The Scottish Parliament
Pàrlamaid na h-Alba

European and External Relations Committee

1st Report, 2012 (Session 4)

The Scottish Parliament's EU priorities for 2012

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European and External Relations Committee
1st Report, 2012 (Session 4)

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Remit and membership

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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
Helen Eadie
Bill Kidd
Hanzala Malik (Deputy Convener)
Jamie McGrigor
Christina McKelvie (Convener)
Aileen McLeod

Committee Clerking Team:

Clerk to the Committee
Dr Ian Duncan

Assistant Clerk
Jennifer Bell
Jenny Goldsmith

Committee Assistant
Eileen Martin
The Scottish Parliament's EU priorities for 2012

The Committee reports to the Parliament as follows—

INTRODUCTION

1. This report sets out the European & External Relations Committee’s summary of the EU priorities of the committees of the Parliament, as envisaged by the Scottish Parliament’s EU Strategy.

2. The report represents the declared priorities and proposed future engagement of each affected committee for the year ahead. It is based upon each committee’s assessment of the European Commission’s Work Programme for 2012 (CWP 2012) as it affects their area of competence.

3. In addition to the committees’ priorities, the report includes the stated EU priorities of the Scottish Government for the year ahead and the views of Scotland’s Members of the European Parliament (MEPs) regarding upcoming EU issues.

The Scottish Parliament’s EU strategy

4. Following the entry into force of the EU Treaty of Lisbon (December 2009), which recognised for the first time in Treaty the role of sub-state parliaments, the European & External Relations Committee (EERC) conducted an inquiry into the implications for Scotland. The resulting report¹ recommended that the Parliament adopt a strategy for early engagement and scrutiny of EU legislative proposals, which the Parliament duly agreed to on 9 December 2010.

5. The strategy establishes that the principal role of the Parliament with regards to EU matters 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 ‘to mainstream the scrutiny of draft EU legislation to subject committees.’

Early engagement with EU issues

6. The European Commission produces a work programme at the beginning of its term of office which details the anticipated legislative and non-legislative actions of the EU institutions for the whole of its mandate. This document is updated on an annual basis each November. In response to this, the Scottish Government produces and updates regularly an Action Plan on European Engagement. These documents provide valuable early warning and facilitate longer-term committee planning.

7. To support engagement with EU issues and to initiate the Scottish Parliament’s EU engagement strategy, the European & External Relations Committee commissioned the Scottish Parliament’s European Officer to produce an analysis of the Commission Work Programme for 2012 (CWP 2012) detailing the issues of devolved relevance and importance to Scotland. The list of issues of importance was determined using selection criteria previously agreed by the Committee.

8. The Committee considered this analysis report at its meeting of 13 December 2011 and agreed to forward it to the subject committees for consideration. The Committee also agreed to consult the Scottish Government regarding its EU priorities and to consult Scotland’s MEPs regarding their views on important upcoming issues. The Scottish Government submission is included in Annex H. The views of Scotland’s MEPs are included in Annex J.

9. Since then each subject committee, under the leadership of its appointed EU reporter, has discussed and agreed its EU priority issues together with a series of steps that will be undertaken by the committee to engage directly with the issues. The responses of the Committees are included in Annexes B - G.

10. During this process it was determined by the EU reporters for the Education & Culture Committee and the Local Government & Regeneration Committee that there were no specific issues of relevance for their committees contained in the CWP 2012.

11. The EERC considered the committee priorities together with related submissions at its meeting of 6 March 2012. At that meeting the committee agreed its EU priorities, which are included in the committee priorities below.

   COMMITTEE PRIORITIES

12. A table summarising the declared committee priorities is included in Annex A. For comparison, the table also details the original list of possible issues of devolved interest considered by the EERC at its meeting in December 2011.

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\[http://www.scottish.parliament.uk/S4_EuropeanandExternalRelationsCommittee/Meeting%20Papers/Meeting_papers_-_5th_meeting_-_25_Oct_2011.pdf\] (EER Committee meeting paper, EU/S4/11/5/2).
Economy, Energy & Tourism Committee

13. This Committee agreed that the focus of its scrutiny would be on the following areas:

- 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

Equal Opportunities Committee

14. This Committee agreed that the focus of its scrutiny would be on the following areas:

- 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)

European & External Relations Committee

15. This Committee agreed that the focus of its scrutiny would be on the following areas:

- The reform of EU Structural Funds
- Horizon 2020 Strategy for Research & Development
- The situation in the Eurozone
Health & Sport Committee

16. This Committee agreed that the focus of its scrutiny would be on the following areas:

- Revision of the Tobacco Products Directive
- Package of innovation in health – medical devices
- The European Innovation Partnership on Active and Healthy Ageing.

Infrastructure & Capital Investment Committee

17. This Committee agreed that the focus of its scrutiny would be on the following areas:

- Review of State aid guidelines for broadband networks
- The Digital Agenda for Europe and Scotland
- Directives on public procurement and on procurement by entities operating in the energy, water, transport and postal services sectors
- Trans-European Networks
- A European vision for Passengers: Communication on Passenger Rights in all transport modes
- Pan European legislative framework for electronic identification, authentication and signature
- Communication on Smart ticketing, multimodal scheduling, information, online reservation
- Framework for future EU ports’ policy (possibly legislative)
- Revising passenger ship safety (legislative)

Justice Committee

18. This Committee agreed that the focus of its scrutiny would be on the following areas:

- Special safeguards in criminal procedures for suspected or accused persons
- Compensation of crime victims
- Legal aid in criminal proceedings
- Alternative Dispute Resolution instrument for Business to Business disputes
• Jurisdiction, recognition and enforcement of judgements in matrimonial matters and the matters of parental responsibility

**Rural Affairs, Climate Change & Environment Committee**

19. This Committee agreed that the focus of its scrutiny would be on the following areas:

• 7th Environmental Action Programme (7th EAP)
• Invasive alien species (IAS)
• Setting a framework for Maritime Spatial Planning (MSP) (Legislative)
• Review of the Environmental Impact Assessment (EIA) Directive (Legislative)
• Safeguarding Europe's Water Resources (Legislative/ non-legislative)
• Animal and plant health package: (i) Animal Health Law; (ii) Official controls along the food chain
• EU Plant Health Law
• Marketing of seed and propagating materials to foster innovation in seeds
• Promotion and information for agricultural products
• Establishing or revising long term plans for certain stocks and the fisheries exploiting those stocks (multispecies plans).
• Conservation of fishery resources through technical measures for the protection of marine organisms
• Including maritime transport emissions in the EU's greenhouse gas reduction commitment
• Fluorinated greenhouse gases reduction
• Blue Growth: sustainable growth from the oceans, seas and coasts
• Organic farming
• New EU Forestry Strategy
• EU Adaptation Strategy
• Review of air quality policies
• White Paper on Maritime surveillance
• Integration of maritime surveillance: the implementation of the Common Information Sharing Environment including its financial aspects
• Biodiversity Strategy
• Environmental liability
ANNEXE A: SUMMARY OF COMMITTEE PRIORITIES

(Italics indicates a longer term priority).

<table>
<thead>
<tr>
<th>Nature</th>
<th>Title</th>
<th>Date of publication</th>
<th>Declared priority</th>
</tr>
</thead>
<tbody>
<tr>
<td>Economy, Energy &amp; Tourism</td>
<td></td>
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<tr>
<td><strong>Economy</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Communication</td>
<td>Annual Growth Survey 2012</td>
<td>October</td>
<td></td>
</tr>
<tr>
<td>Regulation</td>
<td>Strategic initiative in the field of substantive State aid rules</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Communication</td>
<td>Review of the State aid rescue and restructuring guidelines</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Communication</td>
<td>Revision of guidelines on national regional aid</td>
<td>October</td>
<td></td>
</tr>
<tr>
<td>Communication</td>
<td>European Consumer Agenda</td>
<td>March/April</td>
<td></td>
</tr>
<tr>
<td>Communication</td>
<td>Rethinking skills in the context of Europe 2020</td>
<td>November</td>
<td></td>
</tr>
<tr>
<td>Communication</td>
<td>Employment package: (i) Towards a jobs-rich recovery; (ii) Specific Flexicurity package;</td>
<td>June</td>
<td></td>
</tr>
<tr>
<td>Green Paper</td>
<td>Restructuring and Economic Adjustment</td>
<td>2012</td>
<td></td>
</tr>
<tr>
<td>Communication</td>
<td>Health and safety at work</td>
<td>December</td>
<td></td>
</tr>
<tr>
<td>Directive (amendment)</td>
<td>Include seafaring workers of vessels in the scope of several labour law EU Directives</td>
<td>February</td>
<td></td>
</tr>
<tr>
<td>Communication</td>
<td>Update and review of progress on the integrated industrial policy for the globalization era</td>
<td>2012</td>
<td></td>
</tr>
<tr>
<td>Communication + Regulation (+ possibly Framework Directive)</td>
<td>Freedom of movement for workers within the Union</td>
<td>May</td>
<td></td>
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<td>Enforcement of intellectual property rights</td>
<td></td>
<td>2012</td>
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<td>Communication</td>
<td>State of the Innovation Union 2012 – accelerating change</td>
<td>October</td>
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<td>Communication</td>
<td>Partnership contracts with Member States</td>
<td>2012</td>
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<tr>
<td>Communication</td>
<td>Key Enabling Technologies (KETs)</td>
<td>2012</td>
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<tr>
<td>Communication + Regulation</td>
<td>Review of the State aid de minimis</td>
<td>2013</td>
<td>✓</td>
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<td>Communication + Regulation</td>
<td>Review of the State aid R&amp;D&amp;I framework</td>
<td>2013</td>
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<tr>
<td>Directive</td>
<td>Cross-border payments in the EU</td>
<td>2013</td>
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<td>Package</td>
<td>Financial Services (added by Committee)</td>
<td>ongoing</td>
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<td><strong>Energy</strong></td>
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<td>Communication</td>
<td>Renewable energy strategy (RES)</td>
<td>May</td>
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<td>Communication</td>
<td>Spectrum for more efficient energy production and distribution</td>
<td>3rd Quarter</td>
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<td>Communication</td>
<td>Internal energy market</td>
<td>May</td>
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<td>Communication</td>
<td>Carbon capture and storage (CCS)</td>
<td>September</td>
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<td>Communication</td>
<td>Energy Technologies in a future European Energy Policy</td>
<td>1st Quarter 2013</td>
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<tr>
<td>Communication</td>
<td>Energy efficiency</td>
<td>1st Quarter 2013</td>
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<td><strong>Tourism</strong></td>
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<td>European label in tourism sector</td>
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<td>2012</td>
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</tr>
<tr>
<td>Directive (amendment)</td>
<td>Package Travel, Package Holidays and Package Tours</td>
<td>October</td>
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<tr>
<td>Nature</td>
<td>Title</td>
<td>Date of publication</td>
<td>Declared priority</td>
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<tr>
<td><strong>Education &amp; Culture</strong></td>
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<tr>
<td>Communication</td>
<td>Internationalisation of Higher Education</td>
<td>1st Quarter 2013</td>
<td></td>
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<tr>
<td>Communication + recommendation</td>
<td>Youth on the Move Card (soft law)</td>
<td>2014</td>
<td></td>
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<tr>
<td><strong>Equal Opportunities</strong></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Communication + Commission Recommendation</td>
<td>Child poverty</td>
<td>June</td>
<td>✓</td>
</tr>
<tr>
<td>Communication</td>
<td>Advancing Roma integration – First report of the European Commission</td>
<td>April</td>
<td>✓</td>
</tr>
<tr>
<td>Framework Directive + Communication</td>
<td>European Accessibility Act: improving accessibility of goods and services in the Internal Market</td>
<td>September</td>
<td>✓</td>
</tr>
<tr>
<td>Communication</td>
<td>Improving the gender balance in the boards of companies listed on stock exchanges</td>
<td>2012</td>
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<tr>
<td></td>
<td>2014, Year of healthy minds, learning and well-being</td>
<td>September</td>
<td></td>
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<tr>
<td>Consultation</td>
<td>Review of the Directive on equal pay</td>
<td>1st Quarter</td>
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<td>Regulation</td>
<td>EU hotlines for missing children</td>
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<tr>
<td>Legislative package</td>
<td>Horizon 2020 strategy for Research &amp; Development (FP*)</td>
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<td>Legislative package</td>
<td>The reform of Structural Funds</td>
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<td>Developments in the Eurozone</td>
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<td>Communication</td>
<td>Social Protection in development policy</td>
<td>October</td>
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<td>Communication</td>
<td>Civil Society &amp; Local Authorities in development policy</td>
<td>October</td>
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<td>Framework Directive</td>
<td>European Research Area (ERA)</td>
<td>June</td>
<td>✓</td>
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<td>Communication</td>
<td>Enhancing and focusing international cooperation in Research and Innovation</td>
<td>September</td>
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<td><strong>Health &amp; Sport</strong></td>
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<tr>
<td>Directive (amendment)</td>
<td>Revision of the Tobacco Products Directive concerning the manufacture, presentation and sale</td>
<td>February</td>
<td>✓</td>
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<tr>
<td>Directive (amendment)</td>
<td>Package on innovation in health: (i) Promotion of innovation in medical devices for the benefit of patients, consumers and healthcare professionals; (ii) Medical devices</td>
<td>March</td>
<td>✓</td>
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<td>Communication</td>
<td>Innovation Partnership on active and healthy ageing</td>
<td>2012</td>
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<td>Communication</td>
<td>Long-term care</td>
<td>2013</td>
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<td><strong>Infrastructure &amp; Capital Investment</strong></td>
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<tr>
<td>Package</td>
<td>Trans-European Networks (added by Committee)</td>
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<tr>
<td>Directives</td>
<td>Public procurement and on procurement by entities operating in energy, water, transport and postal services sectors (added by committee)</td>
<td>December 2011</td>
<td>✓</td>
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<td>Nature</td>
<td>Title</td>
<td>Date of publication</td>
<td>Declared priority</td>
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<td>Regulation</td>
<td>Pan European framework for electronic identification, authentication and signature</td>
<td>April</td>
<td>✓</td>
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<td>Communication</td>
<td>Review of the State aid guidelines for broadband networks</td>
<td>July</td>
<td>✓</td>
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<td>Communication</td>
<td>Digital Agenda for Europe – Next steps</td>
<td>2012</td>
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<td>Communication</td>
<td>Future strategy for the Outermost Regions</td>
<td>2012</td>
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<td>Communication +</td>
<td>Framework for future EU ports’ policy</td>
<td>2013</td>
<td>✓</td>
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<tr>
<td>Directive(s)</td>
<td>Targets of the waste acquis</td>
<td>2013</td>
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<tr>
<td>Communication</td>
<td>Diversion targets of the Landfill Directive</td>
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<tr>
<td>Directive(s)</td>
<td>Smart ticketing, multimodal scheduling, information, on-line reservation</td>
<td>2014</td>
<td>✓</td>
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</tbody>
</table>

