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## **Culture, Tourism, Europe and External Relations Committee**

**Comataidh Turasachd, Eòrpach agus Dàimhean Taobh a-  
muigh**

# **EU Engagement and Scrutiny by the Committees of the Scottish Parliament 2017-2018**



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# Culture, Tourism, Europe and External Relations Committee

To consider and report on the following (and any additional matter added under Rule 6.1.5A)—

- (a) proposals for European Union legislation;
- (b) the implementation of European Communities and European Union 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 Union (and its institutions) and other international organisations; and
- (e) co-ordination of the international activities of the Scottish Administration.
- (f) culture and tourism matters falling within the responsibility of the Cabinet Secretary for Culture, Tourism and External Relations



<http://www.parliament.scot/parliamentarybusiness/CurrentCommittees/european-committee.aspx>



[europe@parliament.scot](mailto:europe@parliament.scot)



0131 348 5234

# Committee Membership



**Convener**  
**Joan McAlpine**  
Scottish National Party



**Deputy Convener**  
**Claire Baker**  
Scottish Labour



**Jackson Carlaw**  
Scottish Conservative  
and Unionist Party



**Mairi Gougeon**  
Scottish National Party



**Ross Greer**  
Scottish Green Party



**Rachael Hamilton**  
Scottish Conservative  
and Unionist Party



**Richard Lochhead**  
Scottish National Party



**Stuart McMillan**  
Scottish National Party



**Tavish Scott**  
Scottish Liberal  
Democrats

# Introduction

1. In December 2010, a Parliament-wide strategy for EU engagement and scrutiny was introduced. This followed a detailed inquiry into the Treaty of Lisbon and its implications for subnational parliaments conducted by the session 3 European and External Relations Committee.
2. The strategy sets out the role of the Parliament with regard to EU matters, which is "to scrutinise the Scottish Government and its EU engagement." To fulfil this scrutiny function, the Parliament agreed to:
  - develop an early engagement approach and set an 'upstream' agenda based upon intelligence gathering and analysis of EU policy making at the earliest (pre-legislative) stages; and
  - mainstream the scrutiny of draft EU legislation to subject committee.
3. As part of the strategy, the Culture, Tourism, Europe and External Relations Committee (the Committee) acts as a mainstreaming "hub". Each year, the Committee compiles a report detailing the EU scrutiny undertaken by other committees in the previous year and any EU priorities they have identified for the forthcoming year. The report also sets out details of the Committee's own EU scrutiny work.
4. This year, the Committee ask committees to—
  - report to the Committee on their consideration of any EU policy developments over the last year, and any policy areas contained in the [European Commission work programme 2018](#) that they intend to scrutinise over the coming year;
  - report to the Committee on any work that they have conducted on Brexit in the last year and any work they intend to conduct on Brexit in 2018;
  - report to the Committee on any work that they have conducted or intend to conduct in relation to the development of common frameworks as defined in the Joint Ministerial Committee (EU Negotiations) [Communique of 16 October 2017](#)

# **The Culture, Tourism, Europe and External Relations Committee's EU engagement and priorities for scrutiny 2017-18**

## **Committee inquiry work**

5. The majority of the Committee's work in session 5 has focussed on the implications of withdrawing from the EU for Scotland. Between June 2016 and March 2017, the Committee conducted a wide-ranging inquiry covering the following themes:
  - Scotland's future trade relationship with the EU: membership of the single market, a bilateral relationship, World Trade Organization rules;
  - intergovernmental relations and the Scottish Government's role in negotiations;
  - the impact of the EU for the Scottish Budget;
  - Scotland's future relations with the EU and its Member States; and
  - the domestic process of withdrawing from the EU.
6. At the end of March 2017, the UK triggered the withdrawal process under Article 50 of the Treaty on European Union. Under this process, the United Kingdom will leave the European Union by the end of March 2019. The Committee took evidence from the Scottish Government Minister for UK Negotiations on Scotland's Place in Europe in May 2017 on the process within the UK for triggering Article 50 and the Scottish Government's position on the negotiations.
7. In April 2017, the Committee held an evidence session with representatives of youth organisations on Scotland's Future Relationship with the EU. The representatives from a wide range of youth organisations from across Scotland spent the morning developing positions on the impact of Brexit on the economy, education, the environment and human rights. They then gave evidence to the Committee in the context of a formal Committee meeting.
8. In June 2017, the Committee launched a new inquiry to monitor and scrutinise the Article 50 withdrawal negotiations and their implications for Scotland.
9. The Committee also held an evidence session with the European Union Committee of the Regions Conference of Presidents in June 2017. The Conference of Presidents includes the President and 1<sup>st</sup> Vice-President of the Committee of the Regions and Members from each of the political groupings represented in the Committee of the Regions. The Committee and the Conference of Presidents discussed the implications of Brexit for Scotland. The Conference of Presidents drew on this meeting for a report that they submitted to Mr Michel Barnier on Brexit.

