

COSLA

Transatlantic Trade and Investment Partnership – Impact in Scottish Councils

I am writing on behalf of COSLA to let you know our positions on protecting public services/ Services of General Interest (SGI) in Scottish, UK and EU law. COSLA has a strong position that public services should be structured so that they empower local democracy, seek to integrate relevant services locally, concentrate on outcomes rather than inputs; and protect local choice and accountability.

Of particular importance to local government in this policy area, and unlikely to be a surprise to the Committee, are our following positions. These are broadly the same as many of our sister EU local authority associations:

- There should be a general exemption of local public services from being obliged to tender
- At the end of a contract there should be an ability for the tendered services to be returned to direct local authority / public sector delivery
- There should be a transparency in the negotiation arrangements, allowing all affected stakeholders to understand and influence the final agreement.
- There should be an EU harmonisation of procurement standards which maximises local discretion and flexibility
- In transposition arrangements, where a different public sector procurement policy emerges within one UK jurisdiction, it should not drive devolved procurement policy in another.

We would want these to be respected in any international agreement affecting local services and being negotiated on by the EU, including the TTIP. COSLA would expect any negotiations by, or legislative proposals from, the European Commission to fully respect the Lisbon Treaty Protocol 26 on Services of General Interest. It stresses that any future EU legislation shall respect:

- *The essential role and the wide discretion of national, regional and local authorities in providing, commissioning and organising services of general economic interest as closely as possible to the needs of the users;*
- *The diversity between various services of general economic interest and the differences in the needs and preferences of users that may result from different geographical, social or cultural situations;*
- *A high level of quality, safety and affordability, equal treatment and the promotion of universal access and of user rights.*

At the moment significant officer level work is being devoted to scope out the potential impacts of TTIP on Scottish Councils. We have had, and will continue to have, meetings with EU officials negotiating TTIP as well as discussing and agreeing approaches with experts from the UK and other Member States. COSLA is unlikely to adopt a specific TTIP political position until further detail becomes available.

I am sure you will be aware that both the Commission and the Scottish and UK Government have had concerns over a number of draft TTIP provisions. The legal definitions of the TTIP need to be consistent with those concerning Services of General Interest (SGI) in the Lisbon Treaty and its protocols.

COSLA would welcome your Committee seeking to address the above and gaining reassurances that the matters are being satisfactorily addressed in its work over the next few months.

I would be happy to keep in contact with your staff so that I can inform them of developments taking place in my area of work.

Serafin Pazos-Vidal

Head of Brussels Office