

**European and External Relations
Committee**

6th Report, 2012 (Session 4)

**The EU-related engagement of the
Scottish Parliament's Committees
2011-2012**



The Scottish Parliament
Pàrlamaid na h-Alba

European and External Relations Committee

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The Scottish Parliament
Pàrlamaid na h-Alba

European and External Relations Committee

Remit and membership

Remit:

The remit of the European and External Relations Committee is to consider and report on-

- (a) proposals for European Communities legislation;
- (b) the implementation of European Communities legislation;
- (c) any European Communities or European Union issue;
- (d) the development and implementation of the Scottish Administration's links with countries and territories outside Scotland, the European Communities (and their institutions) and other international organisations; and
- (e) co-ordination of the international activities of the Scottish Administration.

(Standing Orders of the Scottish Parliament, Rule 6.8)

Membership:

Clare Adamson
Roderick Campbell
Willie Coffey
Helen Eadie
Hanzala Malik (Deputy Convener)
Jamie McGrigor
Christina McKelvie (Convener)

Committee Clerking Team:

Clerk to the Committee

Dr Ian Duncan

Assistant Clerk

Jennifer Bell
Jenny Goldsmith

Committee Assistant

Eileen Martin



The Scottish Parliament
Pàrlamaid na h-Alba

European and External Relations Committee

6th Report, 2012 (Session 4)

The EU-related engagement of the Scottish Parliament's Committees 2011-2012

The Committee reports to the Parliament as follows—

Introduction & background

1. The purpose of this report is to summarise the EU-related policy engagement of the Scottish Parliament's subject committees and Equal Opportunities Committee for the 2011-2012 period, as envisaged in the Parliament's EU Strategy.
2. The Scottish Parliament debated and agreed to introduce a Parliament-wide strategy for EU engagement and scrutiny on 9 December 2010. The debate followed a detailed inquiry into the Treaty of Lisbon and its implications for subnational parliaments conducted by the European & External Relations (EER) Committee ([4th report, 2010](#)).
3. The strategy sets out the role of the Parliament with regards to EU matters, which is '*to scrutinise the Scottish Government and its EU engagement*'. To fulfil this scrutiny function, the Parliament agreed to:
 - develop an early engagement approach and set an 'upstream' agenda based upon intelligence gathering and analysis of EU policy making at the earliest (pre-legislative) stages; and
 - mainstream the scrutiny of draft EU legislation to subject committees.

Committee engagement with EU issues

4. The EU Strategy was launched in November 2011, with co-ordinated consideration of the European Commission's Work Programme for 2012 and related documents. The Parliament's European Officer co-ordinated the scrutiny and engagement by the committees. Each Committee produced a report detailing agreed EU priorities and proposed engagement. These reports were assembled into a single compendium report and considered by the EER Committee at its meeting of 6 March 2012.

5. The EER Committee report formed the basis for a chamber debate on the Parliament's Committees' priorities, which took place in March 2012.

Audit of committee engagement

6. The EU Strategy contains an annual audit of committee engagement, to take place before the next cycle of the strategy, *i.e.* autumn 2012. The EER Committee has previously agreed that it would monitor the EU Strategy using such an audit in the interests of ensuring that the Strategy was working effectively. The responses to the audit from each committee are annexed to this report.

7. It should be noted that both the Local Government Committee and the Education Committee did not determine any EU priorities for the period 2011 – 2012 and so have not submitted a contribution to this report.

ANNEXE A

Extract from the minute of the European and External Relations Committee

14th Meeting, 2012 (Session 4)

Thursday 1 November 2012

Scottish Parliament EU strategy (in private): The Committee agreed to a draft report on EU engagement under the Scottish Parliament EU Strategy from 2011- 2012.