**Justice**

<table>
<thead>
<tr>
<th>Nature</th>
<th>Title</th>
<th>Date of publication</th>
<th>Declared priority</th>
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<tbody>
<tr>
<td>Directive or</td>
<td>Special Safeguards in criminal procedures for Suspected or Accused Persons who are vulnerable</td>
<td>May</td>
<td>✓</td>
</tr>
<tr>
<td>recommendation</td>
<td>Minimum provisions on the constituent elements of criminal acts and penalties in the field of illicit drug trafficking</td>
<td>September</td>
<td></td>
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<tr>
<td>Directive (amendment)</td>
<td>Compensation of crime victims</td>
<td>November</td>
<td>✓</td>
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<tr>
<td>Communication (+</td>
<td>Alternative Dispute Resolution instrument for Business to Business (B2B) disputes</td>
<td>December</td>
<td>✓</td>
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<td>possibly directive or regulation)</td>
<td>Mutual recognition of civil documents: (i) Mutual recognition of the effects of certain civil status documents; (ii) Dispensing with the formalities for the legalisation of documents between Member States</td>
<td></td>
<td></td>
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<tr>
<td>Directive</td>
<td>Mutual recognition of disqualifications</td>
<td>2013</td>
<td>✓</td>
</tr>
<tr>
<td>Directive</td>
<td>Legal aid in criminal proceedings</td>
<td>2013</td>
<td>✓</td>
</tr>
<tr>
<td>Green Paper</td>
<td>Extension of minimum procedural rights</td>
<td>2013</td>
<td></td>
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<tr>
<td>Green Paper</td>
<td>Minimum standards for civil procedures and necessary follow-up</td>
<td>2013</td>
<td></td>
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<tr>
<td>Green Paper</td>
<td>Protection of the financial interests of the EU by strengthening administrative and criminal law procedures, including mutual assistance</td>
<td>2014</td>
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**Rural Affairs, Climate Change & Environment**

<table>
<thead>
<tr>
<th>Nature</th>
<th>Title</th>
<th>Date of publication</th>
<th>Declared priority</th>
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<tr>
<td>Directive (or</td>
<td>Promotion and information for agricultural products</td>
<td></td>
<td>✓</td>
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<tr>
<td>amendment)</td>
<td>Including maritime transport emissions in the EU’s greenhouse gas reduction commitment</td>
<td>September</td>
<td>✓</td>
</tr>
<tr>
<td>Regulation (amendment)</td>
<td>Fluorinated greenhouse gases reduction</td>
<td>June</td>
<td>✓</td>
</tr>
<tr>
<td>(Communication, leading to legislation)</td>
<td>Safeguarding Europe's Water Resources</td>
<td>November</td>
<td></td>
</tr>
<tr>
<td>legislative options</td>
<td>Invasive alien species (IAS)</td>
<td>September</td>
<td>✓</td>
</tr>
<tr>
<td>Directive</td>
<td>7th Environmental Action Programme</td>
<td>October</td>
<td>✓</td>
</tr>
<tr>
<td>Nature</td>
<td>Title</td>
<td>Date of publication</td>
<td>Declared priority</td>
</tr>
<tr>
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<tr>
<td>legislative instruments</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Communication + directive(s) + amendment(s)</td>
<td>Animal and plant health package: (i) Animal Health Law; (ii) Official controls along the food chain; (iii) EU Plant Health Law; (iv) Marketing of seed and propagating materials to foster innovation in seeds</td>
<td>(i) March; (ii) 3rd Quarter; (iii &amp; iv) Sept;</td>
<td>✓</td>
</tr>
<tr>
<td>Communication</td>
<td>Blue Growth: sustainable growth from the oceans, seas and coasts.</td>
<td>2012</td>
<td>✓</td>
</tr>
<tr>
<td>Communication</td>
<td>Organic farming</td>
<td>2013</td>
<td>✓</td>
</tr>
<tr>
<td>Communication</td>
<td>New EU Forestry Strategy</td>
<td>2013</td>
<td>✓</td>
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<tr>
<td>Communication</td>
<td>EU Adaptation Strategy</td>
<td>1st Quarter 2013</td>
<td>✓</td>
</tr>
<tr>
<td>Directive(s) (amendment)</td>
<td>Review of air quality policies</td>
<td>(by) October 2013</td>
<td>✓</td>
</tr>
<tr>
<td>Regulation</td>
<td>Conservation of fishery resources through technical measures for the protection of marine organisms.</td>
<td>March 2013</td>
<td>✓</td>
</tr>
<tr>
<td>White paper</td>
<td>Maritime surveillance</td>
<td>2013</td>
<td>✓</td>
</tr>
<tr>
<td>Regulation(s)</td>
<td>Establishing or revising long term plans for certain stocks and the fisheries exploiting those stocks (multispecies plans).</td>
<td>2013</td>
<td>✓</td>
</tr>
<tr>
<td>Communication</td>
<td>Biodiversity Strategy</td>
<td>2013</td>
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Economy, Energy and Tourism Committee

European Commission Work Programme – priorities

Background

At its meeting on 8 February, the Committee considered the Commission Work Programme and agreed its priorities for inclusion in the European and External Relations Committee’s report, to be debated by the Parliament on 21 March.

Economy, Energy and Tourism Priorities

The Committee agreed that the focus of its scrutiny would be on the following four areas:

- Communication on an Internal Energy Market (non-legislative) – expected May 2012 (with particular emphasis on the development of a North Sea Grid)
- Communication on energy efficiency (non-legislative) – expected 1st quarter 2013
- 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 (non-legislative)
- Financial Services – to keep a watching brief on European activity in this area.

Stuart McMillan
EU reporter to the Economy, Energy and Tourism Committee
ANNEXE C

Equal Opportunities Committee

European Commission Work Programme – priorities

Child Poverty (legislative recommendation)

Expected June 2012

1. A Recommendation will support the EU and Member States’ efforts to tackle child poverty, with common principles for effective policy intervention in—

- support to families (access to labour market for parents, income support)
- services (childcare, education, healthcare, housing, social services)
- participation in society.

2. According to the Commission, “children remain on average more at risk of poverty and social exclusion than the overall population”. The initiative aims to inspire and orientate the action of public authorities and stakeholders involved in the various policy areas that it covers.

3. The Commission has suggested that, if successful, it will ultimately have a beneficial impact on EU citizens and in particular on children (i.e. those aged 0-17) and the most vulnerable among them.

Importance to Scotland

4. The Child Poverty Act 2010 sets out UK-wide targets relating to the child poverty eradication. It provides that it is the UK Government’s duty to ensure that child poverty targets are met by 1 April 2020. As tackling child poverty in Scotland includes reserved and devolved matters, the Act requires Scottish Ministers to produce a strategy focusing on devolved matters.

5. The Scottish Government launched the Child Poverty Strategy for Scotland in March 2011. It has two aims—

- To reduce child poverty levels by—
  - reducing income poverty and material deprivation
  - maximising household incomes and reducing the pressure on household budgets among low income families – using measures such as maximising the potential for parents to access and sustain good quality employment
  - promoting greater financial inclusion and capability.
- To improve children’s wellbeing and life chances. The strategy’s ultimate aim is to break inter-generational cycles of poverty, inequality and deprivation. This requires a focus on tackling the poverty’s underlying social and economic determinants and on
improving the circumstances in which children grow up – recognising the particular importance of improving children's outcomes in the early years

Local Government and Regeneration Committee

6. The UK Government and the Scottish Government have already begun to take action on child poverty. The Scottish strategy encompasses the principles set out in this EU Recommendation.

7. During the consultation on the Bill that became the Child Poverty Act 2010, the Session 3 Local Government and Communities Committee held an inquiry into Child Poverty. Its report stated that it would follow up on the recommendations made. Its legacy paper recommended that its successor follow up on the recommendations.

8. The Committee have agreed to monitor this issue.

Advancing Roma integration – First report of the European Commission (non-legislative communication)

Expected April 2012

9. The first annual report will assess the national Roma integration strategies that Member States must submit to the Commission by the end of 2011.

