programmes for the new financial period. In addition the EU will have to – as always – face up to a range of domestic and foreign policy crises on matters as diverse as avian flu, energy, Iran and can be expected to devote a good deal of resources to the preparation and management of crises and to terrorism issues.

The Constitutional Treaty will be back on the agenda because the European Council in June 2005 agreed they should look at it again in the first half of 2006 to assess the national debates on the future of Europe. The Austrian Presidency wants to adopt a road map on the steps to be taken on the Constitution over the coming years. Given the range of views amongst the member states this will be an uphill task. In France Nikolas Sarkozy – interior minister and Presidential hopeful for 2007 - has put the issue back on the French political agenda by suggesting a slimmed down constitution should be ratified by Parliamentary procedure without further referenda. Italy, Germany and Austria are all keen to see some revival of the Constitution. But Bernard Bot, the Dutch Foreign Minister, has made clear the Constitution is dead for the Netherlands. And Jack Straw indicated in Westminster that it was difficult to argue that the Treaty was not dead. In the absence of agreement on the way forward on the Constitution, there will be continuing focus on how the EU can better engage with its citizens. The Commission’s White Paper on their communications strategy due at the start of the year will aim to address this issue.

There is growing consensus that the best way to engage citizens is by showing that the EU can deliver on its growth and jobs agenda, i.e. the things that really matter to people. This is a priority for both the Austrian and Finnish Presidencies and for Barroso’s Commission. The Lisbon Agenda will be high on the agenda with the Spring European Council assessing National Reform Plans for the first time. But there are also divisions on how growth and jobs should be delivered, particularly relating to the approach to globalisation with much of Europe still seeing it as a threat rather than an opportunity. Many member states – supported by the Parliament – also want to ensure that work on social Europe will be progressed in tandem with discussion on Lisbon. The Hampton Court Summit during the UK Presidency went some way to bridging the gaps in this area and started some important work on related issues. A number of specific dossiers will continue to be seen as an integral part of the growth and jobs agenda, including research and development, the services directive, financial services and increasing concern about security of energy supplies.
The future of Europe debate is also likely to influence progress on enlargement. In the light of the “no” votes on the Constitution, some member states think the process is going too fast. It was a major achievement of the UK Presidency to get Turkey negotiations started, but there is still scope for major problems in them and other enlargement plans, although at this stage it looks as if Bulgarian and Romania will join in 2007 as planned.

Despite the divisions on some of the strategic issues, a good part of the EU’s angst has been dissipated by the agreement on the financial perspectives for 2007-13. There will now be a flurry of activity as negotiations on the big spending areas (notably structural funds and research and development) are hurriedly concluded so that transition to the new financing period in 2007 can take place as smoothly as possible. This is particularly important for the new member states as they get ready to absorb unprecedented levels of economic development spending in their territories. Before the legislation can be concluded a negotiated settlement is needed on the financial perspectives with the European Parliament. The latter is trying to use its power to increase the annual budget year-on-year to get an increase from the European Council agreement of a total budget of 1.045% of GNI to a figures nearer 1.06%. The Parliament’s own work programme for 2006 highlights research and the Lisbon process; education and improving Europe’s universities; and demographics and family support. This may give some clues about where they may wish to increase headline spending in the financial perspectives negotiations with the Council. The Austrian Presidency is hoping to finally conclude these negotiations in April/May. Not everything was settled in the December financial perspectives deal. In particular the prospect of the review of spending in 2008/9 will keep the debate on future CAP spending alive.

Both the Austrian Presidency at the start of 2006 and the Finnish Presidency at the end, will be constrained by respective elections which will follow shortly on the heels of each of their Presidencies. The temptation to use their Presidency to promote their standing at home will not always sit easily with their Presidency responsibilities.

Updating the Forward Look

The Forward Look was prepared in January 2006 by the Scottish Executive EU Office in Brussels. It represents a picture of the EU agenda at that time but, of course the agenda will move on quickly. The information in the following sections will be supplemented by a shorter update which will be available once the Finns have made their plans clear at the start of their Presidency in July.
2. HORIZONTAL ISSUES

Key Dates

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The Constitution and the Future of Europe
Following the “no” votes in the referenda on a Constitutional Treaty in France and the Netherlands, the European Council in June 2005 called for a period of reflection on the Constitution. Member states have since launched various forms of national debate on the future of the European Union, although in many the debates have not been prominent or structured in any sense. This year should see the Constitution resurface because heads of state agreed they would assess the national debates in the first half of 2006. The Austrian Presidency intends to revive the discussion and will hope to establish a consensus between member states on the best way forward in some sort of “road map”.

Commission President, Barroso, has said that the “no” votes must serve as a wake up call to Europe for its leaders and European Institutions to re-connect with citizens. A white paper is expected in February about the Commission’s communication strategy and how they intend to take this forward. In parallel, the Commission’s Plan-D for Democracy, Dialogue and Debate, adopted in October 2005, contributes to the period of reflection by setting out a series of long-term measures aimed at re-engaging with the public and restoring confidence in the European Union. On the same day as Plan D was launched, Vice-President of the Commission Margot Wallström and the First Minister launched 'Building a Bridge Between Europe and its Citizens’. The project will explore how some of the best features of Scotland’s new legislative framework might serve as examples of good practice for Europe as it seeks to develop new and better ways of engaging with its citizens. The Scottish Executive will publish its conclusions in autumn 2006.

For its part, the European Parliament has agreed to convene in spring the first in a series of regular Parliamentary Forums. Composed of representatives of the European Parliament and national parliaments, MEPs hope these will generate a Europe-wide public debate on the major challenges facing the Union.

Part of the future of Europe debate will also be driven by the follow up to the Hampton Court summit on globalisation. Further work has been sought on research and development demography, education, energy, migration and the Common Foreign and Security Policy. The Austrians are also intending to hold a conference into subsidiarity on 18-19 April during their presidency.

Financial Perspectives
The Austrian Presidency and Commission have started negotiations with the European Parliament to translate the European Council’s December financial perspective deal into a final Inter-Institutional Agreement on the financial perspectives. Negotiations are expected to be concluded in April or May when a final budget should be agreed. The Parliament’s aim is to increase the overall budget
contribution from 1.045% of GNI agreed in the European Council to something nearer 1.06%. MEPs have been particularly critical of the agreement’s low allocations for education, culture and external relations and may try to get increases in these areas. Rural development is also likely to be on their list for extra resources.

The financial perspectives deal – and the final agreement with the Parliament in the spring – unblocks negotiations on the big spending programmes notably on the structural funds and the Seventh Framework Programme for Research and Development, which will now be concluded as soon as possible. In the case of structural funds, the need for member states to prepare operational programmes before the 2007 start date puts particular pressure to conclude the negotiations quickly.

Later in the year, the Commission will also be turning its attention to the European Council request to progress a wide ranging review of the financial framework in the light of the pressures of globalisation. The Commission report is expected in 2008/9 with decisions taken thereafter by the European Council. The way is open for changes to be made during the 2007-13 period but the review will also feed into negotiations on the new period. As part of the delicate balance on the financial perspectives European Council deal, the review will include CAP reform and EU resources (i.e. the UK rebate). Reform of the CAP and further reform of the UK rebate will therefore continue to be major issues.

Sustainable Development Strategy
The Sustainable Development Strategy was first launched in Gothenburg in June 2001, which focussed on a number of key unsustainable trends. It has become the overarching objective of the European Union. Its main policy objectives were to combat climate change, ensure sustainable transport, address threats to public health, manage natural resources more responsibly, halt the decline in biodiversity, combat poverty and social exclusion, and meet the challenge of an ageing population. The strategy called for a new approach to policy-making, to ensure that economic, social and environmental policies reinforce each other, and included provision for a regular review, at the beginning of each new Commission.

The new Commission started its review in early 2005 and adopted its communication on the review of the Sustainable Development Strategy on 13 December 2005. The Commission assessed where the original strategy had worked, where it hadn’t, and determined what still needs to be done to make further progress towards long-term sustainable development.

The review has highlighted several key issues and identified key actions:

- **Climate change and clean energy** – key actions include reducing greenhouse gas emissions further beyond 2012; developing climate policy; and increasing energy efficiency;
- **Public health** – key actions include upgrading action plans on handling health threats; and to coordinate research into the links between environmental pollutants, exposure and health impacts;
- **Social exclusion, demography and migration** – key actions include continuing to develop an EU policy on legal migration; and for the Commission to produce a communication on responding to demographic challenges (particularly by promoting active ageing strategies);
- **Managing natural resources** – key actions include for Member States to exchange experience and best practice on shifting taxation from labour to consumption and / or pollution (in a revenue-neutral way) and to ensure sufficient funding and management of the Natura 2000 network;
- **Sustainable transport** – key actions include focusing on making alternatives to road transport a more attractive option for freight and passengers; to examine the use of congestion charging schemes; and clean and efficient vehicles;
Global poverty and developmental challenges – key actions include increasing the volume of aid to 0.7% of Gross National Income in 2015 and increasing the effectiveness, coherence and quality of aid policies during 2005-2010.

The review calls for more effective follow-up and proposes a progress report on actions every two years, drawing on the sustainable development indicators (designed and adopted in February 2005), which would be discussed by the European Council and European Parliament. The Commission will launch its next review during 2009. There must also be better policy making, with better use of impact assessments. Because of its cross-cutting nature, the review will be discussed at seven Council formations: Environment; Transport, Telecommunications and Energy; General Affairs; Agriculture / Fish; ECOFIN; Education, Youth & Culture; and Employment, Social Policy, Health & Consumer Affairs, before being adopted by the European Summit in June 2006.

Lisbon – Growth and Jobs
The European Council of March 2005 agreed to re-launch and re-focus the Lisbon strategy on growth and jobs. This agenda is now being seen as part of the struggle to recapture public confidence in the EU following the Constitution “no” votes. Achievement of the new goals will be carried out through Lisbon National Reform Programmes with complementary action at EU level. The Austrian Presidency and Commission are putting particular emphasis on SMEs delivering growth and jobs. The Spring European Council will adopt conclusions on the basis of the Commission’s report on the national reform programmes.

Certain dossiers are particularly closely linked to success on growth and jobs. Completion of the single market in services, telecommunications, energy and financial services are seen as making important contributions. A strong commitment to research and development and the creation of a framework for innovation will be relevant, and the final shaping of the 7th Research Framework Programme will be significant.

Better regulation will play a role in reducing administrative burdens and improving competitiveness. The better regulation agenda in 2006 will build on the commitments and procedures established in 2005. This year will be the first year of the Commission’s three year programme aimed at simplifying existing EU legislation. It will start by looking at some of the most heavily regulated sectors namely- cars, waste and construction industry - followed by foodstuffs, cosmetics and pharmaceuticals. Impact assessments are now mandatory for all new Commission legislative proposals. New guidelines were issued in June 2005 and in 2006 there will be an external review of how impact assessments have been conducted.