Annexe B

**ECONOMY, ENERGY AND TOURISM COMMITTEE
EU ENGAGEMENT 2011 – 2012**

EU reporter: Stuart McMillan MSP (<i>until 18 September 2012</i>)
Agreed committee priorities <ul style="list-style-type: none">• Communication on an Internal Energy Market (with particular emphasis on the development of a North Sea Grid)• Communication on energy efficiency• State aid as follows (Strategic Initiative in the field of substantive State aid rules; Review of the State aid rescue and restructuring guidelines; Review of the State aid de minimis; Review of the State aid research and development and innovation framework• Financial Services
Committee actions <ul style="list-style-type: none">• Due to a lack of progress in relation to the Committee's agreed priorities, no specific action was taken by the Committee during the course of the year• During its inquiry into the achievability of the Scottish Government's renewable energy targets, the Committee considered issues surrounding integration with the European energy market through interconnection. In particular, it scrutinised the actions of the UK and Scottish Governments regarding the issue of interconnection via the North Sea Countries Offshore Grid Initiative.
Other EU engagement <ul style="list-style-type: none">• None
Subsidiarity <ul style="list-style-type: none">• Number of proposals received: None
Number of issues referred to European & External Relations Committee <ul style="list-style-type: none">• None
Other comments N/A

ANNEXE C

**EQUAL OPPORTUNITIES COMMITTEE
EU ENGAGEMENT 2011 – 2012**

EU reporter: John Finnie MSP

Agreed committee priorities

- Child Poverty (legislative recommendation)
- Advancing Roma integration – First report of the European Commission (non-legislative communication)
- European Accessibility Act: improving accessibility of goods and services in the Internal Market (legislative directive)
- Improving the gender balance in the boards of companies listed on stock exchanges (could be legislative or non-legislative)
- Consultation of the European social partners on the review of the Directive on equal pay (non-legislative)

Committee actions

- Child Poverty (legislative recommendation)
 - The Child Poverty legislative recommendation is relevant to the Committee's forthcoming Women and Work inquiry and will be considered as part of that inquiry. Date: early 2013. Outcome: n/a. Follow-up: early 2013.
- Advancing Roma integration – First report of the European Commission (non-legislative communication)
 - The Committee has undertaken and continues to undertake significant work on Scottish Gypsy/Travellers. The non-legislative communication on advancing Roma integration is relevant to the second phase, on Where Gypsy/Travellers Live, and will be considered when the Committee decides on its approach. Date: late 2012. Outcome: n/a. Follow-up: late 2012.
- European Accessibility Act: improving accessibility of goods and services in the Internal Market (legislative directive)
 - The Committee is keeping a watching brief on the legislative directive. Date: on-going. Outcome: n/a. Follow-up: when relevant.
- Improving the gender balance in the boards of companies listed on stock exchanges (could be legislative or non-legislative)
 - The Committee is keeping a watching brief. Also relevant to the Women and Work inquiry. Date: on-going/early 2013. Outcome: n/a. Follow-up: when relevant/early 2013.
- Consultation of the European social partners on the review of the Directive on equal pay (non-legislative)
 - Relevant to and will be considered in the Women and Work inquiry. Date: early 2013. Outcome: n/a. Follow-up: early 2013.

<i>Other EU engagement</i>
None
<i>Subsidiarity</i>
No red proposals received.
<i>Number of issues referred to European & External Relations Committee</i>
None
<i>Other comments</i>
None

ANNEXE D

**HEALTH AND SPORT COMMITTEE
EU ENGAGEMENT 2011 - 2012**

Previous EU reporters: Mary Fee and Richard Lyle

Agreed Committee priorities

- Revision of the Tobacco Products Directive
- Package of Innovation in Health – Medical Devices

The Committee also agreed to monitor

- The European Innovation Partnership on Active and Healthy Ageing
 - Some initiatives related to the Partnership began in 2012
 - The overarching objective is to increase by 2 years the average number of healthy life years in the EU by 2020