10. On 5 April 2011, the Commission adopted a Communication creating an"EU framework for national Roma integration strategies up to 2020". Its aim is to encourage Member States to adopt or develop further a comprehensive approach to Roma integration. They are asked to set realistic, achievable national goals for Roma integration in four crucial areas (employment, education, housing and health) and to allocate sufficient funding to actions supporting Roma integration from national budgets complemented by international or EU funding.

11. This initiative directly deriving from the 2011 Communication aims therefore at ensuring that all national authorities create or adapt national roma integration strategies/sets of policy measures in proportion to the size of the Roma population living in their territories and taking into account their starting points.

Importance to Scotland

12. According to the EU framework, the term ‘Roma’ is used as an umbrella term for groups of people with broadly similar cultural characteristics, including Sinti, Travellers, Kalé, Gens du voyage. The EU framework also recognises that around 80% of Roma are settled, rather than travelling. In Scotland, the term Gypsy/Travellers is the agreed terminology to describe a group of people that includes Romany Gypsies and Scottish and Irish Travellers. This term does not include occupational travellers or New Age travellers.
13. The Equal Opportunities Committee is developing its approach to inquiry work on Gypsy/Travellers, examining (a) issues around unpaid care in the Gypsy/Traveller community and (b) accommodation issues, including how it affects access to services, such as health and education. This inquiry stems from an inquiry on Gypsy/Travellers conducted by the Session 1 Equal Opportunities Committee in 2001, which made 37 recommendations. The Session 2 Equal Opportunities Committee reviewed Scottish Government progress on the recommendations, and while it recognised some improvements, it expressed disappointment at the overall pace of progress.

14. Scottish Government action on Gypsy/Travellers to date has included—

- **National guidance** on the management of unauthorised camping by Gypsies/Travellers (2004)
- A **short life strategic group on Gypsy/Travellers** (October 2005 – January 2006) was established by the then Deputy Minister for Communities, Johann Lamont. The aim of the group was to consider issues raised by the EOC and to respond to some specific issues highlighted in the Executive’s Race Equality Review.
- A **Race Equality Statement** (2008) setting out its approach for the next three years. The Statement included Gypsy/Travellers and proposed an education strategy, funding for transit sites, community development work and developing engagement with young Gypsy/Travellers.

15. The Committee have declared an interest in this issue in relation to its work on Gypsy/Travellers.

**European Accessibility Act: improving accessibility of goods and services in the Internal Market (legislative directive)**

**Expected September 2012**

16. Proposal for a Directive to improve the market of goods and services that are accessible for persons with disabilities and elderly persons, based on a “design for all” approach. The definition of accessibility includes equal access to the physical environment, transportation, information and communications. This business-friendly initiative will include binding measures to promote procurement and harmonisation of accessibility standards.

17. The Commission is committed to removing economic and social barriers that prevent people with disabilities from enjoying their rights and full and complete participation in all areas of life.

18. Equality of opportunity for people with disabilities is at the centre of the multiannual European Disability Strategy 2010-2020. The strategy’s overarching goal is continuous and sustainable improvement in the situation of persons with disabilities in economic, social and participatory terms.
19. The act will address public authorities that procure goods and services, on the one hand, and the manufacturers of goods, distributors, sellers and services providers on the other. They will benefit from having a European harmonised framework for accessible goods and services. People with disabilities make up about 10% of the working age population in Europe with figures increasing as people grow older. Given demographic change in Europe and the correlation between disability and ageing, it is expected that over 20% of the EU population would benefit from improvements in accessibility of goods and services. Industry and service providers that address accessibility in their products and services would also be affected. Finally, public authorities would be involved in the practical implementation measures.

Importance to the UK and Scotland

The Equality Act 2010

20. Legislation on equal opportunities is reserved to the UK Government. Equalities legislation was consolidated in the Equality Act 2010 (the Act). Under Section 29 of the Act all service providers, whether private, public or voluntary have a duty to provide goods and services which do not discriminate against the protected characteristics3 (excluding marriage and civil partnership). Therefore, service providers must not discriminate against disabled people in the provision of goods and services, and at Section 29 (7) there is a duty on service providers to make reasonable adjustments. This duty to make reasonable adjustments is owed to disabled people generally; it is not in relation to each individual disabled person who wants to access a service. In addition, this duty is anticipatory, which means it requires consideration and action in relation to barriers prior to an individual disabled person seeking to use a service.

21. Section 155 of the Act makes provision for the devolved administrations to create regulations on public procurement.

22. Section 203 of the Act enables Ministers to amend UK equalities legislation to ensure consistency across the legislation where changes are required by European law. The aim is to ensure that areas of the Act which are covered by European law and those that are domestic in origin do not get out of step, as was the case with previous equality legislation.

23. One aim of the EU Accessibility Act is to harmonise legislation across the EU, but it is recognised that some states are already fulfilling the requirements in the Act. This may indeed be the case for the UK. However, if the EU Act gets passed there may be a need for Ministers in England, Wales and Scotland to initiate regulations on public procurement.

24. The Committee have agreed to monitor this issue.

3 Age (those 18 and over), disability, gender reassignment, race, religion and belief, sex, sexual orientation, and pregnancy and maternity.
Improving the gender balance in the boards of companies listed on stock exchanges (not clear could be legislative or non-legislative)

Expected 2012

25. Following the gender equality strategy, a Recommendation would aim to improve gender balance in company boards. As well as being a fundamental right, gender equality is crucial for the EU’s growth and competitiveness.

26. Equality in decision-making is one of five priority areas in both the Women’s Charter and the European Commission’s Strategy for Equality between Women and Men (2010-2015). In both, the Commission reaffirms its commitment to working to increase the percentage of women in positions of responsibility. In the Strategy, the Commission commits to considering targeted initiatives to improve gender balance in economic decision making.

27. The objective of the proposal is to increase the number of women in the boards of listed companies to 40% in 2020.

Importance to the UK and Scotland

28. Section 159 of the Equality Act 2010 covers positive action in recruitment and promotion. This provision is entirely voluntary, but allows employers to use positive action where there is enough evidence to make it reasonable to think that people with a protected characteristic suffer some sort of disadvantage because of that characteristic or are disproportionately under-represented (such as women in boardrooms). When either of these conditions apply, an employer who is choosing between candidates of equal merit can choose the person with the targeted characteristic.

29. Positive action differs from positive discrimination. Positive discrimination means favouring someone solely because she or he has a particular protected characteristic and is generally unlawful.

30. The Scottish Government continues to work on gender-based occupational segregation, both horizontal (different kinds of jobs) and vertical (different grades). This includes funding of and working in partnership with Close the Gap which works with businesses to support them in identifying and addressing pay and progression issues, and with trade unions to promote positive action to address pay gaps in individual workplaces.

31. The Equal Opportunities Committee held a roundtable discussion on women and work on 21 February 2012 which referred to the ‘glass ceiling’. The Committee plans to conduct an inquiry on women and work later this year.

32. The Committee have declared interest in relation to its inquiry on Women and Work.
Consultation of the European social partners on the review of the Directive on equal pay (non-legislative)

Expected 1st quarter 2012

33. In view of the persistent high gender pay gap in Europe (around 18%), the Commission will consult the European social partners on an update of the EU legislation implementing the principle of equal pay.

34. In its July 2007 Communication "Tackling the pay gap between women and men" (COM(2007) 424), the Commission stressed that the persistence of the gender pay gap (GPG) is a sign that women continue to be affected by direct and indirect discrimination and inequalities on the labour market.

35. The main policy objective is to reduce the gender pay gap in Europe.

Importance to the UK and Scotland

36. The Equality Act 2010 contains provisions regarding equal pay (previously contained in the Equal Pay Act 1970, now repealed). The term equal pay is used specifically to mean making sure that women and men who are doing equal work receive the same rewards under their contracts of employment.

37. As referred to above, the Scottish Government has conducted work on occupational segregation. Occupational segregation contributes to the broader issue of the gender pay gap as women tend to be concentrated in the lower paid jobs. Again, as already mentioned, the Scottish Government is working in partnership with Close the Gap which works with businesses to support them in identifying and addressing issues with pay and progression.

38. The Committee have declared interest in relation to its inquiry on Women and Work.
ANNEXE D

Health & Sport Committee

European Commission Work Programme – priorities

At its meeting on 7 February 2012, the Health and Sport Committee considered the Commission work programme for 2012.

It agreed that in relation to the following legislative proposals, it would write to the Scottish Government to seek its position and monitor progress:

- Revision of the Tobacco Products Directive
- Package of innovation in health – medical devices

The Committee also agreed that it would monitor the findings from the European Innovation Partnership on Active and Healthy Ageing.

Consequently, the Health and Sport Committee would be grateful for support from the Brussels Officer and SPICe Senior Researcher on European Union issues to monitor these proposals.

Duncan McNeil
Convener, Health and Sport Committee
ANNEXE E

Infrastructure and Capital Investment Committee

European Commission Work Programme – priorities

In line with the Scottish Parliament European Strategy, the Infrastructure and Capital Investment Committee considered its EU priorities in the context of the Commission’s Work Programme.

The Committee agreed its EU priorities and these topics are included in the Annexe to this letter.

As a first step in assessing whether the topics merit further consideration by the Committee, we agreed to write to the Scottish Government seeking information on how it plans to engage on each of these.

Maureen Watt
Convener, Infrastructure and Capital Investment Committee

Review of State aid guidelines for broadband networks (expected July 2012)

Proposal
The current guidelines for broadband networks which lay down how public funding should be granted to broadband development in line with the EU State aid rules need to be reviewed by 30 September 2012.

The European Commission has set highly ambitious objectives for broadband development because “smart investments into high and very high speed broadband infrastructures are crucial to create jobs, increase economic performance and to unlock the competitive potential of the EU in the long term”.

The Broadband Guidelines are a horizontal document that lay down the detailed rules and conditions on how public funds can be granted to broadband networks in line with the State aid rules.

The Infrastructure and Capital Investment Committee has considered the issue of providing state aid for the development of broadband networks as part of its initial scoping inquiry into the need for a broadband strategy across Scotland.

The review of state aid legislation and rules in a number of areas form a major plank of the Commission’s work programme. The Parliament’s Economy, Energy and Tourism Committee has identified a number of related proposals with which to engage.

Current guidelines
The European Commission’s Regional Aid Guidelines define the areas eligible for regional aid (the assisted areas) as well as maximum aid limits. They also
govern the operation of regional aid schemes, such as Regional Selective Assistance. Eligibility for aid is defined by Commission rules which relate to Articles 107(3)(a) and 107(3)(c) of the Treaty Establishing the European Community which grant derogations to Member States to provide aid which would not normally be allowed due to a fear it would distort the single market.

The current European Commission’s Regional Aid guidelines set out that Cornwall and the Isles of Scilly and West Wales and the Valleys are eligible for full Article 107(3)(a) status and the Highlands and Islands is eligible for statistical effect status which in total covers 4.6% of the UK population (see map produced by Department for Business, Innovation and Skills). In terms of eligibility under Article 107(3)(c), the Commission’s guidelines lay out that a further 19.3% of the population may be eligible which allows a total of 23.9% of the UK population to live in areas eligible for state aid. The United Kingdom Government has responsibility for deciding how that potential coverage should be distributed across the country.

It would be possible for the Scottish Government to plan a Broadband aid scheme covering particular areas of Scotland and then seek the agreement of the European Commission to run it.

Impact on Scotland
State aid is a European Commission term which refers to forms of assistance from a public body, or publicly-funded body, given to undertakings on a discretionary basis, with the potential to distort competition and affect trade between member states of the European Union.