Enlargement
Bulgaria and Romania are still on track to join the EU in 2007, subject to final monitoring of their progress in meeting Community obligations. A final decision will be taken at the June European Council. Depending on the results of the screening procedures, the first negotiating chapters could be opened for Croatia and Turkey. There will also be follow up work to the Commission’s opinion on the Former Yugoslav Republic of Macedonia.

At the June Council there is expected to be a discussion on enlargement generally. The enlargement process will be closely linked to the negotiations on the future of European and the “no” votes on Constitutional Treaty. Some member states will continue to argue that the enlargement process is going too fast for citizens and the capacity of the EU to absorb new members.
Structural Funds
The December European Council deal on the Financial Perspectives agreed the broad headlines for structural fund spending during the 2007-13 period including the likely allocation for Scotland. Subject to final agreement with the European Parliament, Scotland is expected to receive approximately 45% of current receipts. Highland and Islands will receive some 60% of receipts under the “statistical effect” of the convergence objective (i.e. those who exceed the 75% of GDP criteria required for convergence funding solely as a result of enlargement). The rest of Scotland will continue to receive funding under the competitiveness and employment objective. The latter is difficult to calculate exactly because it will depend on the division of funding within the UK. Overall the decrease in receipts is an expected consequence of the enlargement of the EU and the increase in the relative prosperity of Scotland. The new member states will now receive the largest share on the basis of need.

Now that overall receipts are known, the Scottish Executive can move forward with preparation of future programmes. This will include development of its contribution to the National Strategic Reference Framework, on which there will be a UK consultation in February. Thereafter, final preparation of operational programmes will be completed after the negotiations on the five structural fund regulations (which dictate operational details) are complete. Consultation on the programmes, including strategic environmental assessment, will take place in the summer before programmes are submitted to the Commission. This is a demanding timetable.

Under the UK Presidency, progress was made in the Council on the negotiations on the five regulations. The European Parliament has also adopted opinions on all the regulations and final agreement will require a negotiation between Council and Parliament. The Austrian Presidency intends to negotiate with the Parliament on the basis of the package of five regulations despite differing levels of engagement given to the Parliament under the different legal texts (co-decision or assent). Agreement on the regulations cannot be made until a final deal is reached with the Parliament on the Financial Perspectives. The regulations need to be concluded well within the first half of the year in order that operational programmes, including that for Scotland, can be negotiated with the Commission during the second half of the year in time for the start of the new period in 2007.

The financial perspectives agreement has gone some way to meeting the Parliament’s concerns on a number of key issues under the regulations (including claiming eligible VAT, housing, and the N+2 rule for spending), but on other issues (particularly partnership and on the regulation on European grouping of territorial co-operation) there will still be significant differences to resolve.
3. **AGRICULTURE**

**Key Dates**

**Agriculture and Fisheries Council Dates**
- 23 January, Brussels
- 20-21 February, Brussels
- 20-21 March, Brussels
- 25 April, Luxembourg
- 22-23 May, Brussels
- 28-30 May, Krems, Informal Council (Rural Development and Lisbon)
- 19-20 June, Luxembourg
- 17-18 July, Brussels
- 18-19 September, Brussels
- 24-26 September, Oulo, Informal Council (EU Agriculture after the 2003 Reforms)
- 30-31 October, Luxembourg
- 20-21 November, Brussels
- 19-21 December, Brussels

**Introduction**

The Austrian and Finnish Presidencies have chosen the joint strap-line for their work on agriculture in 2006 as “**promoting an innovative, competitive and sustainable European model of agriculture**”. They want consolidation of the CAP reforms already delivered, and to highlight the role that European agriculture plays in the Lisbon strategy for economic reform and the EU sustainable development strategy. Following the December agreement to phase out export refunds by 2013 (with a large part phased out by 2010), the **WTO Doha negotiation** will continue to be a key underlying theme during 2006 as negotiations continue in Geneva with the aim of agreeing broad “modalities” in April and conclusion by mid-year. Market access and domestic support will be the key question for agriculture. The Commission will also be considering the report they are due to make under the financial perspective deal looking at reviewing the agreement in 2008/9. CAP is specifically included in that review, but whether or not any cuts in CAP spending are agreed before 2013 is difficult to say and will no doubt depend on decisions at Head of State level.

**Detail**

**Spirit Drinks**

The Commission adopted the long expected proposal on spirit drinks in December 2005. The proposal simplifies the current legislation (including simplifying future reviews); categorises spirit drinks into three broad groups; defines composition and preparation for specific spirits; responds to WTO and TRIPs requirements; and clarifies the rules on geographical indications. The proposal is important for the Scotch Whisky industry, which welcomes most of its content, particularly clarification of the definition of whisky and clarification of geographical indications. When concluded it should make it easier to protect the Scotch Whisky brand in international markets. The decision is being negotiated under the co-decision procedure between the Council and European Parliament. This will probably mean a lengthy process which will last well into 2007, not least because there remain key disagreements (particularly on what vodka can be made from) between the member states. The Parliament will also play a key role and has yet to decide which Committee will lead the negotiation. Lobbying will be intense.

**CAP Reform**

The Austrian Presidency will start the year by completing technical work on the reform of the sugar regime after the political agreement reached under the UK Presidency. During the second half of the year the Council will decide on proposals that are expected from the Commission for reform to the **fruit and vegetables regime** and adjustments to the **flax and hemp** sectors.
The Commission produced a communication setting out their ideas for **simplification and better regulation of the CAP**. They intend to bring forward an Action Plan during 2006 which will set out the concrete actions envisaged. One of the main ideas is the creation of a single instrument on Common Market Organisation to replace the rafts of sectoral legislation. A Commission conference is also planned.

**Rural Development**

Following the agreement in 2005 on the rural development regulation, the final agreement on the financial perspectives (subject to Parliament’s views), and agreement at the end of the year on the Strategic Guidelines, the way is clear for development of the Scottish Rural Development Plan 2007-13. The first step will be the development of the national strategy, which will be UK-wide and will include a section on Scotland, likely to be concluded by spring. The development of the Scottish rural development plan itself will start in tandem with the Strategy, and should be ready for submission to the Commission over the summer in order to get agreement before the start date on 1 January 2007. There will be consultation on both the strategy and the development of the plan as well as intensive involvement from all stakeholders. It is currently difficult to predict the levels of spending that will be available until the Commission proposes allocations between member states and until the allocation within the UK is decided; but in the light of the agreement on financial perspectives it is already clear that resources will be tight.

**Quality Production**

At the end of 2005 the Commission proposed amendments to the two regulations on the rules for protected geographical indication, protected designations of origin and traditional specialities. The main purpose of the proposal is to bring the regimes into compliance with a WTO panel ruling against the EU’s treatment of third country products. The proposal also attempts to simplify the application procedure and strengthen the measures on the use of common EU labels to increase consumer recognition. The latter may be contentious and as there has to be an agreement by March to meet WTO requirements, it may be dropped.

As part of the European Action Plan for Food and Farming, the Commission adopted a proposed **update of the legislation governing organic production** at the end of 2005. The review will tighten definitions and labelling of organic products including definition of organic aquaculture products. The Austrian Presidency will take forward the negotiations but require an opinion from the European Parliament before final agreement can be reached.

**Animal Health and Welfare**

The Commission has finally tabled their proposal **to lift the export ban on beef from the UK**. The proposal will be discussed in the Commission-chaired Standing Committee on the Food Chain and Animal Health. If there is sufficient support among member states, the ban should be lifted by early spring. If there is not sufficient support among member states, the Commission could still push their proposal through under their implementing rules. Normalising exports to Europe is a top priority for Scotland and particularly so following the end of the Over Thirty Month Rule, since oversupply of older cattle on the domestic market is possible. The Executive is considering how best to support industry efforts to regain export markets in the coming months. The Executive will also continue to monitor current and planned activities to promote beef exports, i.e. work in which Quality Meat Scotland (QMS) takes the lead. Various pieces of work are underway or planned including the appointment of QMS business development managers in Benelux and France (the posts are already filled), the promotion of Scottish beef at food exhibitions and the involvement of Scottish Ministers in promotion events organised by QMS in Europe.

The **TSE** (Transmissible Spongiform Encephalopathy) **Roadmap** was published by the Commission last year and outlines the way forward and the steps required in the coming years to update and refine the EU’s TSE controls regime in the wake of the decline in BSE levels across the EU and the latest scientific developments. The principle **amendments to the TSE Regulation** will be negotiated by co-decision between Parliament and Council. Elements of the TSE roadmap requiring primary
legislation are likely to be added to these amendments. The most important issue to be addressed in the TSE Regulation amendment is updating the regulation to include the new international BSE classification system recently agreed at international level. This change is required by June (because the current temporary measures expire then), and there will therefore be an attempt to reach an agreement between Council and Parliament at First Reading before June. The lifting of the ban on the export of British beef, while mentioned in the TSE Roadmap, is expected to be dealt with under the Commission’s implementing powers, and is not part of the TSE Regulation amendments.

Commissioner Kyprianou is expected to bring forward an Action Plan for Animal Welfare this month. It was due at the end of 2005 but failed to emerge. It will cover the Commission’s plans for action on welfare over the coming five years and will include how to deliver increased welfare standards without competitive disadvantage to the EU. Plans are expected to include clearer labelling on welfare standards. The Commission is continuing consultation on the longer term development of an animal health strategy and have opened an on-line consultation on current policies. The Strategy itself is not due until 2007 and is expected to look at how the EU deals with animal diseases and who meets the costs.

Progress was made during the UK Presidency on the proposal to increase welfare standards for broilers (meat chickens). The stocking density remains the most contentious issue. However, there has been progress on the more technical issues, including measurements of welfare and enforcement. The European Parliament’s opinion is expected in Feb/March and thereafter it is likely to be concluded in Council by the end of the Austrian Presidency. When this negotiation is concluded, there may be a proposal for a review of the welfare rules for laying hens later this year.

The directive on avian influenza was concluded at the end of 2005. A number of measures, including the ban on captive birds from third countries and the ban on keeping poultry outdoors in high risk areas, will be extended until the end May. The Executive will continue to cooperate with EU-wide surveillance for avian influenza.

A proposal is expected later in the year to revise the Animal By-Products Regulation. Areas identified include the general scope of the regulation; catering waste; the definitions of category 1, 2 and 3 animal by-products; and amendments to the approval process. There are a number of other proposals including requirements on disposal of by-products imported for educational or research purposes; production of hunting trophies; extended derogation to permit feeding of by-products in zoos and dog shelters.

While the issue of tallow burning for fuel is covered in the by-products regulation, the conclusive resolution of this issue also requires a parallel amendment to the waste incineration directive which is unlikely to be considered before 2007 at the earliest.

A conclusion is expected during the first half of 2006 on a directive to regulate the control of aquaculture diseases (notably salmon). Important issues for the Scottish Salmon industry are at stake including the range of diseases included within the scope of the proposal.