10. On 22 September 2017, the Committee travelled to Brussels for a meeting with Mr Michel Barnier, the Chief Negotiator, Taskforce on Article 50 negotiations with the UK. Mr Barnier updated the Committee on the negotiations and stressed the importance of the negotiations being completed by October 2018. He outlined the core principles underpinning the EU's position, and emphasised that it was not a typical negotiation as it was about managing divergence between the UK and the EU and the unpicking of a relationship that had been developed over forty years. He also highlighted the options available to the UK for its future relationship with the EU.
11. In its meeting with Mr Barnier, the Committee highlighted the inquiry work that it had conducted over the previous fifteen months on the implications of exiting the EU for Scotland and provided him with copies of the Committee's reports. The Committee members raised a range of issues with Mr Barnier including the outcome of the referendum in Scotland with 62% voting to remain in the European Union. They asked Mr Barnier a series of questions on progress in the negotiations, the position being taken by the UK Government, the potential for transitional arrangements, time-sensitive exports, the rights of EU citizens in the UK and UK citizens in the EU, and the continuing protection of Geographical Indications.
12. In the autumn of 2017, the Committee held a series of evidence sessions on progress in the Article 50 negotiations. The evidence gathered was the subject of a Chamber debate in early January 2018, following the European Council meeting at which it was agreed that the second phase of negotiations could begin.
13. The Committee continued to take evidence in 2018 on the Article 50 negotiations, including an evidence session with the Minister for UK Negotiations on Scotland's Place in Europe, and an evidence session on trade. The Committee also undertook a fact-finding visit to Belfast and Dublin to consider the specific issues relating to the border on the island of Ireland. The British-Irish Chambers of Commerce hosted a meeting for the Committee with representatives from key economic sectors at which future trading relationships, the impact on existing supply chains and networks, and the necessary infrastructure for ports and borders was discussed. The Committee also heard from the UK Ambassador to Ireland, the Scottish Government Hub in Dublin, Irish Government officials and from academic experts in Northern Ireland.
14. In early 2018, the Committee conducted an inquiry into Erasmus+ which demonstrated the range of youth work organisations, volunteer groups, teachers and colleges which participate in the programme and have found that it has helped to raise attainment and the aspirations of young people throughout Scotland. The Committee heard evidence about college students who had never been abroad learning cookery in France, construction in Spain and hairdressing in Portugal.
15. The inquiry also showed that Erasmus+ is the main source of funding in Scotland for professional development for language teachers and that without access to the programme the opportunity to train and network with other schools and colleges across the EU will be lost.
16. In its [report on Erasmus+](#), the Committee agreed on the basis of evidence heard, that it was:



” “...imperative that the UK seeks to negotiate programme country status for the next programming period of the Erasmus+ programme. This position is necessary to ensure that the UK can participate in all aspects of the programme and maintain as much influence as possible over the programme’s design and implementation. The Committee therefore calls on the UK Government to commit itself in the framework agreement it concludes with EU to its continued right of participation in Erasmus+ as a programme country beyond 2020.”

17. The Committee also agreed that if “the UK Government is not willing or able to negotiate the UK’s continued participation in Erasmus+ as a programme country, the Committee urges the Scottish Government to explore whether it would be possible to use existing institutional structures, .... to support Scotland’s continued participation as a programme country beyond 2020.”
18. The Committee held a launch for the report to which those who had given evidence were invited and has requested a debate in the Chamber on Erasmus+.

## Research and briefings on Brexit

19. The Committee commissioned research from Dr Tobias Lock of Edinburgh Law School on [the Legal and Political Process for Agreeing the Future Relationship between the EU and the UK and Any Transitional Agreement](#). Dr Lock’s report sets out the legal and political constraints in which the future negotiations will take place, explaining the legal bases and the procedures for the Withdrawal Agreement, the transitional arrangements and the future relationship in some detail.
20. In addition, the Scottish Parliament Information Centre (SPICe) produced a series of briefings on subjects related to Brexit and continued to produce a weekly briefing on the UK’s exit from the EU on behalf of the Committee. The [Brexit update](#) has over 400 subscribers and has proved to be a valuable engagement tool, allowing the Committee to provide information on Brexit to both stakeholders and members of the public.