The 'State aid rules' are set out by the European Commission and comprise various articles of the Treaty on the Functioning of the European Union (TFEU), regulations, frameworks and guidelines - which set out what aid can be given.

The Scottish Government’s State Aid Unit, part of the Enterprise and Environment Directorate of the Scottish Government, is responsible for assisting those involved in approving or granting public funding within State aid rules.

The Digital Agenda for Europe and Scotland

Proposal
The Europe 2020 Strategy stresses the importance of widely available, quick and affordable broadband in achieving a more competitive European Union (EU) and creating more jobs. Its objective is that all Europeans will have access to basic broadband by 2013 and, by 2020, access to much higher internet speeds of above 30 Mbps, with at least 50% of European households subscribing to internet connections above 100 Mbps. In the UK, Ofcom defines ‘superfast broadband’ as broadband with speeds greater than 24 Mbps.

One of the 2020 Strategy’s seven flagship initiatives, the Digital Agenda for Europe (DAE), elaborates the objectives and emphasises the key role of Information Communication Technology (ICT). It articulates a number of actions for both the Commission and Member States (but also acknowledges the importance of activities at the regional level). It states that the lack of investment
in broadband networks can be addressed by stimulating private investment (backed by EU and European Investment Bank (EIB) funds, especially in instances where the business case is weak), complemented by carefully targeted public investments.

Following the second Digital Agenda Assembly and the 2012 Scoreboard, the mid-term review should look at strategic priorities for the remaining two years of the Digital Agenda for Europe lifecycle.

**Impact on Scotland**

Upgrading existing internet infrastructure from telephone copper and TV cable networks to Next Generation Access (NGA) fibre cables and improving spectrum allocation for wireless networks is also considered to be important. It calls on Member States to adopt national broadband plans by 2012 that meet the Europe 2020 objectives. While not obliged to do so, the Scottish Government’s targets, given in *Scotland’s digital future: a strategy for Scotland*, published on 3 March 2011, adhere to the Europe 2020 targets.

**Directives on public procurement and on procurement by entities operating in the energy, water, transport and postal services sectors (published December 2011)**

**Proposal**

The European Commission adopted on 20 December 2011 proposals for two new Directives on public procurement covering the public sector and Utility sectors respectively.

According to the UK Government’s Explanatory Memorandum for the proposals, in 2009, public procurement accounted for approximately 19% of the European Union’s GDP whilst total public expenditure on works, goods and services exceeds 2 trillion Euro per year. European Union (EU) law includes directives governing the procurement process undertaken by government and other public bodies when awarding most contracts (depending on the nature and value of those contracts).

According to the Commission, the directives include measures to:

- simplify the procurement rules and provide more flexibility for purchasers;
- enable purchasers to procure goods and services that, for example, foster innovation and respect the environment;
- remove barriers for market access by SMEs;
- improve existing safeguards against risks such as conflict of interest, favouritism and corruption and provide for additional protection; and
- require Member States to establish a single national authority to be in charge of monitoring, implementation and control of public procurement law.
Impact on Scotland
The development and application of public procurement policy and the implementation of public procurement legislation is a devolved matter in Scotland. The Committee recently considered the proposals for new procurement legislation in terms of a potential breach of subsidiarity and agreed to write to the House of Lords Sub-Committee, the Scottish Government and to Scotland’s MEPs on the matter.

Trans-European Networks

Proposal
In October 2011 the European Commission published proposals for a connecting Europe facility as part of the 2014-2020 European budget. According to the European Commission: “the Connecting Europe Facility will invest €31.7 billion to upgrade Europe’s transport infrastructure, build missing links and remove bottlenecks. This includes €10 billion ring fenced in the Cohesion Fund for transport projects in the cohesion countries, with the remaining 21.7 billion available for all Member States for investing in transport infrastructure. The idea is to improve links between different parts of the EU, to make it easier for different countries to exchange goods and people with each other.”

Impact on Scotland
The Commission, in discussion with the Member States has produced a map highlighting key projects likely to receive funding up to 2030. Included within these projects is the Edinburgh to Glasgow railway line which will be upgraded. Funding of the projects until 2020 will come from the Connecting Europe facility.

It is likely that the proposals for the Trans European Network will be agreed during 2012 with the budget for it likely to be agreed as part of the overall EU budget negotiations which may be complete by the end of 2012 or early in 2013.

A European vision for Passengers: Communication on Passenger Rights in all transport modes

Proposal
In November 2011 the European Commission published a Communication outlining its thoughts on improving passenger rights across all modes of transport for EU citizens. The Communication aims to help:

- carriers towards a more coherent and effective application of EU law;
- national authorities towards a harmonised enforcement of passenger protection across all modes; and
- passengers towards a better understanding of what they can legitimately expect (and what they cannot) as minimum quality service when travelling.

According to the European Commission, passenger rights are based on three cornerstones: non-discrimination; accurate, timely and accessible information; immediate and proportionate assistance. The following ten rights that stem from these principles form the core of EU passenger rights:
1. Right to non-discrimination in access to transport

2. Right to mobility: accessibility and assistance at no additional cost for disabled passengers and passengers with reduced mobility (PRM)

3. Right to information before purchase and at the various stages of travel, notably in case of disruption

4. Right to renounce travelling (reimbursement of the full cost of the ticket) when the trip is not carried out as planned

5. Right to the fulfilment of the transport contract in case of disruption (rerouting and rebooking)

6. Right to get assistance in case of long delay at departure or at connecting points

7. Right to compensation under certain circumstances

8. Right to carrier liability towards passengers and their baggage

9. Right to a quick and accessible system of complaint handling

10. Right to full application and effective enforcement of EU law

The UK Government has expressed concerns that the Commission’s thinking in this area may breach the principle of subsidiarity. As it is not a legislative proposal the subsidiarity mechanism introduced in the Treaty of Lisbon cannot be invoked, but it may be that subsidiarity concerns arise when a legislative proposal is produced – possibly later in 2012 or early 2013.

Pan European framework for electronic identification, authentication and signature (legislative regulation) (expected April 2012)

Proposal
The initiative aims to increase the usability of eSignatures and to ensure the possibility of true cross-border interoperability through mutual recognition and acceptance of national eIDs. eSignature should become as easy to use as handwritten signature, to facilitate better electronic transactions between citizens, businesses and administrations. The mutual recognition and acceptance of national eIDs throughout the EU would enable all citizens and businesses to use their national eIDs in all Member States to access online services of national public administrations and public authorities and speed up procedures significantly.

Moreover, in relation to the Commission's ongoing initiative for better regulation, a further general objective is to simplify and clarify the current legislative framework, using the outcome of an ex-post evaluation.
Smart ticketing, multimodal scheduling, information, on-line reservation (non-legislative communication) (expected 2014)

Multimodal transport is the transportation of goods from one country to another under a single contract, but performed with at least two different means of transport. In April 2011, the Commission launched a public consultation on an EU multi-modal journey planner, the objective of which is to collect information and opinions from stakeholders across the EU on the vision, feasibility and possible technical/organisational implementation issues of European and national multi-modal journey planners. The objective of the Commission is to support the development of national and regional multimodal journey planners, and links between existing planners, with the ultimate target of providing users with a journey planner at EU level.

Following on from this, a legislative proposal is expected which may be comprised of rules on access to information, data exchange, and liability. This could include a proposal to ensure access of private service providers to travel and real time traffic information.

Framework for future EU ports' policy (possibly legislative) (expected 2012)

This initiative will better enable ports to efficiently handle the increasing freight volumes to enable seamless logistics chains; review the restrictions on provision for port services and enhance the transparency on ports' financing, clarifying the destination of public funding to the different ports activities with a view to avoid any distortion of competition; and establish a mutually recognisable framework on the training of port workers in different fields of port activities.

Revising passenger ship safety (legislative) (expected 2012)

The overarching aim of this initiative is to improve safety and avoid distortion of competition for several passenger ship types engaged in international/domestic voyages. The forthcoming proposal will seek to simplify and clarify the legislative framework by removing excessive provisions that are currently applicable to small ships and small transport companies.

The 2011 White Paper for the future of transport – "Roadmap to a Single European Transport Area – Towards a competitive and resource efficient transport system", recognises the need to modernise the current EU passenger ship safety legislative framework, which followed the sinking of the Estonia in 1994.

The general objectives flowing from these two problems, derived from Articles 91 and 100 of the Treaty, are to:
1. Ensure maritime transport safety; and

2. Lay down the conditions under which non-resident carriers may operate transport services within a Member State and ship constructors can build ships to the same standards for the whole EU market.
ANNEXE F

Justice Committee

European Commission Work Programme – priorities

1. At its meeting on 21 February 2012, the Justice Committee agreed the following EU priorities from the European Commission Work Programme for 2012. The Committee’s agreed action in relation to each priority is outlined below.

2. The Committee further agreed to include a formal item on its agenda at regular intervals to keep track of progress in relation to its EU priorities and a watching brief on the on-going EU legislative proposals contained in the Scottish Government’s EU Justice and Home Affairs Civil and Criminal Dossiers.

CRIMINAL JUSTICE INITIATIVES

Special safeguards in criminal procedures for suspected or accused persons (expected May 2012)

Summary of the proposed initiative

3. This initiative aims at ensuring that special attention is shown in criminal proceedings throughout the EU to suspected or accused persons who cannot understand or follow the content or the meaning of the proceedings, owing, for example, to their age, mental or physical condition.

4. At present, the European Commission considers that there is disparity in protection across member states in this regard, to the detriment of mutual trust between judicial authorities in member states and to mutual recognition of judicial decisions in criminal matters. The Commission is especially concerned with the position of vulnerable adults, who represent a considerable proportion of those in the criminal justice system. The Commission’s research to date suggests there is currently little legislation protecting such individuals in many member states.4

5. The protection which could be afforded to vulnerable individuals covers areas including the means of identifying such individuals; access to a lawyer; and the creation of special measures to allow the effective participation of such individuals in criminal proceedings.

6. The forthcoming legislative proposal is expected to set out minimum procedural standards addressing the specific needs of children and other vulnerable individuals over a range of topics.

7. A Green Paper (i.e. a Commission consultation document) is also expected in 2013 on whether minimum procedural rights for accused and suspected individuals, other than those covered by legislative proposals from the Commission to date, needs to be addressed.

4See further: http://ec.europa.eu/governance/impact/planned_ia/docs/2012_just_016_vulnerable_persons_en.pdf
Relationship with Scottish policy developments

8. There would appear to be an element of cross-over between: (a) some of the issues covered by both this proposal, as well as the future Green Paper, and (b) some of the issues considered by the Carloway Review which reported in November 2011.

9. Section 6 of the Carloway Review: Report and Recommendations includes “four chapters that specifically look at the right of access to a lawyer, the nature and scope of police questioning and how child or vulnerable suspects can be protected within the investigation process” (para 6.0.2).

10. The report goes on to say that: “Chapter 6.1 - Legal Advice, reaffirms and elaborates on the need to provide suspects with access to a lawyer and the form which that access can take” (para 6.0.3). The chapter refers to the European Union’s draft Directive on the Right of Access to a Lawyer in Criminal Proceedings (which the UK has not opted into) and the draft Directive on Rights to Information in Criminal Proceedings (the so-called ‘letter of rights’ proposal, which the UK has opted into). It also notes that any prospective legislation by the EU is likely to complement the approach taken by the European Court of Human Rights.