GMO Issues
A Commission report is still due to review action in member states on co-existence of GM crops with conventional and organic crops. Commission guidelines currently provide advice on how member states should manage co-existence issues. But this is a contentious issue and some member states think guidelines are inadequate and have called for legislation in the area.

Despite some member states’ adherence to the theoretical moratorium on GMO authorisation, the new procedures in place means that there will continue to be authorisations taking place under Commission competence.
Plants, Pesticides and Forestry

The Commission produced a **Biomass Action Plan** which aims at increasing EU energy supply from wood, waste and agricultural crops. A review of energy crop support will be part of this and a proposal is expected on Biofuels during the year (see also Energy section).

The Commission is expected to adopt an **EU Forestry Action Plan** around the middle of the year. This will look at how forestry issues are dealt with in the EU and co-ordination processes.

There is a proposal on the table updating the 1969 Directive on the **control of Potato Cyst Nematodes** (PCN). The Proposal aims to limit further spread, by strengthening protection for all potato production (seed and ware crops) and extending measures to other plants which can spread the pest through soil attached to their roots. The UK, including Scotland, has concerns that there has not been sufficient impact assessment to consider the additional burdens it would impose. Under the UK’s presidency an impact assessment was prepared and the final version was presented to the Council Working Group considering the PCN proposals on 30 November 2005. The proposal will be considered further under the Austrian presidency but it is not expected that it will progress quickly.

The Commission is still expected to bring forward a proposals updating the procedure for the **authorisation of pesticides** around the middle of the year. At the same time the Commission is also due to bring forward their **Thematic Strategy on the sustainable use of Pesticides** which will include framework legislation on pesticides including a proposal for a regulation on the collection of statistical information on pesticide sales and use.

**Food Safety**

An independent evaluation of European Food Safety Agency will be carried out during 2006. It will evaluate EFSA’s first years of operation and may make some proposals for change. **The nutrition and health claims** and **fortification of food** (vitamins) legislation are likely to be concluded during 2006. Both are at second reading stage and are likely to require conciliation between the Parliament and Council.
4. FISHERIES

Key Dates
Fisheries items are planned for the following AGFISH Councils:
25 April (Luxembourg)
20 June (Luxembourg)
19-21 December (Brussels)
Fisheries business is likely to appear on other some other agendas in the second half of the year.

Introduction
There will be a general focus on continuing the sustainable management of fisheries resources and the environmental dimension of fisheries policy. The Presidencies have highlighted, in particular, the successful implementation of the reform of the Common Fisheries Policy (CFP), notably multi-annual recovery plans and new measures to conserve stocks, including improved scientific assessments and more effective control and monitoring measures.

Detail
The Austrian Presidency will aim to reach agreement on the key issue of the European Fisheries Fund (EFF) at the April Fisheries Council. The EFF will succeed the current Financial Instrument for Fisheries Guidance (FIFG) and operate over the next structural funds programming period (2007-2013). Overall agreement on the financial perspectives was a necessary, but not sufficient, condition for final agreement, as discussions in Council in 2005 had been inconclusive. A key outstanding issue is whether state aids to modernise or replace fishing vessel engines (with associated capacity penalties) should be permitted.

The Austrian Presidency will oversee progress on the Review of the Cod Recovery Plan. The December 2005 Council agreed to review the cod recovery plan, which is not succeeding. An important issue will be to re-consider the rigid target to annually increase biomass, and to focus actions on those recovery factors that can be most influenced, i.e. on fishing effort, on catch and by-catches of cod, and on effective controls.

As ever, the December Council will fix the overall TACs (Total Allowable Catch) and quotas for 2007.

The Commission is also expected to come forward with its Green Paper on a future EU Maritime Policy. Although Fisheries Commissioner Borg is leading, the main content is likely to relate to transport matters, as well as fisheries and the marine environment. [see “Transport” section]

The Scottish Executive will take forward with the Commission the issue of additional permitted Days at Sea for Whitefish Vessels. The December 2005 Council agreed that an extra three days at sea would be available to whitefish boats provided a scientific monitoring scheme could be agreed by the Member State and the Commission, having agreed to reduce the annual allocation in general by 3%. An agreed scheme would reduce the overall cut to 1.2%.

On Haddock Management the Executive’s aim is to secure technical preparations with Norway and the Commission in time for a subsequent agreement with Norway under the Finnish Presidency, following the EU-Norway agreement to revise the joint stock management plan for North Sea haddock during 2006.

The issue of Days at Sea for Nephrops Vessels is a priority for the Executive to be progressed through bilateral discussion with the Commission. At the December 2005 Council the Commission agreed it would look at proposals put forward by member states on the use of more selective gear. If the Commission finds that the gear brings significant increases in selectivity then extra days at sea could be awarded to vessels using that gear. In conjunction with the industry the Executive has
already drawn up a proposal for more selective gear in the nephrops fishery and it has received the backing of the North Sea Regional Advisory Council (RAC).

The Executive will work to secure an increase in the monkfish quota within the first quarter of 2006 in line with the new agreed procedure with the Commission. This will be based on the collection of all the scientific evidence required and an agreed effort capping measure in this fishery.

Other items of interest scheduled for the Council agendas are:

April:
- **Action Plan on Simplification of CFP Regulations**: Information from the Commission.
- Council conclusions **Council Working Methods**. This relates to annual decision making procedures and the application of the fishing year.
- **Electronic Logbooks**: Adoption of regulation. There is a major Scottish technical interest to ensure compatibility with developing Norwegian systems.
- **Supplementary Financial Measures**: Adoption of regulation
- **International Dolphin Conservation Programme**: Council Decision on Multilateral Agreement

June:
- Agreement of a **management plan for North Sea Sole and Plaice**. There is some Scottish interest in the plaice quota and read across to cod recovery.
- An exchange of views on a Communication from the Commission on **Maximum Sustainable Yield**. This reads across to Community long term fisheries management strategies and the delivery of commitments from Johannesburg Summit on Sustainable Development.
- **European Eels**: Adoption of recovery plan regulation.
- **EU-Morocco Agreement**: Exchange of views on recommended agreement.
- **EU-Greenland Agreement**: Adoption of amendments to current protocols.
- **EU-Angola Agreement**: Termination of agreement and adoption of regulation providing for conversion of affected European
- **EU-Senegal Agreement**: Adoption of recommended agreement
- **ECO-Labelling**: Exchange of Views
- **Information Held on Fishing Licenses**: Adoption of Regulation (following receipt of supportive opinion from European Parliament)
- **Fisheries Control Measures**: Adoption of amendments to the regulation
5. ENVIRONMENT

Key Dates

Climate Change workshop, Semmering, Austria 18-20 January
**Environment Council, Brussels** 9 March
World Water Forum IV, Mexico City 20-22 March
COP 8 Convention on Biological Diversity, Curitiba, Brazil 20-31 March 2006
Conference on GMOs and co-existence, Vienna 4-6 April
14th Session of the Commission on Sustainable Development, New York 1-12 May
Framework Convention on Climate Change, Bonn 15-26 May
Informal environment Ministers’ meeting, Eisendstadt/Rust, Austria 19-21 May
Linking Sustainable Development Strategies workshop, Salzburg 31 May-2 June
**Environment Council, Luxembourg** 26-27 June
Workshop on Climate Change, Naantali, Finland 11-13 July
Informal environment Ministers’ meeting, Turku, Finland 15-16 July
**Environment Council, Luxembourg** 23-24 October
Conference on the Baltic Sea, Helsinki 8-10 November
**Environment Council, Brussels** 18 December

Introduction

The Presidencies will be focussing as a whole on climate change, biodiversity, air quality and waste this year. International effort on climate change will go into promoting what happens post-2012 (the Kyoto Protocol first commitment period runs from 2008-2012). In general, the Austrian Presidency will try to progress all dossiers currently being discussed, with particular emphasis on environmental technologies, sustainable development, climate change and air quality. The informal meeting of Environment Ministers will focus on the environmental and economic benefits of environmental technologies (and will tie in the Environmental Technologies Action Plan).

In the first half of 2006, the Commission intends to publish a Communication on reducing the decline of biodiversity in the EU by 2010, the remaining 2 environmental thematic strategies (on soil (expected in March) and on the sustainable use of pesticides (expected sometime in the 2nd quarter of 2006). The Commission will also adopt a Green Paper on a future European Union maritime policy (the environmental component of which is the thematic strategy on the marine environment, which was adopted in October 2005). Action on climate change remains a long-term objective, and we expect the Commission to adopt a Green Paper on adaptation to climate change and a proposal to modify the EU emissions trading scheme (to include aviation emissions). We also expect the Commission to adopt a proposal on flood risk management and on priority substances in water (coming from the Water Framework Directive). The Commission’s review of the Sixth Environmental Action Programme (6EAP) will take place in the second half of 2006.

The Parliament will start to look at legislation for those thematic strategies that have already been published and which include draft Directives (air, the marine environment and waste). Depending on how discussions proceed, Parliament may by able to reach 1st reading opinions on these dossiers by end-2006. Second readings will start on REACH, Groundwater, LIFE+, INSPIRE (see below for further detail on these), and conciliation talks will take place on fluorinated gases, batteries and the application of the Aarhus Convention to the EU. Agreement on these dossiers needs to be made by mid-2006, because otherwise the proposals will fall. The Parliament will continue its discussions on the rapid response and preparedness planning instrument for major environmental emergencies (which would cover emergencies such as the floods in central Europe, and the drought and subsequent forest fires in Spain and Portugal in 2005).
Detail

On Climate change, the Commission is legally bound to produce a review report on the Emissions Trading Scheme by June 2006. Any adjustments to the system will be made after this report has been produced, and could include inclusion of emissions from aviation transport.

The Competitiveness Council agreed a common position on REACH (Regulation for the Evaluation and Authorisation of Chemicals) in December 2005. This dossier will return to the Parliament for its 2nd reading, which is time-bound (3 (+1) months for the European Parliament, and then 3 (+1) months for discussions by the Council). The three institutions have already worked closely on this complex dossier, and will need to continue to work closely if agreement is to be reached by end-2006.

The Council and Parliament successfully concluded conciliation talks on the revision of the bathing water Directive in October 2005, which now just needs to be formalised. The Council gave its formal agreement to the joint text in December 2005, and the Parliament discussed it in mid-January 2006. Following the Parliament’s agreement, the revision of the bathing water Directive will come into force once it has been published in the Official Journal.

The groundwater daughter Directive will start its 2nd reading. The intention of this proposal is to ensure efficient pollution control for groundwater in support of the Water Framework Directive, and it would repeal and replace Directive 80/68/EEC on groundwater protection against pollution by dangerous substances.