Committee actions

- Revision of the Tobacco Products Directive
 - The Committee considered at its meeting on 7 February 2012
 - It wrote to the Cabinet Secretary for Health, Wellbeing and Cities Strategy on 8 February 2012 to establish the Scottish Government's position
 - Reply received on 25 February 2012
 - SG continuing close working with Department of Health as they work with the Commission and member states
 - SG also reported a joint UK-wide consultation on plain packaging and stated that any decision on the matter for Scotland would be informed by consideration of the results of this consultation and of the review of the Directive
 - The review of the Directive is expected to be published before the end of 2012
- Package of Innovation in Health
 - The Committee considered at its meeting on 7 February 2012
 - It wrote to the Cabinet Secretary on 8 February 2012 to establish the Scottish Government's position
 - Reply received on 25 February 2012
 - SG stated its position as "generally supportive of this initiative but will continue to follow developments and is mindful of possible resource and/or regulatory implications"

Other EU engagement

- EU Legislative Proposal (Health for Growth Programme)
 - The Committee considered this at its meeting on 17 January 2012
 - It wrote to the Cabinet Secretary on 18 January 2012 to ascertain its position and inquire:
 - To what extent the NHS in Scotland benefitted from the programme during the periods 2003-07 and 2008-13
 - To what extent the NHS in Scotland will benefit from the four key objectives

<ul style="list-style-type: none">▪ What discussions the SG has had with Department of Health▪ Whether it shares the UK Government's concern at "competence creep"○ Cabinet Secretary replied on 31 January setting out the figures and also commenting: "We have set out that we are broadly content with the proposal but have noted that we share the UK Government's concerns on "competence creep"".• EU Proposal for Amending The Transparency Directive (full title: Proposal for Amending the Transparency Directive Regulating the Pricing of Medicinal Products for Human Use and their Inclusion within the scope of National Health Insurance Systems)<ul style="list-style-type: none">○ The Committee considered this at its meeting on 17 April 2012○ It wrote to the Cabinet Secretary on 20 April 2012 to ascertain its position and inquire:<ul style="list-style-type: none">▪ The impact on quality of health care and cost for the NHS in Scotland▪ What discussion the SG has had with the Department of Health▪ The nature of any such discussions▪ Whether it shares the view of UK Government that "the consistency of the Commission's proposals with the principle of subsidiarity has yet to be examined"▪ More information about the move towards a system of Value-based Pricing (VBP)○ Cabinet Secretary replied on 3 June 2012 stating that discussions across Member States were at an early stage and the SG supported the UK Government position regarding examination of the proposals against subsidiarity principles○ She also set out that while the matter was devolved, the SG were working closely with Department of Health colleagues○ And that the Department of Health would be consulting on the likely costs and benefits of VBP
<p>Subsidiarity</p> <ul style="list-style-type: none">• 16 proposals in total were received via the EERC between June 2011 and August 2012• 2 were considered by the Health and Sport Committee• 2 raised the possible issue of subsidiarity
<p>Number of issues referred to European & External Relations Committee</p> <ul style="list-style-type: none">• None. However, in pursuit of its on-going work on the priorities identified, the Committee has stated that it would welcome support from the EERC, the Brussels Officer and the SPICe Senior Researcher on European Issues
<p>Other comments</p> <ul style="list-style-type: none">• It is anticipated that the Committee will wish to monitor progress with the on-going legal challenge to minimum pricing at EC level

ANNEXE E

INFRASTRUCTURE AND CAPITAL INVESTMENT COMMITTEE
EU ENGAGEMENT 2011 – 2012

EU Reporter: Aileen McLeod MSP

Agreed committee priorities

- Review of State aid guidelines for broadband networks
- The Digital Agenda for Europe
- Directives on public procurement
- Trans-European Transport Network (TEN-T)
- Passenger rights in all transport modes
- Draft regulation on electronic identification and trusted services for electronic transactions in the internal market
- Smart ticketing, multimodal scheduling, information, online reservation
- Framework for future EU ports policy
- Revising passenger ship safety
- Safeguarding Europe's Water Resources (EU water blueprint)

Committee actions

Introduction

1. The Committee agreed its EU priorities on 22 February 2012. The Committee also agreed to seek details from the Scottish Government on the level of engagement that Ministers and officials had undertaken, or planned, in relation to each of the Committee's priority topics. The Committee considered the Government's response at its meeting on 10 July 2012.
2. Although Aileen McLeod left the ICI Committee in September, she prepared this report as well as a written update on each of the Committee's EU priorities, both of which were considered in October. The ICI Committee agreed to note this report and to submit it to the EERC.