11. In relation to child suspects, the report states that:

“in Chapter 6.3 - Child Suspects, the Review makes it clear that additional statutory safeguards need to be put in place to protect child suspects in the criminal justice system. For the purposes of arrest, detention and questioning, it is the recommendation of the Review that a child be defined as a person under the age of 18 years. Statutory provisions should be introduced: to state that the child’s best interests are a primary consideration when the police take decisions on his/her arrest, detention and questioning; to define the role of the parent, carer or responsible person to some degree in the process of detention and questioning; and to give the child detainee the right of access to a parent, carer or responsible person. The Review appreciates the added importance of access to a lawyer for child suspects. Children under the age of 16 ought not to be able to waive that right. In recognition that children’s maturity and understanding varies greatly, children of 16 or 17 should be allowed to waive their right of access to a lawyer, but only if their parent, carer or responsible person agrees to that course of action.” (para 6.06)

12. And in relation to vulnerable suspects, the report notes that:

“Chapter 6.4 - Vulnerable Suspects, recommends, at the outset, that there should be a statutory definition of a ‘vulnerable suspect’. Alongside this, further statutory provision, similar to that for child suspects, should be put in place: to define the role of the appropriate adult; and to give the vulnerable suspect the right of access to an appropriate adult. Again the Review

recognises that, as with child suspects, vulnerable adult suspects have a wide range of ability and understanding. Therefore, the Review recommends that a vulnerable suspect should be able to waive his/her right of access to a lawyer, but only if the appropriate adult agrees.” (para 6.07)

13. The Justice Committee has already heard from Lord Carloway and some stakeholders during a number of committee meetings. In addition, a plenary debate on the Carloway Review was held on 1 December 2011 – during which Kenny MacAskill stated that:

“We intend to go out to further consultation, probably in the spring, to ensure that we take on board all the views not simply on the fundamental aspects mentioned by Lord Carloway but on other matters that have been raised that are tangential, incidental or, indeed, fundamental to those raised by Lord Carloway. Those, too, can be brought in and looked at.”

Agreed action
14. The Justice Committee agreed to seek information on how the EU proposal and Green paper may impact on the Scottish Government’s thinking in relation to implementation of Carloway.

Compensation of crime victims (expected November 2012)

Summary of the proposed initiative
15. This proposed initiative would revise EU Directive 2004/80 with the policy aim of ensuring that victims of crime would receive fair and appropriate compensation in all member states. Specific policy objectives include creating a level playing field for compensation for crime victims in Europe, by the establishment of minimum of standards on the rights, support and protection for victims, as well as improving compensation for crime victims in cross-border cases.

Relationship with Scottish policy developments
16. In the UK, Criminal Injuries Compensation provides compensation for personal injuries which are attributable to crimes of violence. A single scheme covers Scotland, England and Wales. Scottish Ministers and the Home Secretary have joint responsibility for the general oversight of the scheme, with the Scottish Government contributing an agreed percentage of the total funding.

17. In January 2012, the UK Ministry of Justice published its consultation paper Getting it Right for Victims and Witnesses (runs from 30 January to 22 April 2012). Part 2 of the consultation paper sets out how the UK Government proposes to reform the Criminal Injuries Compensation Scheme to focus on those who are most seriously injured, while removing less serious injuries from the scheme and restricting payments to those with criminal convictions. It states that “text relating to the Criminal Injuries Compensation Scheme applies to England, Scotland and Wales” (p 6).

18. An offender may also be required to pay compensation to a victim as part of a criminal sanction. In addition, a victim may seek civil damages from an offender. Compensation awarded by a court (whether criminal or civil) may cover sources of
loss which are not covered by the Criminal Injuries Compensation Scheme (eg damage to property).

19. The SNP manifesto 2011 stated that it would bring forward legislation that “will enshrine in law a victim’s right to damages and compensation” (p 18). The Scottish Government’s legislative programme 2011-12 outlined: “we will bring forward legislation during this Parliament to ensure victims’ rights are central to improvements in our justice system” (p 43).

Agreed action
20. In light of the above, the Justice Committee agreed to seek information from the Scottish Government on: (a) how it is working with the UK Government in relation to the review of Criminal Injuries Compensation; and (b) how the EU proposal may impact on the Scottish Government’s thinking in relation to Criminal Injuries Compensation and compensation for victim’s more generally.

Legal aid in criminal proceedings (expected 2013)

Summary of proposed initiative
21. Provisions governing legal aid in different member states currently vary enormously. For example, some member states, such as Scotland, provide legal aid for the investigation stage (legal aid at the police station and prior to charge) others do not and only cover the trial stage. The European Commission considers that concerns about varying standards have a bearing on mutual trust generally and on judicial cooperation which is adversely affected by insufficient trust.6

22. This EU initiative will define common minimum rules to ensure that suspects and accused persons in criminal proceedings in member states are entitled to legal aid between the charge and the end of the trial, or appeal proceedings.

Relationship with Scottish policy developments
23. On 5 October 2011, the Scottish Government published a White Paper, entitled A Sustainable Future for Legal Aid, proposing a number of reforms to legal aid, with an anticipated cost saving of around £16m per annum. Legislation implementing these reforms was included in the Scottish Government’s Legislative Programme 2011-12 and is expected to be introduced in Spring 2012.

Agreed action
24. The Justice Committee agreed to ask the Scottish Government for details of how the EU proposal may impact on its plans for legal aid in criminal proceedings, especially given the Bill is expected to be introduced before the EU proposal.

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CIVIL JUSTICE INITIATIVES

Alternative Dispute Resolution instrument for Business to Business disputes (expected December 2012)

Summary of proposed initiative

25. An Alternative Dispute Resolution (ADR) scheme is one that leads to a quick and inexpensive resolution of a dispute by a non-judicial procedure, such as mediation or arbitration.

26. On 17 January 2012, the Justice Committee considered a Proposal for an EU Directive on alternative dispute resolution for consumer disputes, focusing on whether the aforementioned proposal is compliant with the principle of subsidiarity under the Treaty on European Union (Art. 5(3)). The measure in question does not just apply to ADR for cross-border disputes but requires member states to put in place ADR schemes for intra-member state business to consumer disputes.

27. The initiative proposed in the Commission’s work programme for 2012 will complement the proposed EU Directive on Alternative Dispute Resolution for consumers with a mechanism adapted to business-to-business disputes. Again there is some suggestion in the accompanying documentation to the proposal that its scope may not be restricted to cross-border cases.

28. The earlier ADR proposal discussed in para 27 above was brought under article 114 of the Treaty on the functioning of the European Union (TFEU). If the same approach is taken to the latest ADR proposal, this would mean there would be no possibility of the UK electing not to opt-in to the proposal.

Relationship with Scottish policy developments

29. There has been recent Scottish legislation on ADR, in the form of the Arbitration (Scotland) Act 2010, which aimed, among other things, to clarify and consolidate Scottish arbitration law. The report of the Gill Review published in September 2009 recognised the value of ADR and makes various proposals on the topic, including a free mediation service for claims under the new simplified civil court procedure (also proposed in the Gill report).

30. As this proposal is not expected until the end of the year, the Committee agreed to return to this issue at its next EU scrutiny session.

Jurisdiction, recognition and enforcement of judgements in matrimonial matters and the matters of parental responsibility (expected 2013)

Summary of proposed initiative

31. This legislative proposal would amend an existing legal instrument, namely Regulation (EC) No 2201/2003 which sets out rules relating to EU cross border cases on parental responsibility and “matrimonial matters” (e.g. divorce).

7 See further: http://ec.europa.eu/governance/impact/planned_ia/docs/2012_just_028_adr_b2b_en.pdf (especially under ‘Objectives of the Scheme’).
32. This latest legislative proposal focuses on how court judgements made in one member state should be recognised and enforced in another member state. It proposes the creation of minimum EU standards for the recognition of such judgements. It also proposes the abolition of the “exequatur procedure”, which is the procedure by which the court judgements of one member state are currently given effect to in another member state, i.e. via a court decision to do so in the latter member state. The effect of the proposed abolition is that court judgements of one member state would be given effect to automatically in another member state, subject to certain safeguards.

Relationship with Scottish policy developments

33. The SNP Manifesto from May 2011 (p 22) contained a commitment to review the Children (Scotland) Act 1995 (which contains the current domestic law on parental responsibilities and rights in Scotland) and it is understood the preliminary work in relation to this is in its very early stages. However, it is too early to say what the scope of this review will be.

34. The focus of this latest EU initiative is on cross-border cases only and would make no change to domestic family law in Scotland. On the other hand, abolition of the exequatur procedure is only thought advisable in policy terms if the judgements of other member states have been made subject to equivalent procedural safeguards as those which exist in domestic courts.

35. As this proposal is not expected until the end of the year, the Committee agreed to return to this issue at its next EU scrutiny session.
ANNEXE G

Rural Affairs, Climate Change and Environment Committee

European Commission Work Programme – priorities

This paper presents details of the Commission’s proposals relevant to the Rural Affairs, Climate Change and Environment Committee. Those proposals have been selected using the criteria agreed by the European and External Relations Committee at its meeting of 25 October 2011, particularly: (i) the nature and stage of proposal; (ii) the potential Scottish dimension; (iii) the status of the proposal vis-à-vis reserved or devolved; and (iv) the financial implications.

This paper highlights the issues likely to be of most significance to Scotland and also provides details of the other proposals relevant to the Committee but which, according to the criteria may not be as significant.

There are some areas of European work which the Committee is already heavily engaged in such as Common Fisheries Policy and Common Agricultural Policy reforms. Other areas are entirely new to the Committee.

For each proposal, the Committee has agreed what further action it will take as follows—

1. New initiatives

7th Environmental Action Programme (7th EAP) (Legislative/non-legislative)

Expected date of adoption: October 2012

Background

The environmental action programmes (EAPs) take a broad look at the environmental challenges and provide a strategic framework for the Commission's environmental policy. The 6th EAP covered a period of 10 years and will end July 2012. A Commission Communication on its final assessment notes that on balance the 6th EAP was helpful in that it provided an overarching framework for environment policy and the large majority of actions set out in the Programme have been or are in the process of being completed. However, there has been some debate about the need for a 7th EAP given the considerable body of environmental legislation that has been put in place, the perceived need to focus on implementation rather than new legislation, and the numerous existing environmental strategies including the Roadmap to a resource efficient Europe which links a number of different areas. (IEEP 2011).

The EEA’s State of the Environment Report 2010 shows that the EU is still behind in tackling many pressures on the environment, in particular, pressure on ecosystems, biodiversity loss (terrestrial and marine), waste generation and air quality in urban areas. The Council of Ministers meetings in October and December therefore decided that a 7th EAP was needed. The added value of the 7th EAP will be in setting out strategic orientations for the short-to-medium term and a longer term vision, focusing on implementation, policy integration and coherence, ensuring broad ownership and mobilising action.
The roadmap clearly states that the 7th EAP should contribute to the objectives of the Europe 2020 strategy of smart, sustainable and inclusive growth, but also go beyond it in terms of its timeframe and scope.

**Effect in Scotland**
Given the 7th EAP has the potential to cover all aspects of environmental protection and action; it has the potential to play a significant role in linking environmental actions and driving new initiatives. It is likely that a proposal will be tabled in late 2012, however before that, discussions will be on-going about the overall direction of EU environmental policy and the role of the 7th EAP. The 7th EAP will not come up with specific initiatives so it in itself does not have financial implications. However, initiatives will flow from the 7th EAP through proposals put forward by the Commission, Member States and other actors. The choice of legislative versus non legislative routes will be considered. The effects on Scotland will therefore depend on what is included in the 7th EAP and how its aims are implemented.