The Environment Council achieved a partial political agreement on LIFE+ (the spending programme for the environment) at the Environment Council in December 2005, pending agreement of the financial perspectives. Now that the budget for 2007-2013 has been agreed, the partial political agreement on LIFE+ will become the Council’s common position, and the dossier will go back to the European Parliament to start its 2nd reading. Agreement is likely towards the end of 2006, in time to replace the existing LIFE Environment and LIFE Nature funding regimes for the start of 2007.

The Commission adopted its review of the EU Sustainable Development Strategy in December 2005. This cross-cutting issue will be discussed by seven Council formations, including Environment; Transport, Telecoms & Energy; General Affairs; Agriculture & Fish; ECOFIN; Education, Youth & Culture; and Employment, Social Policy, Health & Consumer Affairs. The intention is for the Sustainable Development Strategy (including targets, indicators and a monitoring procedure) to be adopted as part of the European Heads of State / Heads of Government Council in June 2006.

Second reading discussions will start on the proposed infrastructure for spatial information in the Community Directive (INSPIRE), the Commission’s proposal for improved interoperability of spatial data in the EU. The draft Directive focuses on information needed in order to monitor and improve the state of the environment, in particular information regarding air, water, soil and the natural landscape. The Council reached political agreement on this dossier by unanimity in June 2005. The Commission, however, thought that the Council had not gone far enough towards the detail of the original proposal.

Five of the seven thematic strategies have now been adopted and published by the Commission. The thematic strategy on air pollution, adopted in September 2005, will be discussed at the Environment Council in March, and political agreement of its associated draft Directive will be aimed for at the June Environment Council. Similarly, the thematic strategy on the prevention and recycling of waste (adopted in December 2005) and its associated draft Directive is also on the March Environment Council agenda (as a policy debate). Discussions on the thematic strategy on the prevention and recycling of waste will start at working group level in January. The thematic strategy on the urban environment has been tabled for the Environment Council in June – discussions on this are yet to start in either the Council or in the Parliament.
6. JUSTICE AND HOME AFFAIRS

Key dates

Informal ministerial meeting, Vienna  
**Justice and Home Affairs Council, Brussels**  
European Crime Prevention Network meeting, Vienna  
Conference on the Future of EUROPOL, Vienna  
Expert Seminar on Child Trafficking, Vienna  
EU-US Seminar “Radicalisation and Recruitment”, Trier  
Conference on Media, Migration and Asylum, Vienna  
**Justice and Home Affairs Council, Luxembourg**  
European Crime Prevention Network meeting, Vienna  
Conference on European Contract Law, Vienna  
Conference on e-justice & e-Law, Vienna  
EU-US Seminar on Organised Crime and Corruption, Trier  
**Justice and Home Affairs Council, Brussels**  
Informal ministerial meeting, Tampere  
**Justice and Home Affairs Council, Luxembourg**  
Best practices conference: European Crime Prevention Network, Hämeenlinna  
Meeting of the European Judicial Network, Rovaniemi  
**Justice and Home Affairs Council, Brussels**

Introduction

The Hague Action Plan, which sets out concrete actions and timetables for adoption and implementation of the 2004 Hague Programme (for turning the Union into a more complete area of freedom, security and justice), will determine the priorities of the Austrian and Finnish Presidencies. A key priority in 2006 will be the mid-term review of the Hague Programme. This review will be an opportunity to evaluate progress and potentially adjust priorities - and will fully take into account the first annual implementation report of the Action Plan, expected from the Commission. The Commission is also expected to publish this year a significant Communication setting out a system for objective and impartial evaluation of the implementation of EU measures in this field.

Under the new Financial Perspectives, work will continue in 2006 on the proposed **new framework programmes**, which are designed to provide funding in the area of freedom, security and justice for the period 2007-13.

In 2006 the Commission, in the field of civil justice, aims to publish a proposal for a **Regulation on the applicable law and jurisdiction in divorce matters** and a Green Paper on the **conflict of laws in matters concerning matrimonial property regimes, including the question of jurisdiction and mutual recognition**. The first will aim to provide solutions that enhance legal certainty and flexibility for the EU’s citizens and the second will launch a consultation on legal and practical issues arising in international situations. It is possible that, following its Green paper of March 2005, the Commission will publish a legislative proposal on **wills and successions**. Both the proposal on divorce and that on wills and successions may, however, be delayed into 2007. The Commission is also expected to publish a Communication on the implementation of the **UN Convention on the Rights of the Child**.

In the field of criminal law in 2006, discussions will take place in light of the implications on Community competence in criminal matters of the **ECJ judgement in case C-176/03**, annulling the Framework Decision on environmental crime. Towards the end of the year, following its Green Paper of December 2005, the Commission aims to publish a proposal for a **Framework Decision on Conflicts of Jurisdiction and the Principle of ne bis in idem in criminal proceedings**. This legislative proposal will aim to provide a solution in cases where two or more Member States might
be interested in prosecuting the same case within their jurisdiction; and also to offer further clarification of the current rules on double jeopardy. The Commission will also aim to publish a proposal for a **Decision on a computerised system of exchange of information on criminal convictions** and a proposal for a **Framework Decision on the mutual recognition of non-custodial pre-trial supervision measures** (bail), following a series of expert meetings planned during the first half of the year.

With regard to terrorism, the Commission will aim to publish a **Council Decision creating a European Law Enforcement Network in the fight against terrorism (LEN)**, an **EU Action Plan on public private partnership for combating crime and terrorism**, a proposal to modify the **Council Framework Decision on combating terrorism** (to make the intentional transmission of expertise in the making of bombs and explosives for terrorist purposes a crime) and a Communication on a **European Cyber-security and Cyber-crime policy**.

Finally, there is likely to be a Communication on **future priorities for the common policy on illegal immigration** and a proposal for a **Regulation establishing a community code on short stay visas**.

Most dossiers in the area of freedom, security and justice are decided by unanimity in the European Council, with consultation of the European Parliament. There are, however, some matters (for example visas and judicial cooperation in civil matters other than family law) that are decided by qualified majority in the Council, with the European Parliament having co-decision powers. The relevant lead committees in the European Parliament are the Committee on Legal Affairs ([http://www.europarl.eu.int/committees/juri_home.htm](http://www.europarl.eu.int/committees/juri_home.htm)) and the Committee on Civil Liberties, Justice and Home Affairs ([http://www.europarl.eu.int/committees/libe_home.htm](http://www.europarl.eu.int/committees/libe_home.htm)).

**Detail**

**Criminal Judicial Co-operation**

Four linked pieces of work will be taken forward in 2006 towards a ‘European Register of Convictions.’ First, in 2006 work will start on the proposal of December 2005 for a **Framework Decision on the organisation and content of the exchange of information extracted from criminal records**. Second, and in parallel, expert meetings will take place on the **computerised exchange of information** and on the creation of standardised forms for this purpose. The aim is that this work will lead later in the year to a new proposal from the Commission for a Council Decision (as previously mentioned). Third, work will also continue on the proposal for a **Framework Decision on the mutual recognition of convictions for sentencing purposes**. The aim of this proposal is to ensure that Member States treat convictions handed down in other EU countries as they would domestic convictions – in order to avoid the situation where EU citizens are treated differently just because they have been convicted in different countries and ensure repeat offenders are sentenced appropriately. Work will begin and continue throughout 2006 on this dossier. Fourth, work will also continue on the draft **Framework Decision on the mutual recognition of disqualifications from working with children**.

The draft **Framework Decision on the transfer of sentenced persons** was introduced by Austria, Sweden and Finland in January 2005. The initiative will ensure that a custodial sentence imposed in one state is enforced in another – with the aim of improving re-socialisation of offenders by allowing them to serve their sentences in countries in which they understand the language and have the most family and other connections. Agreement to this Framework Decision in the first half of 2006 is an Austrian Presidency priority.

There is likely to be slow progress on both the draft **Framework Decision on the European Evidence Warrant** and on the draft **Framework Decision on certain procedural rights in criminal proceedings**. On both, progress has been hindered as a result of failure to reach agreement on several outstanding and political issues - and on the latter in particular the Austrians are likely to look at...
alternative approaches to making progress in this area. There should be agreement on the draft Framework Decision on participation in a criminal organisation by the end of the year and discussions will progress on the Directive on criminal measures aimed at ensuring the enforcement of intellectual property rights and the Framework Decision to strengthen the criminal law framework to combat intellectual property offences.

Civil Judicial Co-operation

Following the agreement in the Council, under the UK Presidency, on a general approach on the proposal for a Regulation on the introduction of a European order for payment procedure, and the subsequent endorsement of the Council’s position by the European Parliament, the aim is for this dossier to be finalised and adopted in early 2006. The Order for Payment provides a simplified procedure for speeding up the enforcement of uncontested claims.

Work will begin during 2006 on the draft Regulation on the conflict of laws regarding contractual obligations (Rome I), which was published by the Commission in December 2005. The purpose of this Regulation is to convert into a Community instrument the existing Rome Convention of 1980 on the law applicable to contractual obligations in cross border cases, whilst also updating it in certain areas.

The intention is that the proposal for a Regulation on the law applicable to non-contractual obligations (Rome II) be finalised and adopted in 2006. The proposal was first published by the Commission in July 2003. The intention is to set out clear applicable law rules in cases with cross-border implications in which the parties have not entered into a contractual relationship (for example in a claim resulting from a road accident or in the case of defamation). The European Parliament delivered its opinion in July 2005. This opinion differs markedly from that being developed in the Council Working Group and while negotiations continue in the Council the Commission is expected to come up with a modified proposal in 2006 in an attempt to reconcile the two positions.

The intention of the two Presidencies is that the proposal for a Directive on Alternative Dispute Resolution (ADR) be finalised and adopted in 2006. This proposal seeks to establish minimum common rules in respect of ADR mechanisms. Arlene McCarthy is the rapporteur in the European Parliament on this dossier and her report is expected in early 2006. However, based on the first exchange of views in the Legal Affairs Committee last year, the European Parliament is not likely to welcome this proposal.

Work will continue on the proposal for a Regulation establishing a European Small Claims Procedure. This simplified procedure would be available up to a limit of €2,000 and judgements would be enforceable in any Member State. The European Parliament is expected to vote on its draft report on this dossier at the April plenary session.

Discussions are likely to begin on two instruments adopted by the Commission in December 2005: a proposal for a Regulation on maintenance obligations, following the usual unanimity voting procedure for family law; and a separate Communication inviting a move to co-decision with the European Parliament on this issue. The aim of these two instruments is to eliminate obstacles to the recovery of maintenance within the EU.