## Immigration inquiry

21. The Committee built on its earlier work on [EU Migration and EU Citizens’ Rights](#) by initiating an inquiry to explore how the UK’s immigration policy can best respond to Scotland’s demographic and skills needs. The objective of the inquiry was to seek The Committee launched a call for evidence and took evidence from the Minister for International Development and Europe on the Scottish Government’s position on immigration. The Committee intends to continue to monitor developments in relation to immigration policy and how Scotland’s specific demographic and labour market needs are taken into account evidence from organisations and individuals in Scotland on how immigration policy can be developed to reflect and respond to Scotland’s demographic and skills needs drawing on the policy options identified by Dr Eve Hepburn in her report to the Committee on [Options for Differentiating the UK’s Immigration system](#).

22. The Committee launched a call for evidence and took evidence from the Minister for International Development and Europe on the Scottish Government's position on immigration. The Committee intends to continue to monitor developments in relation to immigration policy and how Scotland's specific demographic and labour market needs are taken into account.

## **Future work**

23. The Committee will continue to monitor the Article 50 negotiations with the EU, particularly the text of the draft agreement, the transition agreement and the framework for the future relationship.

# **The EU engagement and priorities for scrutiny 2017-18 of the Scottish Parliament's Committees**

24. In December 2017, the Committee wrote to other Scottish Parliament committees, seeking information on their consideration of any EU issues over the last year and any work planned for the coming year. Set out below is a brief summary of the main areas of EU scrutiny which have been completed by committees in the last year or is planned prior to summer recess. The responses received are reproduced in full at the annex to this report.

## **Summary of key work conducted by Committees**

25. The Economy, Jobs and Fair Work Committee has launched an inquiry into the European Structural Funds and what might replace them after the UK leaves the EU. This will be a short inquiry which the Committee hopes to conclude before the 2018 summer recess. The Economy, Jobs and Fair Work Committee is currently seeking to gather information about common frameworks that are likely to be within its remit and its European Reporter, Andy Wightman MSP, is considering what form any scrutiny might take. He is also considering any work that the Committee might undertake in relation to future arrangements for trade and how this might impact on Scottish businesses and the Scottish economy.
26. The Equalities and Human Rights Committee conducted work on citizens' rights, notably in relation to children and young people. It also held two evidence sessions on Brexit: one on the views of the third sector and one on what stakeholders considered should be in the European Union (Withdrawal) Bill to provide continued protection for equality and human rights in the UK. It also monitored developments and sought further clarity on what Brexit meant for equalities and human rights in Scotland, hearing from academics, statutory bodies and third sector organisations.
27. The Education and Skills Committee's work on EU issues has focused mainly on Brexit. It has monitored the impact on the numbers of EU27 staff and students attending Scotland's colleges and universities. As part of this task, it has met with both Colleges Scotland and Universities Scotland to discuss the latest UCAS numbers as these are published. It also met with some EU27 staff and students who attend NESCOL and the Scottish Maritime Academy during its visit to Peterhead in early 2018. It also considered a paper by its EU Reporter on Horizon 2020 funding and the latest application round (where there were some concerns that successful applicants could see funding removed upon Brexit).
28. The Environment, Climate Change and Land Reform Committee held an evidence session with legal academics specialising in environment law on the potential impact of EU withdrawal on areas within its remit. It also engaged with counterparts in Westminster, Cardiff and Stormont on some of the evidence heard, and travelled to Westminster to meet with House of Commons and House of Lords committees. The Committee also visited Brussels in November 2017 for meetings with the European Commission and officials working on environment and climate change in the Representation Offices of Iceland, Canada, Switzerland and Norway.