The Committee agreed to write to the Scottish Government requesting information on what work is being done by the Scottish Government in advance of the publication of the 7th EAP and how it has been feeding into the development of the Programme.

**Invasive alien species (IAS) (Legislative)**
*Expected date of adoption: Third quarter 2012*

Invasive alien species (IAS) are recognised as one of the five pressures directly driving biodiversity loss. The other four (habitat change, overexploitation, pollution and climate change) are already addressed by EU policies. Currently, the legal framework addressing IAS at EU level is incomplete and covers only specific groups of organisms (e.g. plant pests, animal diseases, four species covered under the Wildlife Trade Regulations, aquaculture organisms). Addressing IAS issues at Member State (MS) level varies between MS with no consistent horizontal coordination at EU level.

The EU has been moving towards putting in place an EU-wide framework for IAS. In 2008 the Communication “Towards an EU Strategy on Invasive Species” was published and proposed four policy options from business as usual to a dedicated legal instrument. The recently published EU biodiversity strategy set a specific target to address the issue of IAS and proposes the preparation of a dedicated legislative instrument to tackle the problem. The EU has also signed up to international commitments on IASs including a target to identify, control or eradicate priority species as part of the targets for the Convention for Biological Diversity adopted in Nagoya in 2010.

**Effect in Scotland**
The Scottish Government is working with a range of partners across Great Britain to minimise the risk posed and the negative impacts caused by invasive non-native species in Scotland. An Invasive Non-Native Species Framework Strategy for Great Britain was launched in 2008. The Wildlife and Countryside Act 1981...
makes it an offence to plant non-native species and the Wildlife and Natural Environment (Scotland) Act 2011 (expected to come into force in 2012) prohibits the keeping of non-native species and gives powers to require notification of invasive non-native plants or animals and enable the setting up of Species Control Agreements and Species Control Orders.

However, IAS are still believed to have a significant impact on the Scottish economy. A recent report indicates that invasive non-native species cost the Scottish economy £251 million per year and suggests that early action to reduce the impacts of IAS through eradication or control would reduce this financial impact.

Biodiversity policy is devolved while there are clear benefits of working with the rest of the UK (and Europe) on species that can easily be transported.

The Committee agreed to request further information from the Scottish Government on the UK wide work being carried out on minimising the risk to Scotland and consider further action in light of their response.

Setting a framework for Maritime Spatial Planning (MSP) (Legislative)
Expected date of adoption: June 2012

The proposed action will set a common EU-level framework for the development of maritime spatial planning by Member States. The initiative aims to fit with the development of the Integrated Maritime Policy, which seeks to provide a more coherent approach to maritime issues, with increased coordination between different policy areas. It follows the Roadmap on Maritime Spatial Planning: Achieving Common Principles in the EU which set out the main issues for a debate on MSP at EU level, gave examples of existing initiatives and identified key principles for MSP.

New MSP legislation will need to be linked to the implementation of the Marine Strategy Framework Directive (MSFD) and assist the development of the management plans Member States have to develop under the MSFD. Other policy areas linked to the initiative are energy, transport, environment, fisheries and aquaculture.

The impact assessment will make an evaluation of the full spectrum of alternatives, from no action to detailed legislative measures at EU level. The most feasible options however are either soft law measures or framework rules in a binding legislative act (a Directive).

Effect in Scotland
The UK transposed the Marine Strategy Framework Directive in 2010 though the Marine Strategy Regulations 2010. The Directive requires Member States (MSs) to prepare national strategies to manage their seas to achieve or maintain Good Environmental Status (GES) by 2020.

The Marine (Scotland) Act 2010 included a new statutory marine planning system “to sustainably manage the increasing, and often conflicting, demands on our
seas”. This includes the production of a strategic framework – a National Marine Plan – to give greater clarity to the decision making process in Scotland. Local planning will be delivered through Marine Planning Partnerships. Scotland has therefore already taken some action in this area though it is unclear how much this would cover new EU requirements.

The Committee agreed to write to the Scottish Government seeking its views on to what extent the publication of Scotland’s National Marine Plan meets the requirements proposed under this new EU legislation and what additional actions are required to be taken.

2. **Proposed changes to current EU legislation**

**Review of the Environmental Impact Assessment (EIA) Directive** (Legislative)

Expected date of adoption: July 2012

**Background**

Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment, as amended (the EIA Directive) is a key instrument for ensuring the environmental effects of a wide range of projects are taken into account.

The EIA Directive has been identified as a potential instrument for a future simplification exercise. This aims to ensure that the Directive is implemented effectively and consistently across the EU and identify areas where improvements are needed, such as implementation gaps, potential for reducing regulatory and administrative burdens, overlaps with other pieces of legislation and inconsistencies.

A Commission report on the application and effectiveness of the EIA Directive found that in general, MS have transposed and implemented the EIA Directive largely in line with the Directive’s objectives and requirements. Two major benefits of the Directive were identified: “Firstly, the EIA ensures that environmental considerations are taken into account as early as possible in the decision-making process. Secondly, by involving the public, the EIA procedure ensures more transparency in environmental decision-making and, consequently, social acceptance. It can therefore be concluded that the principal objective of the EIA Directive has been achieved and that the momentum is there to step up the Directive's minimum requirements and improve the Directive.” However, a number of areas where improvements could be envisaged were identified including concerns with the screening process, concerns about the quality of the EIAs, variation in the public participation process and better co-ordination with other environmental policies.

The Committee agreed to note this and await the publication of the Directive which is expected in June 2012.
**Safeguarding Europe's Water Resources (Legislative/ non-legislative)**

**Expected date of adoption: November 2012**

A Blueprint to Safeguard Europe's Water is proposed as a policy response at European level to:

- Assess the implementation and achievements of the current policy for freshwater (e.g. the Water Framework and Floods Directives) while identifying gaps and shortcomings;
- Look forward to the evolving vulnerability of the water environment to identify measures and tools that may be needed in several EU policy areas in order to ensure the sustainable use of good quality water in the EU in the long term and in the context of climate change.

The time horizon of the Blueprint is 2020 since it is closely related to the EU 2020 Strategy and in particular to the planned Resource Efficiency Roadmap.

The Blueprint will include measures to maximize compliance with WFD objectives, to tackle Water Scarcity and Droughts (WSD) and to build a robust policy framework to address extreme weather events and the potential impacts of global changes. Policy options to achieve the above defined objectives will be developed in the 7 key areas: Land Use; Economic Incentives; Quantitative water resources use targets; Governance; Knowledge Base; Innovation; Global Dimension.

Given the wide range of reviews being undertaken in water-related issues, a wide range of policy instruments will be considered. The instruments could include guidance or legislation, financial support and incentives e.g. deployment of EU funds to support the Innovation Partnership on Water Efficiency.

**The Committee noted that post legislative scrutiny of water legislation (Flood Risk Management (Scotland) Act 2009 and Water Environment and Water Services (Scotland) Act 2003) previously passed by the Parliament in Scotland could be helpful in identifying how effective the transposition of directives in this area has been.**

**The Committee agreed to consider action in this area as part of work programme planning for the longer term.**

**Animal and plant health package:**

(i) **Animal Health Law (Legislative)**

**Expected date of adoption: March 2012**

The new Animal Health Strategy for the EU (2007 – 2013) provides for the adoption of a "single regulatory framework for animal health" with a greater focus on incentives than penalties, consistent with other EU policies and converging to international standards".

The proposal aims to provide a more risk-based approach to animal health requirements and removal of administrative burdens in animal movements, a simpler and more flexible regulatory structure for animal health in the EU, and
better safety with more focus on disease prevention resulting in fewer economic losses due to disease outbreaks.

Three options are being considered:

1. “No change scenario” which preserves the existing base-line
2. Simplification and amendments to the legislation without changing the form of the acts. Possible use of soft law instruments
3. Introduction of new elements in a genuinely new legal framework. Two sub-options are possible:
   3.1 "Animal Health Law" and implementing measures - a new legal framework of principles and objectives and a second level of implementing measures
   3.2 An Animal Health Code - a single comprehensive legal instrument that covers both horizontal (for example, veterinary checks and control, animal identification and registration) and vertical provisions, (such as trade, eradication of diseases).

The Committee agreed to raise issues regarding the flexibility of the regulatory regime for animal health with the Cabinet Secretary during evidence sessions on related matters.

(ii) Official controls along the food chain (Legislative)
   Expected date of adoption: Third quarter 2012

The proposal for a revision of Regulation 882/2004 aims to simplify and streamline the existing legal framework, in order to improve the efficiency of official controls performed by the Member States along the food chain while minimizing burden for operators. A more efficient use of control resources will contribute to preventing crisis, whilst limiting the costs thereof for compliant economic operators and ensuring a level-playing field.

The general review of Regulation (EC) No 882/2004 being a simplification exercise of existing legislation, no substantive options for policy changes have been identified. The technical options that will be considered for this review are the following:
1. adoption of a new act recasting and replacing all existing legislation concerned by this initiative
2. adoption of an amending act inserting in the current text of Regulation (EC) No 882/2004 all necessary changes.

The Committee agreed to note that no substantive policy changes have been identified in this proposal and agree to keep a watching brief on this issue.

(iii) EU Plant Health Law (Legislative)
   Expected date of adoption: September 2012

The EU plant health regime aims to prevent diseases from entering into and spreading in the EU, contribute to plant health through sustainable production, ensure agricultural competitiveness, ensure food security and protect forests and landscape. The basic structure of the current regime dates back to 1977. It is felt
there is a need to modernise it to more effectively address the plant health impacts of globalisation, mitigate the plant health impacts of climate change and to better support the natural environment.

The proposal aims to simplify the plant passports for internal movements of plants and better control imports from third countries. The main instrument being considered is a Regulation, replacing the current Directive.

(iv) **Marketing of seed and propagating materials to foster innovation in seeds** (Legislative)
*Expected date of adoption: September 2012*

The current legislation consists of 12 Directives. Member States may adopt more stringent provisions on their domestic production leading to a non-harmonised implementation in the Member States. The initiative aims to replace the Directives with a single act.

**In relation plan EU Plant Health Law and the Marketing of seed and propagating materials to foster innovation in seeds, the Committee agreed to keep a watching brief on these issues, post adoption date September 2012.**

3. **Areas of current Committee work**

The Committee is already deeply involved in several European policy matters in particular the Common Agricultural Policy, the Common Fisheries Policy and scrutiny of climate change legislation and implementation. The European Commission Work Programme for 2012 includes some areas linked with these policies where new initiatives are expected in 2012. These are listed below:

**Instruments of the Common Agricultural Policy**

**Promotion and information for agricultural products** (Legislative)
*Expected date of adoption: December 2012*

This is a legislative proposal to replace Regulation 3/2008 on information provision and promotion measures for agricultural products on the internal market and in third countries. The currently existing instrument provides around €50m to publicity campaigns to promote particular agricultural products and to inform consumers about the products and particular production methods e.g. organic production. It can also support high level actions from the Commission.

The proposal will be a follow-up to a Commission Green paper consulting on the subject. The proposal aims to recast and simplify the legislation to ensure higher EU added value and to address the needs of the different markets. The Regulation is an instrument of the Common Agricultural Policy (CAP) and therefore needs to be reformed in parallel to the other CAP instruments. The main objective is to support the model of agriculture promoted by the CAP and the priorities of Europe 2020. It should contribute to the sustainability and competitiveness of the agricultural sector within the internal market and in third countries.
Instruments of the Common Fisheries Policy
Establishing or revising long term plans for certain stocks and the fisheries exploiting those stocks (multispecies plans). (Legislative)

Multi-annual plans exist for a number of EU fish stocks. It is proposed that in the context of Common Fisheries Policy (CFP) reform, these be extended to plans covering a number of fish stocks caught by the same fisheries in the same area.