Discussions are likely to begin on both in the Council Working Group in February. In July 2005 the Commission adopted a proposed Regulation to improve the service and transmission of legal documents within the EU. This proposal will be discussed in both the Council and the Parliament (in a report by Jean Paul Gauzes MEP) and the Austrians will be keen to have it finalised. And in the drive towards Strengthening justice, the two Presidencies will also support work on the networking of judges and judicial authorities.
Police Co-operation, Law Enforcement, Asylum and Immigration, Drugs and other dossiers

Under the banner of strengthening security, the Austrian and Finnish Presidencies will promote the sharing of information among law enforcement and judicial authorities – based on the Commission proposal on **Adequate safeguards and effective legal remedies for the transfer of personal data in the context of police and judicial cooperation in criminal matters** and the Proposal on the **Establishment of a principle of availability of relevant law enforcement information**. In terms of operational co-operation, emphasis will be placed on the elaboration of an **intelligence-led law enforcement model**. Time will also be set aside for looking at the **future development of Europol** and the way in which **links between Europol and Eurojust** can be improved. As well as continuing work on the prevention and fight against organised crime, the two Presidencies will also aim to strengthen the prevention and control of crime in general. An important part of this work will be taking forward the initiative of the Austrian, Finnish, Greek, Hungarian, Lithuanian, Luxembourg and Slovak delegations of December 2005 for a **Council Decision on the setting up of a European Anti-Corruption Network**. Further work in this area will include a debate on the **future development of the European Police College (CEPOL)**, based on the results of the second evaluation, and taking forward a decision on the **professionalisation of the European Crime Prevention Network (EUCPN)**. 

On improving preparedness, work will focus on the implementation of the **EU emergency and crisis co-ordination arrangements for crises with cross-border effects within the EU** and on the development of the EU’s ability to respond to disasters outside the EU through the development of an **EU Rapid Reaction Capability**.

In terms of strengthening freedom, the two Presidencies will work on promoting the right of all EU citizens to travel and live freely throughout the EU. To ensure this goal further work is required on asylum, immigration and border controls. Work will continue on the second phase of the development of a European asylum system with the aim of establishing a **common asylum procedure and a uniform status for those who are granted asylum or subsidiary protection**. Work will progress on the EU’s policy on **legal migration**, in particular on the follow up to the Green Paper on the EU’s approach to **managing economic migration** and the Commission’s Communication of December 2005 covering a **Policy Plan on Legal Migration**. Addressing illegal immigration and trafficking in human beings will also be a priority for the Council - based on the **Action Plan on human trafficking**. There will in addition be a particular emphasis on border control and the integrated management of external borders, supporting the work of the newly established **European Border Agency**. And two final points for 2006 in this area. First, work will continue on the new **Schengen Information System (SIS II)** in order to finalise all relevant technical matters and legal instruments. Second, work will continue on **visa policy**.

The Council will continue its work on implementing the **EU Action Plan on Drugs 2005-08**, which was adopted by the Council in June 2005.

The Council is also expected to conclude negotiations on the Commission’s proposal to extend the mandate of the existing European Monitoring Centre on Racism and Xenophobia in Vienna. The new **European Fundamental Rights Agency** should thus become operational by 1 January 2007.
7. TRANSPORT

Key Dates

<table>
<thead>
<tr>
<th>Event</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>High Level expert meeting on Road Safety</td>
<td>24-25 January</td>
</tr>
<tr>
<td>Inland Navigation “Summit”, Vienna</td>
<td>13-15 February</td>
</tr>
<tr>
<td>Informal Council on Road Safety, Bregenz</td>
<td>2-3 March</td>
</tr>
<tr>
<td>TTE (Transport, Telecoms and Energy) Council, Brussels (transport only)</td>
<td>27-28 March</td>
</tr>
<tr>
<td>TTE Council, Luxembourg</td>
<td>8-9 June</td>
</tr>
<tr>
<td>TTE Council, Luxembourg</td>
<td>12 October</td>
</tr>
<tr>
<td>TTE Council, Brussels</td>
<td>4-5 December</td>
</tr>
</tbody>
</table>

Introduction

The broad priority themes of the two Presidencies, supported by related Commission initiatives, will be road safety, external relations in aviation, the Third Maritime Safety package, GALILEO and logistics. The Parliament is also likely to focus on these areas. In addition, the Parliament’s Transport and Tourism Committee (TRAN) has, for a long time, maintained a strong general interest in safety and passenger rights’ issues across all modes, but particularly aviation, and this is unlikely to change.

The main overarching initiative throughout the year will be the mid-term review of the Commission’s 2001 Transport White Paper. The Commission will define a programme for engaging with stakeholders to take their views during the year. There should be an exchange of Member States’ views at the June TTE Council. Outcomes from that are likely to have a significant impact on the direction and detail of EU transport policy until 2010 and beyond.

Detail

Land Transport

Both Presidencies and the Commission are keen to promote progress on road safety. The Austrian Presidency will emphasise this through Informal Council on Road Safety which will have the following agenda:

- Mid-term evaluation of EU Road Safety Programme
- E-safety technologies
- Driver safety training
- Further EU safety training
- EU road safety campaigns

The Commission will be keen for the Council to reach agreement on the Driving Licence Directive, to update the existing EU legislation. The Presidencies will continue work on this and consider whether it is possible to bring this for agreement during 2006.

Once the Parliament has finalised its Second Reading on the “Eurovignette” Directive, which would provide for an updated system of charging heavy goods vehicles for using major roads, the Presidencies will also have to consider further handling in order to try to reach a final agreement, probably in the second half of 2006.

The Austrian Presidency will aim to reach a political agreement at the June Council on the proposed Regulation on Public Service Obligations in Land Transport (PSOs). This would define the conditions under which authorities would be able to intervene, particularly through financial support, in the delivery of public passenger transport by road and rail.
On the Third Rail Package, (Market Opening for International Passenger Services, Passenger Rights’, Licensing of Train Crews) agreed under the UK Presidency, the Parliament will begin to consider a second reading position as soon as it receives the formal Common Position texts from the Council, probably around April. Depending on the EP’s position, a Second reading agreement in the Autumn could be possible, or alternatively an attempt at agreement through conciliation towards the year end.

A non-legislative Commission communication on the implementation of a dedicated European rail freight network is expected fairly early in 2006. This would be likely to encourage the development of a more integrated and efficient market and network, with possible funding for eliminating bottlenecks, to support the rail freight industry.

Inland Waterways
In general this is an priority area, particularly for the Austrian Presidency. The Commission communication of 17 January will form the basis for most policy discussions. It aims to improve shift more freight to water focusing particularly on its potential to be part of fully integrated into the door-to-door logistics chain by addressing five key components: services, fleet, staff, image and infrastructure.

Aviation
The Presidencies will be keen to emphasise progress on external matters in general and on the EU-US air services agreement in particular, although ongoing negotiations are led by the Commission. In addition the Presidencies are also likely to provide for further consideration by the Council of the Commission’s proposed mandate for an EU-China agreement.

The Austrian Presidency will continue work on the Aviation Security Regulation with a view to reaching agreement at the March Council. This would update the existing Regulation, agreed in the aftermath of September 2001, in the light of subsequent experience.

A number of significant proposals are expected from the Commission during the first half of 2006. The existing legislation in the following areas is likely to be revised:

- Airport Charging
- Slots Allocation
- Groundhandling Services
- Airport Capacity

Of these, slot allocation could be an issue of particular importance for Scotland, as the Commission may well propose moving to a system that would permit trading in slots at the most congested airports, taking account of the necessary balance between shorter-distance feeder services and longer-distance international or inter-continental services at such airports.

Maritime
The main area of activity will be on the Maritime Safety package, proposed by the Commission in November 2005. The Presidencies will focus work would continue to focus on the Ports State Control and Shipping Information System proposals from the package, with a target of agreement on general approaches at the June Council. The other issues in the package relate to an initiative on Flag State and legal instruments on liability and compensations. The Parliament is likely to consider First Readings on all the proposals during 2006.

The Commission is also expected to come forward in the first half of 2006 with a Green Paper on a future EU Maritime Policy. This will analyse the case for a collaborative and integrated maritime policy, incorporating transport, fisheries and environmental issues. The lead responsibility is with Fisheries Commissioner Borg, although the main aspects are likely to relate principally to transport matters.
The Presidencies and the Commission will have to reflect on how to address the Access to Port Services proposal in the light of the EP’s rejection of it.

In the second half of 2006, there will be a focus on Short Sea Shipping, including a progress report from the Commission on Programme for the Promotion of Short Sea Shipping.

**Horizontal**

The European satellite navigation project, GALILEO, will continue to be an important issue within transport policy. The implementation of the operational phase will now proceed in line with the now agreed Financial Perspectives. During 2006, the Commission is likely to come forward with a communication identifying a range of possible applications for GALILEO, once it begins to be operational in 2008.

The Austrian Presidency hoped to finalise the agreement of Marco Polo II (support for inter-modal freight projects) as soon as possible with the aim of reaching an early agreement between the Council and the Parliament.

The Commission is likely to come forward with a Communication on transport logistics to facilitate intermodal transport. It may also come forward during 2006 with an initiative on intermodal security.
8. **TELECOMS AND INFORMATION SOCIETY**

**Key Dates**

<table>
<thead>
<tr>
<th>Event</th>
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<tr>
<td>Transport, Telecoms and Energy (TTE) Council, Brussels</td>
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</tr>
<tr>
<td>TTE Council, Luxembourg</td>
<td>12 October</td>
</tr>
<tr>
<td>TTE Council, Brussels</td>
<td>4-5 December</td>
</tr>
</tbody>
</table>

(agenda not published for latter two Councils: may or may not include telecoms items)

**Introduction**

In general, the Presidencies and the Commission will focus on ensuring that policies in this area support the revised Lisbon strategy. The “i2010 – a European information society for growth and employment” initiative will be taken forward and implemented.

The **review of the existing regulatory framework for telecommunications** (six directives in force since 2002) for electronic communications networks and services is scheduled to start. Possible proposals to amend the regulatory framework will be presented by the European Commission by the summer of 2006, and discussed at European level in the second half of 2006. The review is likely to focus on the following key principles:

- greater competition
- taking account of the convergence of telecommunications, media and information technologies
- (a single regulatory framework for all transmission networks)
- improved protection of user rights
- facilitation of market entry

There will also be a general focus on **ICT security**. A Commission communication on “Strengthening Trust in ICT Security” is expected towards the middle of 2006, proposing a framework for integrated actions in this area, building on existing EU and Member State activity.

There will also be a separate Communication on spam.

**Detail**

The Commission will come forward with an **e-government** Communication, probably in late April or May. As announced in the i2010 Communication, this will propose a 2006-2010 Action Plan.

There will be a Commission Communication on the follow-up to **WSIS** (World Summit on the Information Society; November 2005), probably in March.

There will be a general policy debate on **European radio spectrum** policy at the Council, in response to the recent Commission Communication.