29. The Health and Sport Committee commissioned research on Brexit and Health and Social Care covering the key areas that may be impacted on by Brexit, including: workforce; reciprocal healthcare; new medicines, devices and clinical trials, research; recognition of professional qualifications; public health and EURATOM. Following publication of the research SPICe held a breakfast seminar on Brexit and Health and Social Care on Wednesday 7 February 2018 which was co-convened by its European reporters. The Health and Sport Committee also agreed to hold an inquiry into the impact of leaving the EU on health and social care in Scotland and received 39 submissions covering a wider range of issues.
30. The Justice Committee visited Westminster and Whitehall and discussed Brexit at some of the meetings that it held, including with the Rt Hon David Mundell MP, Secretary of State for Scotland, as well as Members of the House of Lords EU Home Affairs Sub-Committee, the House of Lords EU Justice Sub-Committee, the House of Commons Justice Committee, and the House of Commons Scottish Affairs Committee. The Committee subsequently held three round-table evidence sessions over two meetings on the implications of the UK's exit from the European Union for family law, civil, commercial and consumer law, and policing and criminal justice Scotland.
31. The Rural Economy and Connectivity Committee took evidence from stakeholders at two meetings to obtain preliminary views on the implications of Brexit for the agriculture, forestry and fisheries sector. The Committee intends to conduct further scrutiny on these issues as the negotiations to withdraw from the EU progress, including sessions on agriculture and fisheries and with relevant Scottish Government Ministers and UK Government Ministers. The Committee also agreed to consider issues around the implications of Brexit for the transport, digital and food and drink sectors when suitable opportunities arise.
32. A number of Committees indicated that they were waiting for there to be further clarity on the nature of any agreed frameworks between the UK and Scottish Government before initiating any work in these areas.

# Conclusions

33. The CTEER Committee thanks the committees for their reports on EU priorities, which reflect a wide range of engagement and scrutiny across the different committee remits.
34. The CTEER Committee notes that the majority of committees have focused their EU-related work on Brexit and considers this to be indicative of the significant impact the UK's decision to leave the EU has had on many aspects of Scottish life. The CTEER Committee encourages other committees to continue to scrutinise the impact of Brexit as the process continues, as well as the development of common frameworks across the UK.

# Annex A

## **Response from the Economy, Jobs and Fair Work Committee I refer to your letter of 21 December regarding the annual reporting process on EU engagement and scrutiny of the committees of the Scottish Parliament.**

As you are aware, the Economy, Jobs and Fair Work Committee did an inquiry on the economic impact of leaving the EU and published its report on 3 February 2017. Since then, the Committee has received responses from the Scottish and UK Governments and held a Committee debate on its report on 28 February. Further details of this work can be found at the following link:

<http://www.parliament.scot/parliamentarybusiness/CurrentCommittees/100507.aspx>

The Committee has agreed to receive six monthly updates from SPICe on the economic impact of leaving the EU on the key sectors in Scotland. This is with a view to possibly carrying out further work in this area when more information is available.

The Committee is about to launch an inquiry looking at European Structural Funds and what might replace them after the UK leaves the EU. This will be a short inquiry which the Committee hopes to conclude before the summer recess.

The Committee is currently seeking to gather information about common frameworks that are likely to be within its remit and our European Reporter, Andy Wightman, is considering what form any scrutiny might take. Andy Wightman is also considering any work that the Committee might undertake in relation to future arrangements for trade and how this might impact on Scottish businesses and the Scottish economy. We will ensure that you are updated on this work as it progresses.

## **Response from the Education and Skills Committee**

Thank you for your letter dated 21 December 2017. I am pleased to reply.

The Education and Skills Committee, led by our EU Reporter, Gillian Martin MSP, has undertaken a number of relevant tasks, which I outline below.

*1. Consideration of any EU policy developments over the last year, and any policy areas contained in the European Commission work programme 2018 that you intend to scrutinise over the coming year*

The clerks to the Committee regularly check the document sent by the Scottish Government listing the latest EU regulations and directives and the Scottish Government's assessment of their importance to Scotland. They then highlight anything of substance to the EU Reporter. The nature of our remit though means there is more limited overlap with the competences of the EU compared to some other committees.

*2. Any work that you have conducted on Brexit in the last year and any work you intend to conduct on Brexit in 2018*

This has been our main area of interest. In particular, we have been active in trying to monitor the impact on the numbers of EU27 staff and students attending Scotland's colleges and universities. As part of this task, we have met with both Colleges Scotland

and Universities Scotland to discuss the latest UCAS numbers as these are published. We are also meeting with some EU27 staff and students who attend NESCOL and the Scottish Maritime Academy during our visit to Peterhead at the end of the month. We have also considered a paper by our EU Reporter on Horizon 2020 funding and the latest application round (where there were some concerns that successful applicants could see funding removed upon Brexit).

We expect to look again at the latest applicant figures for EU27 students to Scottish HEIs that are published in early- to mid-February 2018.