Conservation of fishery resources through technical measures for the protection of marine organisms (Legislative)
Technical measures are included in the Common Fisheries Policy (CFP) to improve protection of marine organisms. They are laid down inter alia in Council Regulation (EC) No 850/98 and its different amendments, as and Council Regulation (EC) No 1288/2009 as well as recovery plans currently in place.

This proposal aims to develop a new technical measures framework for the Atlantic and the North Sea following the reform of the Common Fisheries Policy (CFP). It should reduce the impact of fishing activities on fish stocks and on marine eco-systems. It aims to simplify and bring together but also, where appropriate, improve the effectiveness of existing measures.

Instruments relating to Climate Change Commitments
Including maritime transport emissions in the EU’s greenhouse gas reduction commitment (Legislative)
Expected Date of adoption: Third quarter 2012

The Europe 2020 Strategy includes the commitment to by 2020 reduce greenhouse gas emissions by 20% (or 30%, if the conditions are right) compared to 1990 levels. The 2011 Transport White paper states that EU C0₂ emissions from maritime transport should reduce 40% (50% if feasible) from 2005 levels by 2050. Unlike domestic maritime emissions, international maritime emissions have not yet been included in the commitment, nor have specific EU measures relevant to Greenhouse Gas emissions in this sector been implemented. The Commission is considering a number of policy options for inclusion of these emissions into the EU’s greenhouse gas emission targets from an emissions trading scheme to an emissions tax or differentiated harbour dues.

In Scotland, international aviation and shipping targets are included in the Climate Change (Scotland) Act 2009 targets and means have been put in place to calculate the international shipping emissions attributable to Scotland. Scotland may therefore be further forward than other parts of Europe in terms of implementing new rules on international shipping emissions.

Fluorinated greenhouse gases reduction (Legislative)
Expected date of adoption: Third quarter 2012

F-Gases, are mostly used in stationary sources e.g. fridges and air conditioning and are captured under the Kyoto protocol and explicitly in the Scottish Climate Change Act. The requirements of the F-gas Regulation have been given domestic effect by Fluorinated Greenhouse Gases Regulations 2009.
Regulation (EC) No 842/2006 on certain fluorinated greenhouse gases ("F-Gas Regulation") came into application in July 2007. The Regulation required the Commission to publish an evaluation and to follow-up, where necessary, with appropriate legislative proposals. The aim of the proposed legislation is to upgrade the existing legislation and to strengthen the current framework to contribute to current and future climate change goals. It will also anticipate future developments to ensure compatibility with potential international commitments for HFCs, in particular under the Montreal Protocol. A number of policy options are being considered from updating the current regulation, banning the use of certain F gases and measures to strengthen recovery of F-gases from products which are being recycled.

4. Non-legislative proposals

Some of the Commission’s proposals contain legislative and non-legislative components.

Blue Growth: sustainable growth from the oceans, seas and coasts (Non-legislative)

"Blue growth" is a long-term strategy to support growth in the maritime sector as a whole. It aims to:

- Identify and tackle challenges (economic, environmental and social) affecting all sectors of maritime economy
- Highlight synergies between sectoral policies
- Study interactions between the different activities and their potential impact on the marine environment and biodiversity
- Identify activities with high growth potential in the long term and support them by:
  - removing the administrative barriers that hamper growth
  - fostering investment in research and innovation
  - promoting skills through education and training

The proposed Communication will build on the findings of an on-going study exploring sustainable growth and employment in established, emerging and prospective maritime sectors based on the innovative use of marine and coastal resources as drivers for innovation and competitiveness.

5. Future initiatives

The work programme also includes initiatives planned for future years. While these may be several years in the future, some require activity e.g. monitoring or review of previous policy in order to deliver in the planned time frame.
Initiatives planned for 2013

Organic farming (Legislative)
The organic basic act (Regulation 834/2007/EC on organic production and labelling of organic products) establishes the legal framework for all levels of production, distribution, control and labelling of organic products which may be offered and traded in the EU.

A report presented in 2011 suggests possible changes to the regulation which could be adopted after discussion with the European Parliament and the Member States.

New EU Forestry Strategy (Non-legislative)
The current EU forestry strategy was adopted as a Council resolution in 1998 (1999/C 56/01). It established a framework for forest-related actions in support of sustainable forest management (SFM), based on the co-ordination of the forest policies of the Member States and Community policies and initiatives relevant to forests and forestry.

It is suggested that the strategy needs to be updated. This should take account of challenges that have emerged since the adoption of the current strategy, in particular climate change and EU policy on renewable energy.

EU Adaptation Strategy (Non-legislative)
Member States are being affected by the adverse effects of climate change leading to significant economic and environmental impacts. The strategy will brace the EU for dealing with future impacts of climate change. It will focus on actions with an added EU value. Its main objectives are to strengthen the knowledge base on adaptation to climate change and to develop an appropriate EU adaptation policy framework.

Review of air quality policies (Legislative/ Non-legislative)
The Commission is planning on carrying out a review to assess the implementation and achievements of current air pollution and air quality policies. This included a stakeholder consultation in 2011, the establishment of stakeholder group, workshops and events and international dialogue.

A number of policy responses are planned in the shorter and longer term. These include legislative proposals for Air Quality and revision of the National Emissions Ceilings (NEC) EC Directives.

Maritime Surveillance

White Paper on Maritime surveillance (Non-legislative)
This Communication will take stock of progress made and propose further actions. This includes an identification of the financial implications of creating a Common Information Sharing Environment.
Integration of maritime surveillance: the implementation of the Common Information Sharing Environment including its financial aspects (Non-legislative)
This Communication will take stock of progress made and propose further actions. This includes an identification of the financial implications of creating a Common Information Sharing Environment.

Biodiversity Strategy (Non-legislative)
On May 3 2011, the European Commission adopted a new strategy to halt the loss of biodiversity and ecosystem services in the EU by 2020, in line with two commitments made by EU leaders in March 2010 – halting the loss of biodiversity and the degradation of ecosystem services in the EU by 2020, and restoring them in so far as feasible, while stepping up the EU contribution to averting global biodiversity loss”.

Follow-up work will include working towards the six targets identified by the strategy and organising the mid-term review of the 2020 Strategy.

Initiatives planned for 2014
Environmental liability (Legislative/Non-legislative)
Directive 2004/35/EC of the European Parliament and of the Council of 21 April 2004 on environmental liability with regard to the prevention and remedying of environmental damage (ELD) establishes a framework based on the polluter pays principle, according to which the polluter pays when environmental damage occurs. In 2010, the Commission published a report on the effectiveness of the ELD. The report found that there was little experience of implementing the ELD and many rules were not fully in place.
ANNEXE H

Response from the Scottish Government

Thank you for your letter of 6 December requesting an early indication of the European Commission priorities that will be of most interest to the Scottish Government over this year. I appreciate you allowing officials to extend the deadline for reply to accommodate other pressing business.

The Commission Work Programme for 2012 contains activities in which we have a major interest and which are fundamental to the well-being of this nation. We continue to endeavour to ensure that Scottish interests are taken into account by the UK Government and that Scottish Ministers are at the negotiating table where devolved interests are under discussion.

The Scottish Government has identified three initiatives of particular interest within the Commission Work Programme, which are outlined below and complement the on-going commitment, set out in the Scottish Government Action Plan on European Engagement, to maximise the impact we make and offer opportunities to help deliver the ambitions set out in the Government Economic Strategy:

- **European Research Area:** the proposed framework provides the basis for strategic coherence between the EU and Member States with initiatives to enhance innovation. This could help sustain a supportive business environment in Scotland, strengthening levels of innovation and commercialisation and improving the links between our universities and the private sector.

- **Review of National Regional Aid:** the proposed review will cover rules on demarcation of regions, aid intensities allowed and large investment projects. Investment in infrastructure is a key driver of sustainable economic growth, whilst the Government Economic Strategy identifies that as well as being a desirable outcome and characteristic of growth, equity is also a long-term driver of growth.

- **Energy Initiatives:** the initiatives tabled for 2012, include a Renewable Energy Strategy and an assessment of progress towards completion of the Internal Energy Market. These initiatives should complement the Scottish Government’s strategic priority on the transition to a low carbon economy, help secure investment and jobs from in the low carbon sector and ensure that the benefits of this transformational change are shared across the economy and our communities.

I look forward to describing these and other priorities for the coming year in more detail during the proposed Parliamentary debate.

Fiona Hyslop, Cabinet Secretary for Culture and External Affairs
January 2012
ANNEXE J: RESPONSES FROM SCOTTISH MEPs

Response from Ian Hudghton MEP

The coming months will see the culmination of the reform process of the Common Fisheries Policy. The Scottish parliament has, of course, fully participated in the debate leading up to the proposed reform and it is important that all Scottish politicians keep the issue at the top of the agenda as the legislative negotiations proceed.

As Members will be aware, there are three main legislative texts currently under examination in the European Parliament:

- the basic framework regulation;
- the regulation dealing with the common organisation of the markets; and
- the proposed European Maritime and Fisheries Fund.

The framework regulation is the one in which real changes can be made to the way in which management of the diverse fisheries resources of Europe operates. Unfortunately, whilst the signs were initially good that the Commission were intent on radically moving away from the current centralised approach, their legislative proposals have failed to deliver. The Commission seems determined to use a particularly strict interpretation of the Treaties to block any moves towards real powers being returned to fishing nations and maritime regions. Accordingly, amending the proposal in order to effect real decentralisation is a key priority and I have been active in working with other Fisheries Committee members to explore alternative legal mechanisms to the Commission's blinkered approach.

The proposed framework regulation also offers up crude tools to eliminate unwanted catches and discards. Politicians, NGOs and fishermen themselves are united in supporting efforts to eliminate discards; however the Commission's proposed discard ban on selected stocks by an arbitrarily chosen date ignore the realities of mixed fisheries. The approach offered by the Commission is further evidence of their unwillingness to loosen their centralised grips on power and, again, it is imperative that the proposals are radically amended.

The reform of the CMO is also of huge importance to Scotland. Clearly if we are able to suitably amend the basic CFP for the better, the end result will be a stronger and more sustainable fishing industry - and the organisation of the market be structured to fully benefit the industry and consumers. Scotland can and should have one of Europe's strongest fisheries and aquaculture sector, and Scotland's MEPs must work with colleagues at Holyrood as well as all stakeholders to ensure a satisfactory outcome is reached. In this context the Commission's suggestion for an aquaculture RAC should be duly noted. The Commission has failed to specify what added value would be achieved by such a body and we must be cautious of any attempts to hand control of fish farming to the EU or to increase red tape for the industry.

The EMFF proposal came out at the end of last year and so will be adopted some months after the other CFP reforms and, indeed, in the light of the reform package
agreement. The negotiations are in their early stages but we must be wary of any proposals which would see the EMFF controlled by a single central Member State body. All aspects of fisheries are currently devolved to Scotland and the EMFF must recognise this legal and political reality.

I worked on the previous CFP reform package a decade ago at a time when the European Parliament had mere consultation rights. The Lisbon Treaty has fully empowered the Parliament in this area and our amendments will carry real weight. My political priorities in Brussels and Strasbourg reflect this new status - and it is vital that all Scottish politicians seek to influence the final outcome in the months ahead.