The Commission is also expected to come forward with a legislative proposal for **completing the single market in Postal Services**. This will identify the need to maintain a universal postal service while developing the market. It will consider whether the 2009 target date is still appropriate and identify whether further measures to protect universal service and to avoid distortion of competition are necessary.
9. ENERGY

Key Dates

Conference, “Energy Paths – Horizon 2050”, Vienna 16 March
Transport, Telecommunications and Energy (TTE) Council, Luxembourg 8 June
TTE Council, Brussels 23 November

(agenda not published for last Council: may or may not include energy items)

Introduction

The Council priorities for 2006 are the internal energy market, security of energy supply, sustainability of energy production and consumption and the international dimension of energy policies. Energy policy is one of the Austrian Presidency’s key issues, and will focus in particular on energy efficiency, promoting renewable energies and improving the functioning of the internal energy market. The Council will be focussing in the short-term on preparations to the Spring European Council (as a follow-up to Hampton Court).

During 2006 the Commission will produce a Green Paper on a secure, competitive and sustainable energy policy for Europe. This will be a review of the EU’s energy policy, ensuring that it meets the objectives of security of supply, competitiveness and sustainability. On energy efficiency, the Commission launched a consultation June 2005 which will run until March 2006. The Commission will adopt an action plan on energy efficiency, once it has analysed the information coming from its consultation, probably by the end of June. Later in the year, the Commission is likely to produce a Green Paper on a European energy policy, complete with proposals and recommendations, to form part of the preparations to the European Council in December. The High Level Group for Competitiveness, Energy and the Environment (see Competitiveness Section) will be consulted on this twice in the coming year. The Commission is also due to adopt a Communication on clean coal before the summer.

The Parliament is taking a keen interest in the Commission’s Green Paper on energy efficiency.

Detail

A joint position was agreed between the Council and the Parliament on the proposed Directive on energy end-use efficiency and energy services in December 2005. The text needs to be finalised before it can be published in the Official Journal, but this should be completed by late-Spring.

The Commission adopted its communication on the support of electricity from renewable sources in December 2005. This is a requirement of the renewable energy Directive, and deals with the support offered by Member States for renewable sources of electricity (such as feed-in tariffs and green certificates). Discussions on this have just started in Council working groups and are still to start in the European Parliament.

A biomass action plan Communication was also adopted in December 2005. The action plan outlines measures to increase the development of biomass energy from wood, wastes and agricultural crops by creating market-based incentives to its use and removing barriers to the development of the market. It sets out measures to promote biomass in heating, electricity and transport, followed by cross-cutting measures affecting biomass supply, financing and research. Formal discussions on this are still to start.

On the international agenda, discussions between the EU and Russia continue, with a timetable still to be established with Russia on the Transit Protocol (which comes under the Energy Charter), with the Commission due to produce a simplified text by the end of February.
10 COMPETITIVENESS (INCLUDING RESEARCH AND FINANCIAL SERVICES)

Key Dates

| Competitiveness Council, Brussels | 13 March |
| Competitiveness Council, Brussels | 29-30 May |
| EU Conference on European Charter for Small Businesses; Vienna, | 13-14 June |
| Competitiveness Council, Luxembourg (poss.) | 29 June |
| Competitiveness Council, Brussels | 25-26 September |
| Competitiveness Council, Brussels | 11-12 December |

Introduction

The main focus of both Presidencies, the Commission and the Parliament, will be to facilitate economic growth and employment creation in line with the successful delivery of the revised Lisbon strategy. This will apply across all aspects of the Competitiveness agenda.

Detail

Internal Market

The main issue to be resolved is the proposed services directive, the purpose of which is to create the internal market for services. This is an important part of the Lisbon agenda. The Services Directive aims to break down barriers to cross border trade in services between EU Member States by making it easier for providers to establish themselves and offer services in other Member States. It will remove unnecessary regulation and bureaucracy; and allow services provided temporarily and/or at a distance to be based on the rules in the country in which they are established (under the country of origin principle). The current draft text is provisionally scheduled to go before the European Parliament plenary session in February. Following that, the Austrian Presidency will aim to hold a political debate at the March Council and reach a political agreement in Council in May.

The Council is expected to address the area of customs in response to Commission communications on a modernised customs code, an “e-customs” system and renewal of the existing customs programme.

A Commission communication, and subsequent Council and Parliament consideration, is also expected on free movement of goods in the non-harmonised area, focusing on improved mutual recognition.

Industry

A priority issue is the proposed decision for a Competitiveness and Innovation Framework Programme (CIP) (2007-2013), a component of the revised Lisbon Strategy. The Programme aims to create a regulation for Community activities, the purpose of which is to improve the competitiveness of companies, in particular SMEs, their productivity. It aims to encourage innovation and sustainable and environmentally sound growth and is designed to work alongside other EU programmes in research and structural funding.

In the area of innovation and enterprise, the Council is expected to consider the following initiatives that are due to be launched or taken forward:

- Regulatory framework for the automotive industry (“CARS 21”)
- SME policy for growth and jobs (Council conclusions planned for March)
- New communication on industrial policy
- the Research and Innovation Action Plan
The Commission is expected to bring forward, in the second half of 2006, a single Competitiveness Package, incorporating the existing Competitiveness Report, Innovation Scoreboard and Enterprise Policy Scoreboard, in support of the Lisbon Strategy. This assessment will begin the process for the 2007 Spring European Council. The Council will also consider the implementation of the European Charter for Small Enterprises.

There will be a Commission communication on strengthening EU manufacturing, on which the Council will aim to agree conclusions in May. A Commission communication is also expected on defence industries and markets, to encourage competitiveness in the sector.

A proposed revision to the existing public procurement legislation is also expected from the Commission, focusing on encouraging companies to bid outside their own country by a strengthening of existing procedures.

A High Level Group for Competitiveness, Energy and the Environment will be developed. This will sit three times a year and will be composed of Commissioners, Ministers, MEPs, industry, and civil society. It has a 2 year extendable mandate.

**RESEARCH**

**Key additional dates**

- Conference on European Technology Platforms, Vienna: 4-5 May

**Introduction**

The priority for research will be to ensure that the Seventh Framework Programme for Research and Development (FP7) for the period 2007-13 is launched on time. The Framework Programme is the European Union’s main instrument for supporting research and development and is a central plank of the Lisbon Strategy. The Commission’s original proposal of 6 April 2005 has four key objectives (Cooperation, Ideas, People and Capacities), each with its own specific programme. To ensure that FP7 starts before the current programme runs out (at the end of 2006) all decisions will have to be taken well before the end of the year. These decisions cover not just the framework programme itself but also the accompanying implementing decisions - such as on the specific programmes, the rules for participation and the Joint Research Centre. A further priority for research, a follow up to the discussions of the Council at the end of 2005, is the monitoring and implementing of the 3% Action Plan, which sets member states a target of investing 3% of gross domestic product in research.

A Communication is expected from the European Commission in 2006 on the European Space Programme, which may be discussed under the Austrian Presidency. The Commission is also expected to publish a proposal in spring 2006 for an international agreement and for the creation of a legal personality for the planned construction of the International Thermonuclear Experimental Reactor in Cadarache, France.

The Committee on Industry, Research and Energy in the European Parliament takes the lead on research dossiers (http://www.europarl.eu.int/committees/itre_home.htm).
Detail

Following the partial general approach on the Seventh Framework Programme for Research and Development agreed under the UK Presidency and the deal on the financial perspectives agreed at the European Council in December, the next step is for the European Parliament to sign up to an inter-institutional agreement on the budget. Once this has happened – perhaps by the end of February – then the European Commission will know how much money it can allocate to research and be able to publish a modified proposal for FP7, this time including a detailed budget breakdown. It will then, again, be up to the European Parliament to complete a first reading of the FP7 proposal, perhaps by March or April. This opinion will almost certainly not arrive in time to be considered by the March Competitiveness Council, so instead this Council will look at the detail of the specific programmes under FP7. This will allow the May Council to come back to the modified proposal for FP7 and hopefully to agree a general orientation. The target then is to have political agreement on both the framework and the specific programmes by the end of June. But this does very much depend on the European Parliament completing its first reading in time. In addition to all of this work, the Commission adopted in early January 2006 a proposal for a Regulation on the rules of participation and dissemination of results for actions under FP7. The aim for the Council will be to seek political agreement or general guidelines on this proposal by June.

The Commission intends to publish by mid-February a report on the implementation of the Lisbon Strategy - and annexed to this report will be a Communication on future proposals for the European Institute of Technology (EIT). This report and communication will feed the discussions at the Spring European Council. If the Council asks for it, as a result of these discussions, then the intention is that the Commission will adopt a proposal in 2006 for a Council Regulation establishing the EIT. There could then be an exchange of views on the Commission’s Communication at the May Competitiveness Council.

FINANCIAL SERVICES

Introduction

Completing the single market in financial services is seen as a crucial part of the Lisbon economic reform process. Action for Financial services will be dictated by the White Paper on Financial Services policy 2005-2010. The main thrust is to remove remaining barriers so that financial services can be provided and capital can circulate freely throughout the EU. Areas identified for future attention although not necessarily in 2006 include the pensions deficit, retail internal market and better functioning of risk capital.

Detail

The Progress Report on the single Market in Financial Services published in January 2006 makes reference to good progress in implementing the Financial Services Action Plan (FSAP) and further consolidation work will take place in 2006.

The Commission published at the end of 2005 the Payment Services Directive which will be discussed during the course of this year. This Directive underpins the Single Euro Payments Area proposal from the industry which will essentially help cross border payments by direct debit. Work will also continue on the Payments Regulation on Wire Transfers.

Other highlights in the year ahead include:

Marketing and Financial Investments Directive (Mifid) Level 2 implementing measures are due to be published by the Commission in January and adopted through comitology. This will set the regime for many small firms who need to comply with its provisions.
Clearing and Settlement. A proposal is likely to be published during the course of the year following work on an impact assessment. The Impact assessment should be completed in the second quarter of the year.

Comitology Decision – The Lamfalussy Approach which has been used for implementing the Financial Services Action Plan will be reviewed. This is the process whereby the European Parliament and Council adopt framework Directives under the co-decision process and then delegate the power to “fill-in” the technical implementing measures to the Commission. There are major inter-institutional issues involved and there is likely to be some controversy during discussion in the European Parliament.

Mortgages. There will be further work in the area of mortgages examining where EU action might be necessary and what could be done to ensure a more EU wide and efficient mortgages market.