We also plan to meet with EU27 staff/students who attend the NAFC Maritime Centre UHI at Scalloway on Shetland during a visit to the Isles in late summer 2018.

*3. Any work that you have conducted or intend to conduct in relation to the development of common frameworks as defined in the Joint Ministerial Committee (EU Negotiations) Communique of 16 October 2017.*

It is not yet clear which of the discussions on common frameworks touch upon the work of this Committee. As indicated above, our remit intersects in fewer places with the EU competences that may be covered. However, we are likely to take an interest in what will replace the EU funding programmes for employability and skills when these powers and these funds are returned to the UK after Brexit. This will probably be the main area of interest for this Committee in relation to common frameworks.

I hope this information is useful.

## **Response from the Environment, Climate Change and Land Reform Committee**

Thank you for your letter of the 21 December 2017 on EU Engagement and Scrutiny of the Committees of the Scottish Parliament. The Environment, Climate Change and Land Reform Committee has undertaken several pieces of work this year in relation to the decision of the UK to leave the European Union and the impact of this on the environment, climate change and land reform. I welcome this opportunity to update the Culture, Tourism, Europe and External Relations Committee on this work.

## **Focussed consideration of issues relating to Brexit**

### *Evidence session*

In March 2017, the Committee heard from legal academics specialising in environment law on the potential implications of the decision to leave the EU. The following gave evidence to the Committee:

- **Professor Gavin Little**, Professor in Public and Environmental Law, University of Stirling
- **Professor Elisa Morgera**, Professor of Global Environmental Law at Strathclyde University Law School and Director of the Strathclyde Centre for Environmental Law and Governance.
- **Professor Colin Reid**, Professor of Environmental Law, University of Dundee
- **Dr. Annalisa Savaresi**, Lecturer in Environmental Law, University of Stirling

- **Bob Ward**, Policy and Communications Director at the Grantham Research Institute on Climate Change and the Environment, The London School of Economics and Political Science

The official report of this meeting is available [here](#) and it was a very useful session. Additional written evidence is available [here](#).

### *Engagement with the UK Parliament, the National Assembly for Wales and the Northern Ireland Assembly*

Following this meeting, the Committee wrote to its counterparts in Westminster, Cardiff Bay and Stormont to highlight the evidence received and to propose engagement on issues of mutual interest. These meetings were slightly delayed by the UK General Election and took place in November and December 2017. We were delighted to host a meeting with the Climate Change, Environment and Rural Affairs Committee of the National Assembly for Wales in the Scottish Parliament in November 2017. In early December, the Convener and Deputy Convener travelled to Westminster to meet with various Committees from both the House of Commons and the House of Lords, namely:

- Environment, Food and Rural Affairs Select Committee (House of Commons)
- Exiting the EU Select Committee (House of Commons)
- EU Select Committee (House of Lords)
- EU Select Committee Sub Committee on EU Energy and Environment (House of Lords)

All of these meetings were extremely valuable and the Committees have agreed to maintain this dialogue.

### *Visit to Brussels*

In addition, the Committee visited Brussels in November 2017, where it met with:

- The European Commission
- Officials working on environment and climate change issues in the embassies to the European Union of Iceland, Canada, Switzerland, Norway

This engagement with non-member states highlighted several issues which will inform our future consideration of the impact of the decision to leave the European Union on climate change and the environment.

The Committee has also received several oral briefings from Parliament and Scottish Government officials throughout the passage of the EU Withdrawal Bill.

In February 2018, the Committee will hold another oral evidence session on the EU Withdrawal Bill and the development of common frameworks. I will ask the Committee's clerks to ensure the details of this are communicated to your clerks as these are confirmed.

Other work on Brexit



Since the outcome of the referendum was announced, the Committee has sought to include questions on how this will affect various elements of its remit in its other work. Notable highlights include:

- Asking agencies who have given evidence on the Scottish Government's draft budget (17/18 and 18/19) about how the loss of European funding will affect their work and what is being done to support EU citizens working in those organisations;
- How the withdrawal from the EU Emissions Trading System will affect the proposals in the draft Climate Change Plan;
- Hearing from research institutes how their international work and funding arrangements will be impacted; and
- Discussing the consequences of this with academics and hearing concerns as to the civil service/NGO capacity to fulfil functions in terms of environmental governance and regulation currently emanating from the EU.

We have also taken the opportunity to question the Cabinet Secretary for Environment, Climate Change and Land Reform on the impact of Brexit on several occasions.