Review of State aid guidelines for broadband networks

3. In the course of taking evidence from Scottish stakeholders and the Scottish Government in relation to the inquiry into broadband infrastructure (2011-12), the Committee questioned witnesses on the EU funding mechanisms for rolling out superfast broadband and on the level of support provided by central government for this purpose. The Committee included discussion of these issues in its Report.
4. The Committee agreed to consider the draft EU guidelines in conjunction with follow-up work on its broadband infrastructure inquiry. The Committee will undertake this follow-up work at a suitable point later in the Session.
5. In September 2012, the Committee submitted its Report on broadband infrastructure to the European Commission in response to the consultation on the *Revision of the guidelines on public funding to broadband networks*.

The Digital Agenda for Europe

6. In the course of taking evidence from Scottish stakeholders and the Scottish Government in relation to the inquiry into broadband infrastructure (2011-12), the Committee questioned witnesses on the EU targets for faster broadband speeds. The Committee included discussion of this issue in its Report.

7. The Committee agreed to monitor the progress of the Digital Agenda and the sourcing of potential EU funding for Scotland in conjunction with follow-up work on its inquiry into broadband infrastructure. The Committee will undertake this follow-up work at a suitable point later in the Session.
8. The Committee also agreed to monitor the European Commission activity in relation to high-speed broadband networks and to submit its Report on broadband infrastructure to the Commission in response to the consultation on the *Initiative to reduce the cost of rolling out high speed communication infrastructure in Europe*.

Directives on public procurement

9. In the course of general evidence-taking sessions in June and October 2011, the Committee questioned the Cabinet Secretary for Infrastructure and Capital Investment on the EU framework for public procurement and its connection with any future Scottish legislation on the subject.
10. The Committee also raised relevant issues regarding the development of the EU public procurement directives during informal briefings with Scottish Government officials and the Jimmy Reid Foundation (in April and June 2012, respectively). The Committee will continue to raise relevant EU issues during a future briefing from the David Hume Institute, which will include participation by the Scottish Futures Trust, and in the course of its scrutiny of the review of public procurement in Scotland and the forthcoming Public Procurement Bill.

Trans-European Transport Network (TEN-T)

11. The Committee agreed to include discussion on the TEN-T in conjunction with its work on the update of the STPR and NTS and in relation to future consideration of high speed rail developments.
12. The EU Reporter undertook to keep the Committee updated on the European Parliament consideration of TEN-T and on developments relating to the associated funding stream (Connecting Europe Facility).

Passenger rights in all transport modes

13. The Committee agreed to monitor the development of the European Commission proposals in relation to transport rights.

Draft regulation on electronic identification and trusted services for electronic transactions in the internal market

14. The Committee agreed to monitor the development of the European Commission proposals in relation to the framework. The EU Reporter undertook to keep the Committee updated on progress regarding the proposal and made contact with the relevant officials in the Scottish Government on the issue.

Smart ticketing, multimodal scheduling, information, online reservation

15. The Committee agreed to monitor the development of the Commission's proposals for lorry parking slots in connection with maritime freight along with other Intelligent Transport System-related proposals.

Framework for future EU ports policy

16. The Committee considered that the proposals could merit further consideration and, as a first step, instructed the EU Reporter to seek further details from the European Commission and report to the Committee.
17. The EU Reporter met, in July 2012, with Scottish Government officials in Brussels and, in September 2012, with the Head of the Ports and Harbours Team in Edinburgh. The Reporter also made contact with the lead officials