Solvency II It is not likely that proposals will emerge before 2007 but work is likely on the framework for a Directive to revamp insurance solvency requirements.
11. EMPLOYMENT, SOCIAL POLICY, HEALTH

Key Dates

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<thead>
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<th>Event</th>
<th>Date</th>
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<tbody>
<tr>
<td>Employment &amp; Social Affairs Ministers’ informal, Villach, Austria</td>
<td>19-20 January</td>
</tr>
<tr>
<td>Equal Opportunities Ministers’ informal, Brussels</td>
<td>25 January</td>
</tr>
<tr>
<td>Framework Convention on Tobacco Control, Geneva</td>
<td>6-17 February</td>
</tr>
<tr>
<td>Expert conference on type-2 diabetes and cardiovascular disease, Vienna</td>
<td>15-16 February</td>
</tr>
<tr>
<td><strong>Employment and Social Policy Council, Brussels</strong></td>
<td><strong>10 March</strong></td>
</tr>
<tr>
<td>Health Ministers’ informal on women’s health, Vienna</td>
<td>25-26 April</td>
</tr>
<tr>
<td>e-Health conference, Malaga, Spain</td>
<td>10-12 May</td>
</tr>
<tr>
<td><strong>Employment, Social Policy, Health and Consumer Affairs Council, Luxembourg</strong></td>
<td>1-2 June</td>
</tr>
<tr>
<td>Employment, social policy and health informal ministers’ meeting, Helsinki</td>
<td>6-8 July</td>
</tr>
<tr>
<td>High Level Group meeting on Gender Equality, Helsinki</td>
<td>11-12 September</td>
</tr>
<tr>
<td>Expert conference on Health in all policies, Kuopio</td>
<td>20-21 September</td>
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<tr>
<td>Conference on Men and Gender Equality, Helsinki</td>
<td>5-6 October</td>
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<tr>
<td>Employment Conference – Higher Productivity and Better Employment, Espoo</td>
<td>16-17 September</td>
</tr>
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<td><strong>27-28 November</strong></td>
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Introduction

For employment, the priorities of this year’s Presidencies (during the European Year of Worker Mobility) are growth and jobs, with particular reference to globalisation and demographic changes. In particular, the Austrian Presidency hopes to obtain agreement on the amendment of the Working Time Directive and to achieve a common position on PROGRESS, and the Finnish Presidency will forward discussions on the portability of pensions. For the health agenda, key priorities include women’s health and diabetes, and there will also be discussions on HIV/AIDS. The Council intends to achieve political agreement on the Health and Consumer Protection Programme in June.

This year, the Commission intends to publish a Communication on a new Community strategy on health and safety at work for 2007-2012; a Green Paper on the evolution of labour law; a Communication on the demographic future of Europe; and a Communication on gender equality (this is due on International Women’s Day, 8 March). We also expect to see a Commission strategy on alcohol sometime in the first half of 2006.

The Parliament is due to give its view of the Health and Consumer Protection Programme in March (and is likely to decide to split the Commission’s proposal into 2 separate programmes). Work will continue on nutrition and health claims in food, and on the addition of vitamins and minerals and other substances to food, and the Parliament will continue its ongoing dialogue with Commissioner Kyprianou (the Commissioner for Health and Consumer Affairs) regarding a possible human influenza pandemic.

Detail

EMPLOYMENT AND SOCIAL POLICY

The European Parliament gave its first reading opinion on the amendment to the Working Time Directive in mid-2005. This is a co-decision dossier, and agreement is needed by both Council and Parliament before the legislation comes into effect. Political agreement may be possible at the Council meeting in March (this dossier is not on the agenda for the June Council). One of the key outstanding issues is whether the 48 hours referred to in the Commission’s proposal refers to the worker or to the job, and clarification would be needed here for agreement. This is still a highly contentious dossier. There could be implications across many sectors of the economy if the opt-out (the main sticking point for the UK) was removed or phased out. There are also problems for the NHS (although not exclusively) arising from ECJ rulings (SiMAP / Jaeger) relating to on-call time.
The community programme for employment and social strategy (PROGRESS) aims to establish a programme for employment and social solidarity. It would replace existing programmes for funding action on employment incentives, social inclusion, working conditions, discrimination and gender equality, and political agreement (tentatively scheduled for March) should be achieved this year. Partial political agreement was achieved on this dossier in December 2005. When budget figures become available, political agreement should be possible.

The mobility of workers within and between Member States is integral to the realisation of the Lisbon Strategy. The proposed Directive on the portability of pensions aims to decrease such obstacles to worker mobility. It includes conditions for acquiring pension rights, preserving dormant pension rights, and also enables job movers to choose between preservation of pension rights in the scheme of origin or transfer rights to another scheme. It would also improve information provided to workers on the consequences of mobility to pension rights.

Discussions on the proposed Regulation to establish a European Institute for Gender Equality, which would pool resources and share experience, in order to promote equality between men and women, are still ongoing. The European Parliament has not yet formally given its opinion on this; it is still possible for agreement to be made on this during the first half of 2006.

The Commission is due to adopt a Roadmap on Gender Equality on 8th March, which will be formally presented to the June Council.

As part of the continued follow-up to Beijing (the 4th UN World Conference on women in 1995) health indicators have been drawn up (on healthy living, health care, circulatory disease, smoking and life expectancy), which will be discussed at the June Council.

HEALTH

Work on the Health and Consumer Protection Programme will continue in Council working group meetings and in the Parliament; political agreement may be possible during the first half of 2006.

The proposed Regulation on nutritional and health claims on food and on vitamins (whose objective is to harmonise the provisions in Member States that relate to nutrition and health claims in order to ensure the effectiveness of the internal market, whilst providing consumer protection) now enters its 2nd reading, following the agreement of the Council’s Common Position (in December 2005). Final agreement of the Regulation may be possible this year.

Council conclusions on women’s health, the prevention of adult-onset diabetes and the promotion of healthy diets and physical activities have been scheduled for the Health Council in June. Working group meetings will focus on an exchange of views on HIV/AIDS (and will continue during the Finnish and German Presidencies).

The first Conference of the Parties of the Framework Convention on Tobacco Control will begin in Geneva on 6 February, and will focus mainly on procedural issues (such as election of officers, adopting rules of procedure, reporting and elaboration of protocols). The World Health Organisation has still to finalise non-papers on certain issues, which include possible ideas for inclusion in protocols.
12. EDUCATION, YOUTH, CULTURE, AUDIOVISUAL AND SPORT

Key dates

e-Twinning conference, Linz 13-15 January

**Education, Youth and Culture Council, Brussels**

‘Content for competitiveness – Strengthening the European Creative Industries in the light of the i2010 strategy’, conference, Vienna

Education for Sustainable Development conference, Vienna 13-15 March

Informal meeting of Education Ministers, Vienna 16-17 March

Youth Event, Bad Ischl 28-30 March

Informal meeting of Youth Ministers, Bad Ischl 29-31 March

Youth meeting: ‘Come Together: Generation siX’, Linz 3-5 May

Leonardo da Vinci Quality Award for Vocational Mobility, Graz 10 May

‘Quality assurance in higher education and vocational training’ conference, Graz 11-12 May

**Education, Youth and Culture Council, Brussels**

18-19 May

Standing International Conference of Central and General Inspectorates of Education, Graz 21-22 June

Network of Civil Servants in the Field of Cultural Education Policy, Graz 7 June

European Forum for Architectural Policies meeting, Vienna 8-9 June

‘Promoting Cultural education in Europe’ conference, Graz 8-10 June

European Network of Policy Makers for the Evaluation of Education Systems, Graz 19-20 June

‘An expedition to European digital cultural heritage’, conference, Salzburg 21-22 June

Conference on Audiovisual policy, Helsinki 6-7 July

Seminar on the mobility of collections, Helsinki 20-21 July

Meeting of the European network for Teacher education policies, Helsinki 21-23 September

Conference on lifelong learning, equity and efficiency, Helsinki 28-29 September

Meeting of the Sports Directors, Naantali 5-6 October

**Education, Youth and Culture Council, Brussels**

13-14 November

Informal meeting of education ministers on VET, Helsinki 4-5 December

EDUCATION

Introduction

The motto of the Austrian Presidency for education is “quality is the objective” and all events taking place in Austria will be looking at the concept of “quality and efficiency.” Education work will have two strands under the Austrians. First, there will be a focus on qualifications for growth and employment – taking forward work on **quality assurance**, mobility and the **European Qualifications Framework**. Second, there will be a focus on the theme of ‘training is more’ – including **youth participation**, **key competences**, **cultural and citizenship education** and **education for sustainable development**. The Austrians will also be focussing on the integration of the Western Balkans into the European area of education. The focus of the Finnish Presidency will be on the links between quality and equity and the economics of education. There will be a ministerial conference in Finland in December 2006 designed to **further cooperation in vocational education and training**. Beyond this work, the Council in 2006 will also finalise the ‘Joint Interim Report on Education and Training 2010’ and work towards final adoption of the ‘**Integrated Action Programme in the Field of Lifelong Learning (2007-13)**’, so that the latter can start as planned at the beginning of 2007.

In mid-2006 the European Commission, once it has received all the responses to its consultation, will propose a **Recommendation for a European Qualifications Framework**. This Recommendation will seek to permit the comparison of European qualifications and competences at all levels – from
those obtained at schools to those qualifications obtained by senior professionals. The Commission will also publish, probably in the spring, a proposal for a **Recommendation on the quality of teacher training**.

The Culture and Education Committee in the European Parliament takes the lead on education, youth, culture, audiovisual and sport dossiers (http://www.europarl.eu.int/committees/cult_home.htm).

**Detail**

The second **Joint Interim Report on Education and Training 2010** of the Council and Commission on the implementation of the 2010 education and training work programme will be agreed in February. The work programme is a monitoring and improvement process to achieve educational aspects of the Lisbon strategy goals. The report is largely compiled from the 2005 country reports sent to the Commission last year by member states, and other statistical data. The report, once sent by the European Council along with key political messages concerning the contribution of education and training to the Lisbon strategy, will be a major factor in the planning of further education reforms.

The current Commission proposal for a **Decision on the Lifelong Learning Programme 2007-13** is a redesign of the existing education funding programmes, which will finish at the end of this year. This brings four programmes into one coherent package. These are together with the already well known Comenius (school education), Erasmus (higher education), Leonardo da Vinci (vocational training) and Grundtvig (adult education) programmes. It also introduces some new cross-cutting elements and a new Jean Monnet programme focussing on European integration. The focus of all the programmes is on promoting cooperation and mobility. Following on from the partial political agreement on this proposal agreed in November, and the December deal on the financial perspectives, the next step is to wait for the European Parliament to sign up to an inter-institutional agreement on the budget. Once that has been done it will become clear how much money will be available for these programmes. This is likely to be less than was originally proposed by the Commission but still twice what it is currently. The aim of the Austrians will be to conduct the final negotiating phase in regard to these programmes in the Council and in the European Parliament so that they can start on time at the beginning of 2007.

Towards the end of enhancing **European Cooperation in the field of vocational education and training** the Council should adopt conclusions on vocational education and training during the Finnish Presidency. There will also be a follow-up conference on this theme in Helsinki in December 2006.

In addition to continuing work on the Commission’s Communication of November 2005 on ‘**A New Framework Strategy for Multilingualism**’, the Austrian Presidency will address the Commission’s communication of August 2005 on the **Language Competence Indicator**. The latter seeks to acquire data on the language competence of European adolescents. The intention is for conclusions to be agreed on this dossier at the May Council.