I hope this overview is useful to your Committee in its deliberations and please contact the Clerks should you require further details.

### **Response from the Equalities and Human Rights Committee**

Thank you for your letter of 21 December 2017 in relation to the annual reporting process on EU engagement and scrutiny of the committees of the Scottish Parliament. The letter sought information on any work we have conducted in relation to European Commission's work programme as well as the common frameworks and Brexit.

### **EU Policy Developments and the European Commission Work Programme**

We noted the reference to development of the European Pillar of Social Rights, which was signed up to by EU, the European Parliament and the Commission on 17 November 2017 in the Commission's work programme "A deeper and fairer Economic and Monetary Union". It is understood this Pillar aims to promote more effective rights for citizens. The principles of the Pillar fall into three categories of relevance to our remit and our work on Brexit. These are:

- Equal opportunities and access to the labour market e.g. gender equality and inclusive education and training
- Fair working conditions e.g. work life balance
- Social protection and inclusion e.g. Children from disadvantaged backgrounds have the right to specific measures to enhance equal opportunities

In our report in July 2017, on prejudiced-based bullying and harassment of children and young people in schools, following a visit to West Dunbartonshire:

” “It was noted that West Dunbartonshire contains areas of high deprivation, but it was noted that poverty is not a protected characteristic under the Equality Act. However, teaching staff expressed the view that pupils are often bullied because they can't "afford the latest things". Poverty is one of the leading reasons children may suffer bullying at school.”

We also recently commented on the Scottish Government's Child Poverty Delivery Plan and how it could support and compliment the series of actions being taken to address the issues raised in our report on bullying in schools. We highlighted actions to reduce child poverty would support the improvement of children's mental health and wellbeing in the context of the educational environment, as these will ultimately impact on life outcomes.

Also related to this aspect of the Commission's work programme is our monitoring of the socio-economic duty under section 1 of the Equality Act 2010. The intention of the duty is to require specified public authorities, when making strategic decisions, to consider how their decisions might help reduce the inequalities associated with socio-economic disadvantage. The Scottish Government consulted on the duty between 18 July 2017 and 12 September 2017. We are aware there have been some concerns around implementation of the duty and how this will impact on the implementation of the existing Public Sector Equality Duty. We expect to consider shortly the Regulations which name the public authorities subject to the duty.

### **Impact of UK's withdrawal from the EU on equalities and human rights in Scotland**

During the past year we have held two evidence sessions on Brexit. The session on 27 April 2017 focused on relevant submissions to the Culture, Tourism, Europe and External Relations Committee's call for evidence on its inquiry into EU referendum and its implications for Scotland and the views of the third sector. Whilst the evidence session on 30 November 2017 looked at what stakeholders believed should be included in the European Union (Withdrawal) Bill, in order to provide continued protection for equality and human rights in the UK.

We have been monitoring developments and trying to seek further clarity on what Brexit will mean for the equalities and human rights in Scotland. We have heard concerns from various witnesses including academics, statutory bodies and third sector organisations. These are summarised below:

- The Charter of Fundamental Rights of the European Union, which includes a broad range of civil, political, economic, social and cultural rights will no longer apply post-Brexit.
- The loss of protections under the Charter of Fundamental Rights.
- The lack of recourse to the ECJ and its opinion in terms of advancing equalities and human rights protections post-exit.
- There might be relitigation of UK court decisions which have been based on ECJ rulings.
- Treatment of EU citizens who seek to remain in Scotland post Brexit (including issues around community cohesion).
- EU funding for third and voluntary sector which support equalities and human rights across Scotland.

- Equalities might be overlooked as the focus of debate will be on the economic issues.
- Lack of future funding under European Structural Funds to third sector projects to provide equalities and human rights issues advocacy services.
- Clarity around the list of powers returning from the EU that intersect with the devolution settlement in Scotland (111 powers listed), in particular, what is meant by number 46 - Equal Treatment Legislation.

We also intend to continue our focus on Brexit in 2018, by taking opportunities to consider relevant issues through our inquiry work. In particular, our inquiry into Human Rights and the Scottish Parliament will consider how the Parliament can protect and advance human rights in a post exit Scotland. We are also seeking authority to visit Strasbourg as part of our inquiry and hope to meet with the representatives of the Constitutional Affairs Committee (AFCO) and the DROI sub-committee on human rights.

