



The Scottish Parliament  
Pàrlamaid na h-Alba

## EUROPEAN AND EXTERNAL RELATIONS COMMITTEE

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Dear Vice President,

I am writing to you on behalf of the Scottish Parliament's European and External Relations Committee, which is currently conducting a parliamentary inquiry into the Scottish Government's proposals for an independent Scotland's membership of the European Union.

As you may be aware, under the terms of the Edinburgh agreement between the UK Government and the Scottish Government, a referendum will be held in Scotland on 18 September 2014 on whether Scotland should be an independent country. In November 2013, the Scottish Government published a document entitled "Scotland's Future: Your Guide to an Independent Scotland" which sets out its proposals for Scottish independence, including its proposals in relation to the European Union. Information on the Committee's scrutiny of the Scottish Government's proposals can be found on the web page for the inquiry:

<http://www.scottish.parliament.uk/parliamentarybusiness/CurrentCommittees/70496.aspx> .

During the course of this inquiry José Manuel Barroso, President of the European Commission, made an intervention regarding Scotland's membership of the European Union and that's why I am writing to you now. I would therefore kindly request that you respond to the Committee on the following issues—

- The Scottish Government has identified Article 48 of the Treaty of the European Union as a suitable legal route for Scotland's continued membership of the EU as an independent member state. But the Scottish Government recognises it is for the EU member states to take forward the most appropriate procedure under which an independent Scotland will become a signatory to the EU Treaties at the point at which it becomes independent. Can you confirm that it will be for the member states, and not the European Commission president, to decide this matter?
- Can you confirm that there is no specific provision within the EU Treaties for the situation where, by a consensual and lawful constitutional process, the democratically determined majority view in part of the territory of an existing member state is that it should become an independent country, and that therefore there is no provision to remove EU citizens from the European Union against their will in such a circumstance?

I look forward to receiving your response.

Yours sincerely,

**Christina McKelvie**

Convener

European and External Relations Committee