In 2006 the Council and the Parliament will seek final adoption of the proposal for a **Recommendation on the European Quality Charter for Mobility**, which was published by the Commission in September 2005. The Charter contains a number of guidelines designed to cover all types of educational mobility. Final adoption will also be sought on the proposal for a **Recommendation on key competences for lifelong learning**, published by the Commission in November 2005. This proposal sets out a proposed frame of reference that includes eight key competences, which, if developed, it is hoped will help EU citizens to confront the challenges of globalisation.
YOUTH

Introduction

The priorities of the Austrian and Finnish Presidencies are to reach final agreement on the “Youth in Action” programme (2007-13), to continue work on European Youth Policy and to integrate monitoring and implementation of the European Youth Pact into the reporting mechanisms of the Lisbon Strategy. Also important will be youth participation and information, youth research and recognition of non-formal and informal learning within the European youth field.

Detail

The European Pact for Youth was adopted at the spring 2005 European Council with the aim of putting youth at the centre of all policy areas, as a means of achieving the ends of the Lisbon strategy. In May 2005 the Commission published a Communication on the implementation of the Pact and will follow this up in 2006 with a report that will summarise and evaluate the national strategies. Austria will take work further forward by adopting conclusions on implementation of the Pact at the February Education, Youth and Culture Council and forwarding them to the Spring European Council.

In July 2004 the Commission presented its proposal for a Decision on a new youth funding programme, “Youth in Action”, for 2007-13 to follow on from the one which will finish at the end of 2006. The aims of the programme are to promote active citizenship, develop solidarity and promote European cooperation in the field of youth by supporting actions such as youth exchanges and volunteering. As with the education programmes, a partial political agreement was reached on the youth programme during the UK Presidency – although agreement is still to be reached on the upper age limit for participation in the programme. Following the agreement of the financial perspectives, the aim now is to conclude negotiations on the wide range of questions that still remain open. Political agreement on a common position will be sought in the first half of the year allowing for full approval before the end of 2006.

The Austrian Presidency, with the support of the Commission, has drawn up a draft Resolution on the recognition of the value of non-formal and informal learning within the European youth field. The aim will be to seek adoption of the resolution in the first half of the year with the aim of giving further recognition to these types of learning. Finally, following on from the White Paper “A new impetus for European youth”, published by the Commission in November 2001, the national reports on the implementation of the four areas of work agreed upon will be evaluated. These areas are participation, information, volunteering and research. The Commission will draft a progress report in the first half of the year and work will begin on a related resolution.

CULTURE AND AUDIOVISUAL

Introduction

The Austrian and Finnish Presidencies will be aiming to ensure that the co-decision procedures on both the proposal for a Decision of the European Parliament and Council establishing the Culture programme and the proposal for a Decision establishing the Media programme are completed by the end of 2006. Final adoption of three other Decisions will also be sought: on the European Capital of Culture, on the European Year of Intercultural Dialogue 2008 and on the Citizens for Europe programme. Negotiations will begin for a revised Television without Frontiers Directive. And finally, the two Presidencies will be concerned to continue work on the implementation of the Work Plan for Culture 2005-06.
Detail

The Commission presented its proposals for **Culture and Media 2007**, the funding programmes for the culture and audiovisual sectors between 2007-13, in July 2004. The aim of the first programme is to promote artistic and cultural activities with a European dimension and expand cultural cooperation in Europe, through such actions as promoting the mobility of artists and works of art; and of the second, to enhance the competitiveness of the European film and television industry and the distribution of works, through such actions as following and supporting market developments with regard to digitisation. Partial political agreement was reached on these dossiers under the UK Presidency, following first readings in the European parliament in October 2005. Following the European Council deal on the financial perspectives, the next step is to reach an agreement with the European Parliament and then to discuss the allocation of the budget to these programmes and to individual strands in these programmes.

In May 2005 the European Commission submitted a proposal to replace the current Decision establishing a community action for the **European Capital of Culture** event for the years 2007 to 2019. The aims of this revision are to strengthen the competitive element of the bidding process and to increase support for applicant cities. The European Parliament will deliver its opinion on this dossier in April 2006, which should allow for a first reading deal by the end of the Austrian Presidency.

The Commission submitted its proposal for a Decision on the **Citizens for Europe** programme 2007-13 in April 2005. This programme is designed to promote active citizenship and bridge the gap between citizens and institutions, through such actions as supporting town twinning and high visibility events. The Presidencies will be seeking agreement between the European Parliament and the Council on this dossier, with the Parliament’s opinion expected by March. The Austrian Presidency hopes to reach a partial political agreement on the Programme at the May Council.

The Commission is planning to make 2008 the **European Year of Intercultural Dialogue**. This ‘Year’ would make the work of other Programmes which aim to promote intercultural dialogue, such as Lifelong Learning, Culture, Citizens for Europe, Youth in Action and Fundamental Rights and Citizenship, more visible. The Commission’s proposal for a Decision was submitted in October 2005. The European Parliament should deliver its opinion in April 2006, which will allow the Austrian Presidency to begin the process of securing a partial political agreement at the May Council.

The Commission adopted a proposal for revision of the **Television without Frontiers Directive** in December 2005. The original Directive constitutes the regulatory framework for the free movement of television broadcasting services within the Union. It needs to be updated to allow for changes in both the market and technology. The two Presidencies will begin negotiations on this dossier with a view to reaching agreement as soon as possible.

The two particular priorities in 2006 of the **Work Plan for Culture 2005-06**, which when adopted in 2004 set out 5 priorities, will be, first, the contribution of creativity and cultural industries to European growth and cohesion and, second, the mobility of works of art, collections and exhibitions. With regard to the first, a policy document setting out recommendations for targeted measures is expected to be passed to the European Council in spring 2007, following a study by the Commission. As the Commission’s study will not be ready until August, it will fall to Finland to take forward work on this policy document. With regard to the second priority, following the work of an expert group, an action plan to improve mobility will be drawn up and finalised in the second half of 2006.

In April 2004 the Commission presented a proposal for a **Recommendation on the protection of minors and human dignity and the right to reply in relation to the competitiveness of the European audiovisual and information services**. The recommendation covers content and focuses on such areas as media competence and action to combat discrimination. The first reading in the
European Parliament took place in September 2005 and the Commission’s revision to the proposal is expected early in the new year. The next step will be to continue discussions in the Council. Finally, in December 2005 the Commission published a proposal for a **Council Decision to enable the Community to become a party to the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions**. The Convention aims to allow all countries to produce, disseminate and protect diverse cultural goods and services. The Austrian Presidency will aim to have this Decision adopted.

**SPORT**

In December 2005 the Commission published a Communication on ‘**The EU action in the field of education through sport: building on EYES 2004 achievements**.’ This Communication seeks to provide options for follow up to the European Year of Education through Sport. The two Presidencies will consider these options during the course of 2006.

In addition, UEFA is working with Sports Ministers from the UK, France, Germany, Italy, Spain, the European Commission and FIFA to take forward an independent **review of European football**. A report should be produced in June, which should then be discussed by EU Sports Ministers.
13. GLOSSARY

Aquis

The body of common rights and obligations that binds EU Member States together. It is constantly evolving and comprises:

- the content, principles and political objectives of the Treaties;
- the legislation adopted in application of the treaties and the case law of the Court of Justice;
- the declarations and resolutions adopted by the Union;
- measures relating to the common foreign and security policy;
- measures relating to justice and home affairs;
- international agreements concluded by the Community and those concluded by the Member States between themselves in the field of the Union’s activities.

Applicant countries have to accept the Community acquis before they can join the Union (though some derogations are possible).

Co-decision procedure

Introduced by the Treaty of Maastricht and extended in subsequent European Treaties. The procedure strengthened the powers of the European Parliament (in those cases laid down by the Treaty), requiring that the Council and European Parliament jointly adopt a Commission proposal. Agreement can be reached at either First, Second or Third readings (see below).

The co-decision procedure applies to a wide range of EU policies, including the free movement of workers, right of establishment, services, the internal market, education (incentive measures), social exclusion, public health (incentive measures), consumer policy, trans-European networks (guidelines), environment, culture (incentive measures) and research (framework programme).

Conciliation Committee

Used to resolve disagreement between Council and Parliament on the outcome of a dossier going through the co-decision procedure (see above). Committees involve an equal number of representatives of Council and Parliament. The draft of any joint text put to a Conciliation Committee must be adopted within six weeks by qualified majority in the Council and by an absolute majority of the members of Parliament. If either institution rejects the proposal, it is deemed not to have been adopted.

First, Second and Third Reading Agreements

A legislative proposal dealt with under co-decision between the European Parliament and Council (see above) can be agreed at either first, second or third reading.

A First Reading Agreement occurs when the European Parliament’s First Reading (agreed at the Strasbourg plenary session) of a proposal and the Common Position (see above) subsequently adopted by the Council are the same. First Reading agreements are rare.

A Second Reading Agreement occurs when the European Parliament accepts the Common Position text adopted by the Council, with some minor amendments. In agreeing a Common Position, the Council is obliged to take into account the position of the European Parliament. A Second Reading deal is therefore most likely when the Council accepts many of the Parliament’s amendments to the Commission proposal.
If the European Parliament has significant difficulties with the Council Common Position and the two institutions cannot reach agreement, the conciliation process (see above) is convened. A **Third Reading** Agreement is reached when the European Parliament and Council accept the outcome of the conciliation committee.

**Political Agreement on a Common Position**

The technical term used to describe the point when Ministers have reached agreement on a legislative proposal at the Council of Ministers, but where the text of that proposal has still to be formally translated by legal linguists into all official languages of the EU.

The formal **Common Position** is not adopted until this translation has been undertaken. Formal Common Positions are usually adopted as “A” points (no discussion) at a future Council meeting – it does not matter which formation as the Council is indivisible.

**Consultation procedure**

Requires (in those cases laid down by the Treaty) that the Council consult the European Parliament and take its views into account before voting on a Commission proposal. The Council is not however bound by the Parliament’s position and the powers of the Parliament are limited.

**Comitology**

Used (where provided in primary legislation) to assist the Commission to decide on implementation measures for legislation. Comitology committees (management, advisory and regulatory) comprise representatives of Member States and are chaired by the European Commission.

**Decisions and framework decisions**

**Framework Decisions** are used to align Member State laws and regulations under third pillar of the EU (Police and judicial cooperation in criminal matters). Proposals, put forward on the initiative of the Commission or a Member State, have to be adopted unanimously. They are binding on the Member States as to the result to be achieved but provide for national flexibility on form and method.

**Decisions** are used for any purpose other than that of approximating the laws and regulations of the Member States. They are binding and any measures required to implement them at Union level are adopted by the Council, acting by a qualified majority.

**Proposal**

The Commission will propose action at EU level only if it considers that a problem cannot be solved more efficiently at the national, regional or local level – the “subsidiarity principle”. If the Commission concludes that EU legislation is needed, it drafts a proposal to address the issue. Prior to adoption, the Commission will consult widely both externally and internally. When the Commission ‘adopts’ a proposal, this means that it is transmitted officially to the Council and the Parliament in order to begin the decision making process.