### **Common frameworks**

At present we have not conducted any work in relation to the development of common frameworks as defined in the Joint Ministerial Committee (EU Negotiations) Communique of 16 October 2017. Although, as you are aware, we have begun to investigate what is meant by 'equal treatment legislation' and this might lead us to consider the common framework in this respect. We have written a letter to the Scottish Government's Minister for UK Negotiations on Scotland's Place in Europe and await his response before agreeing our next actions.

We welcome the proposal by EU reporters to hold a meeting on Brexit and the work being undertaken by individual committees and would be pleased to share the work we have undertaken on equalities and human rights issues.

### **Response from the Health and Sport Committee**

I write in response to your letter dated 21 December 2017 in which you invited the Health and Sport Committee to report back on any EU scrutiny it has carried out, particularly in relation to common frameworks and Brexit as well as the European Commission's work programme.

As noted previously, we agreed to include consideration of EU withdrawal issues into our forthcoming work as appropriate. We are still committed to this and since last year this has included work on the Draft Budget 2018-19, Technology and Innovation, Sport for Everyone and NHS Governance. The Committee also agreed to appoint two European reporters and these are currently Emma Harper MSP and Brian Whittle MSP.

As part of its continuing work into Brexit we agreed to commission research on Brexit and Health and Social Care covering the key areas that may be impacted on by Brexit, including: workforce; reciprocal healthcare; new medicines, devices and clinical trials, research; recognition of professional qualifications; public health and EURATOM. This research was published as SPICe briefing SB 18-07 Leaving the EU- implications for Health and Social Care in Scotland, on 30 January 2018.

Following publication of the research SPICe held a breakfast seminar on Brexit and Health and Social Care on Wednesday 7 February 2018. Professor Alison Britton, convener of the Law Society of Scotland Health and Medical Law Committee and Professor Jean V. McHale, Principal Investigator on a project on Health Law Outside the EU: Immediate and

Long-Term Implications have agreed to speak. This seminar was co-convened by our European reporters.

On 28 November 2017 we agreed to hold an inquiry into the [impact of leaving the EU on health and social care in Scotland](#). The inquiry will consider what the NHS and social care in Scotland could look like post-Brexit with a focus on how potential risks could be mitigated and potential opportunities could be realised. Looking to the letter from the Minister for UK negotiations on Scotland's Place in Europe, to the Finance and Constitution Committee, the following areas were highlighted as having a potential impact on health and social care in Scotland:

- Data Protection
- Blood Safety
- Food Compositional standards/labelling
- Reciprocal Healthcare
- Funding
- Good Laboratory Standards
- Mutual recognition of Professional Qualifications
- New Medicines and Clinical Trials
- Organs
- Procurement
- Public health
- Research and Life Sciences
- Tissue
- Tobacco
- Workforce

All of these areas could fall within the ambit of the Common Frameworks which are currently being discussed between the UK and the devolved nations.

We issued a call for views seeking answers to the following questions:

1. How could the potential risks of Brexit for health and social care in Scotland be mitigated?
2. How could the potential benefits of Brexit for health and social care in Scotland be realised?
3. In what ways could future trade agreements impact on health and social care in Scotland?

4. The Joint Ministerial Committee (EU Negotiations) has agreed a definition and principles to shape discussions within the UK on common frameworks including enabling the functioning of the UK internal market. What implications might this have for health and social care in Scotland and what are your views on how these common frameworks are agreed and governed?

We received 39 submissions to our call for views including a response from the Cabinet Secretary for Health and Sport. In her response the Cabinet Secretary highlights areas of concern such as recruitment and retention of staff, ability of academic institutes to attract medical students, employment contracts and medicines and medical devices. Concerns are also raised around possible implications of accessing EU funding for clinical research, digital health, polypharmacy, dementia, alcohol and regenerative medicine.

It is our intention to hold oral evidence sessions in March focussing on potential risks and opportunities, the areas where Scotland can exercise influence, the role of sectoral interests and the Parliament and what steps should and are being taken to prepare for Brexit.

Annexe A details the information we have gathered in our inquiries into the implications of leaving the EU for Scotland since our last letter. We will of course continue to ask questions of witnesses going forward and provide updates to your Committee where appropriate.

You note in your letter the intention to convene a meeting of all the EU reporters. I can confirm this is something our EU reporters would be interested in attending and we look forward to receiving further details in due course.