**Response from George Lyon MEP**

Following the changes to Committee membership at the turn of the year I retained my position as lead spokesperson for the ALDE Group on the Agriculture and Rural Development Committee for the rest of the mandate. I was also elected Vice President of the Budget Committee and gained a place on the Fisheries Committee. One other responsibility I now have is to sit on the President of the Parliament’s MFF contact group which has been set up to coordinate the Parliaments negotiating position on the new EU 2014/2020 budget.

The next twelve months will be important for Scotland as the serious negotiations on the key reforms in the CAP and the CFP comes to a head.

Reform of Cohesion Policy will also be important for Scotland and although I am not on the Committee I will, through my work on Budget Committee, be able to influence the key decisions on the level of spending for each policy area.

My priorities on CAP reform are to ensure that the needs of Scotland are taken into account in the final package. That means greater flexibility for Member States and Regional Governments on greening measures, changes to the active farmer rules, more flexibility on the transition from historic to area payments and a fairer distribution of both direct payments and rural development funds.

The reforms need to have a greater focus on developing a more sustainable and competitive agriculture able to produce greater quantities of food but using less nutrients, less energy and less carbon.

One other area that needs close scrutiny is a possible trade deal with the Mercosur countries. If the EU concludes a bad Mercosur deal it could have the potential to cause irreversible damage to the Scottish beef industry.

Compliance with farm animal welfare laws are a major issue in the Parliament as 13 countries have failed to comply with the ban on battery cages for hens which came into force on 1st Jan 2012 and there are now millions of eggs being produced illegally in the EU.

There is a real concern that this fiasco will be repeated when the ban on the use of sow stalls for pregnant pigs comes into force at the end of this year as it looks
likely that only 7 countries will be compliant with the legislation. That is unacceptable for UK producers who have spent millions in modernising their systems and for consumers who expect high welfare standards on all products they buy. The pressure needs to be kept on the Commission to take tough action against these countries.

On budgets, much of our focus is on finding ways to reduce costs and make more efficient use of financial resources.

As Rapporteur for the Budget Committee Opinion on reform of the Staff Regulation I have backed the Commission’s proposals to cut staff numbers by 5%, introduce more flexible working, increase the retirement age to 65 and extend the minimum working week to 40 hours. These changes will produce €1 billion savings over the next multi-annual financial period, in addition to the €8 billion savings generated through the previous reforms in 2004.

In the Parliament, MEP’s have voted to freeze their allowances, cap travel expenditure until 2014 and have agreed a freeze on all future building projects. A pay freeze for MEP’s is also in place.

I believe, that further savings can be found in the Parliament’s administrative budget and our committee will be pursuing this vigorously in the next budget round.

On CFP reform it is vital we get a deal that recognises the efforts Scotland has made in developing a sustainable fishing industry. We must have a sensible approach to the ending of discards, greater regional control, improved data collection systems and greater investment by the EU if Maximum Sustainable Yields are to be achieved.

Finally, we must keep a close eye on the proposals for new off-shore drilling Regulations; Internal Market measures such as ATV distinctions; mobile phone roaming charges; all of which is important for Scotland.

Of course, all of these issues will be overshadowed by the uncertainty over Scotland’s membership of the EU which would have to be renegotiated if we were to leave the UK.

Response from Alyn Smith MEP

The European Union is a place brimming with promise and opportunity for Scotland and we need to be putting the country in the right position to take advantage of that. Further dialogue between Scotland’s MEPs and your committee will continue to identify where Scotland can do better.

The focus for your committee should be the Multiannual Financial Framework and how the UK is representing the views of the home nations on this crucial negotiation. Similarly I believe your committee would be well employed to research into what budgets exist at EU level, benchmark how well Scotland is
accessing them relative to comparable states and work out ways to bridge that
gap.

Within the work programme, there are a number of issues upcoming which I
believe will be better handled by the relevant Holyrood subject committee:

Horizon 2020, the Framework Programme for Research and Innovation 2014-2020, which offers funding opportunities for universities and small businesses; there is also the Connecting Europe Facility to rebuild, refresh and enhance infrastructure; and we can add to those the Trans-European Networks. Along with these, we are also heading towards the reform of the Common Agricultural Policy and of the Common Fisheries Policy, cohesion policy reform, changes to the structural funds, new public procurement rules, the protection of our offshore oil and gas industries; and the Energy Efficiency Directive. Certainly lots to pay attention to.

There will not be a single member of the European and External Relations Committee who isn’t aware of the difficulties in the Eurozone and of the financial difficulties which some EU Member States have found themselves in recently. Those problems will be dealt with by the countries involved and by those who cooperate with them in the Eurozone and in the European Union and the solutions will directly concern and involve us.

Proper long-term planning and stable growth with transparency and accountability will provide a sounder foundation for building a future with a currency that will survive this trouble and come back stronger when the immediate dangers are past. There are major issues to be addressed but that offers the prospect of a more sustainable economy in the longer term.

Horizon 2020 has an €80 billion budget and Scotland is well placed to benefit from it. Our focus on excellence in research and innovation fits well with this framework and our world-class, if not world-leading, institutions stand to gain a great deal. However, the new framework must address some of the critical problems with FP7, including (though not limited to) the lack of even the basis of a trust-based system of regulation, greater synergy between programmes than we have seen to date and a more targeted use of Structural Funds to support the development of research capacity in Europe.

Public Procurement is responsible for £9 billion annual spend in Scotland. The current rules should promote a broader interpretation of “value for money” to enable contracting authorities to take account of local economic impact in their contract award decisions. SME access to public procurement must receive more attention than it has to date too. The Scottish Government has already taken some action to improve public procurement in line with the ideas expressed here and I look forward to seeing that come to fruition.

Cohesion funds. Scotland currently receives €220 million per year from the EU cohesion funds delivered territorially (i.e. Regional, Social, Rural, Fisheries). Whilst the 2013 funds for Scotland probably won’t be so generous, they are still likely to be a very valuable source of investment. More effort should be made to address
market failure (e.g. economies of scale and information deficiencies) at European level in reforms of the fund, accompanied by a significant reduction in the disproportionate compliance burdens placed on projects.

Globalisation funds. Scotland has not made use of the globalisation funds which, under revised rules, are available for areas affected by the recession as well as areas affected by globalisation and this might be an area that the Committee thinks is worth looking at.

The Energy Efficiency Directive will impact upon local councils across Scotland. Current plans are generally in line with the Scottish Government's ambitious climate change legislation but the extent and the impact of the directive should not be underestimated nor should the effort that local authorities will have to expend on meeting it.

Response from Catherine Stihler MEP

Priorities for the Year Ahead

Scotland is facing an uncertain future. In order to counter the cuts which are taking place and the significant increase in unemployment over the past few years, the priority from the European Parliament for Scotland must be to encourage growth.

Public Procurement
The review of Public Procurement will offer the most significant changes to the Scottish Government and local government over the coming years. Often unfairly cited as an obstacle to competitive tender processes, the reality is that the interpretation of the rules has differed from what the institutions intended.

Given this, the rules will be simplified and environmental costs and the consequences for the local community must be taken in to account, rather than taking what appears to be the best value.

Public Concessions
Similarly, the review of public concessions is currently being reviewed in the Internal Market and Consumer Protection Committee. There is a growing debate about the effectiveness of concessions, and the extent to which profit should be allowed. This is certainly an area that the Committee should offer their experience to IMCO.

Reform of the Banking Sector
The Economic and Monetary Affairs Committee have a significant number of dossiers concerning reform of the financial sector. The impact of the financial crisis has created a momentum and a real appetite for change, which will feature strongly for the year ahead.

Market Abuse Directive
The market abuse directive will increase transparency in markets and corporations to ensure that we don't repeat the failings of the past few years where banks didn't lend to each other because they were unclear about each other's health. Scotland has a significant financial sector, and it should be the Committee's priority to take part in the debate on reform.

**Capital Requirements Directive & Markets in Financial Instruments Directive**

These dossiers have the potential to make the Banking sector more transparent, more secure, and easier to recognise when a financial institution is underperforming. They have the potential to avoid the mistakes made in the past in Scotland, and make them more attractive to investment because they must hold a certain proportion of capital.

**Growth, Investment and Jobs**

To summarise, the Committee must continue to be engaged on the institutional work that will foster growth, reverse the current trend of increasing unemployment, and make the United Kingdom a more attractive place to invest.

The IMCO and ECON committees, of which I'm a member and substitute respectively, have a huge number of reports passing through them which could have a positive impact on Scotland's future, if Scottish representatives are willing to engage.

**Response from Struan Stevenson MEP**

Struan's main priorities will be Fisheries:

**Maritime Spatial Planning** will be of huge importance for Scotland, given the links with aquaculture and renewable energy. There is a general consensus in the Fisheries Committee that European aquaculture needs to be developed given that the EU is heavily dependent on imports (60% of our fisheries products are imported). Due to red tape, planning permission and a lack of political will, the aquaculture industry, whilst marginally better in Scotland than other Member States, needs urgent attention.

**Conservation of fishery resources** and **Long term plans for certain stocks and the fisheries exploiting those stocks (multispecies plans)** is equally just as important. Technical measures need to be effective and lead to, not only sustainable fish stocks but to an economically sustainable sector. Recovery plans need to also be effective and not put too much pressure on fishermen.

**Fisheries Partnership Agreements** must be beneficial to both parties but these agreements must be consistent with our foreign policy. We need to ensure that the local populations benefit and that the EU fishermen fishing in those areas are receiving a good deal. The recent rejection of the Morocco fisheries partnership agreement by the Parliament shows that, with the Lisbon Treaty, the Parliament is in a very strong position. We favoured the agreement as there are Scottish vessels fishing in this area and a rejection of the agreement at this time would only allow countries like Russia and China to make their own deal, with no respect for human rights or fish stock conservation. In February 2012, the Commission will open up
negotiations for a new agreement but given the rejection by the EP, there is no guarantee that Morocco will want to renew it. They are supposedly already in talks with Russia which would be catastrophic for Western Sahara and the Scottish vessels who have already invested time and money in the Moroccan fishing industry.

Regarding Energy policy, the **Renewable Energy Strategy** will also be important to Struan due to his interest in wind farms. There will be a public consultation (closes on 7th February) on this to which Struan will contribute.

Struan would also be interested in the **Use of cloning technique for food production**. This issue came up in the Novel Foods Regulation which fell due to the inability to reach a compromise in the Parliament. We need to overcome the negative attitudes to cloned food and accept that, with the global population rising and food security becoming an ever increasing problem, there is a real market for this.

There will also be legislation coming to the Parliament on a new **Animal Welfare Regulation**. Struan was very interested in this during the Food Labelling Regulation which has recently gone through Parliament. As part of a compromise deal, the Commission promised to introduce a new animal welfare regulation where we could bring up the labelling of meat that has not been pre-stunned (there is a religious derogation for shechita and halal meat which we do not agree with).

Struan will spend most of the year working on the proposal for the **Common Organisation of the Markets** (for which he is rapporteur). This is one of the 6 reports which makes up the CFP reform package and is one of the 3 reports which is legislative.
ANNEXE K: EXTRACTS FROM THE MINUTES OF THE EUROPEAN AND EXTERNAL RELATIONS COMMITTEE

5th Meeting, 2012 (Session 4)

Tuesday 6 March 2012

EU priorities for 2012 (in private): The Committee considered a draft report of the EU priorities of the Scottish Parliament’s committees for 2012 and agreed to finalise the report by correspondence.

8th Meeting, 2011 (Session 4)

Tuesday 13 December 2011

Commission Work Programme (CWP) 2012: The Committee considered the first stage report on the Scottish Parliament committees’ engagement with the CWP 2012.
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