### **Response from the Justice Committee**

Thank you for your letter dated 21 December 2017 in relation to the annual reporting process on EU engagement and scrutiny of the committees of the Scottish Parliament. In that letter you requested a report on any work that the Justice Committee has conducted in relation to common frameworks and Brexit as well as the European Commission's work programme.

In November 2017, some Members of the Justice Committee visited Westminster during which issues relating to Brexit were discussed. This visit included meetings with the Rt Hon David Mundell MP, Secretary of State for Scotland, as well as Members of the House of Lords EU Home Affairs Sub-Committee, the House of Lords EU Justice Sub-Committee, the House of Commons Justice Committee, and the House of Commons Scottish Affairs Committee.

The Justice Committee subsequently held three round-table evidence sessions over two meetings on the implications of the UK's exit from the European Union for family law, civil, commercial and consumer law, and policing and criminal justice Scotland. The meetings were held on 30 January and 20 February and the Official reports of the meetings can be accessed [here](#).

Following the round-table evidence session on 20 February, the Committee agreed to invite the Rt Hon David Mundell MP, Secretary of State for Scotland, to give evidence at a future meeting on the issues raised. The Committee will then review what, if any, further work it wishes to undertake in relation to Brexit.

The Committee has not undertaken any scrutiny of EU policy developments in the last year and does not currently have plans to consider any policy areas in the European Commission work programme 2018 over the coming year. Similarly, the Committee has not conducted and does not currently intend to conduct any work in relation to the development of common frameworks as defined in the Joint Ministerial Committee (EU Negotiations) Communiqué of 16 October 2017.

### **Response from the Local Government and Communities Committee**

Thank you for your letter in which you seek the Committee's views on its plans for EU engagement and scrutiny. In terms of the Committee's work, as you may be aware in December 2016 the Committee undertook a short focussed inquiry on the implications for Scottish Local Government on the United Kingdom leaving the European Union. You can find that work on the Committee's webpage at: <http://www.parliament.scot/parliamentarybusiness/CurrentCommittees/102178.aspx>.

Since that time the Committee's consideration of European Union scrutiny and engagement has largely arisen through its work in other areas of the Committee's remit such as its more recent work in considering City Region Deals (and the skills element of that funding - areas that may be currently supported by EU funding).

At its meeting on 24 January 2018, the Committee discussed your letter, its forward work programme along with the views of the Committee's EU reporter, Andy Wightman MSP.

The Committee agreed that it would keep a watching brief on Brexit and the implications for Local Government and Communities.

In relation to the European Commission work programme the Committee agreed that given its full work programme and the nature of the priorities for 2018 it did not, at this stage, envisage any substantive work in this area.

In considering any further scrutiny of common frameworks, the Committee's view was that there required to be further clarity about the nature of any agreed frameworks between the UK and Scottish Governments before local government's place within those could be meaningfully considered. That said, it is an area we will keep a watching brief on.

### **Response from the Rural Economy and Connectivity Committee**

Thank you for your letter of 21 December 2017 seeking an update on the Committee's activities in relation to EU engagement as part of your annual reporting process.

Membership of the European Union (EU) has significant impact on several areas within the Committee's remit, including agriculture, fisheries and food and drink. In the past year the Committee has closely monitored the evolving discussions and negotiations following the referendum vote to leave the EU, and has sought to engage in these discussions where relevant.

For example, the Committee took evidence from stakeholders on 15 and 22 March 2017 to obtain preliminary views on the implications of Brexit for the agriculture, forestry and fisheries sectors. A subsequent evidence session was held on 19 April and again on 29 November 2017 with the Cabinet Secretary for the Rural Economy and the Minister for Negotiations of Scotland's Place in Europe.

The Committee intends to conduct further scrutiny on these issues as the negotiations to exit the EU progress. A further session with agricultural and fisheries stakeholders is planned for 21 February 2018. The Committee will continue to seek regular updates from relevant Scottish Government Ministers and UK Government Ministers on the progress of negotiations and the development of post-Brexit policy. The Committee is pleased that the UK Secretary of State for Environment, Food and Rural Affairs has accepted the Committee's invitation to give evidence on the ongoing negotiations. Work is being undertaken with Mr Gove's office in order to secure a date.

The Committee also agreed to consider issues around the implications of Brexit for the transport, digital and food and drink sectors when suitable opportunities arise. To further inform the Committee on these areas it wrote to the Cabinet Secretary for Rural Economy and Connectivity to ask for an update. The response dated January 2018 is attached in an Annex to this letter.

In addition, the Committee has agreed as part of its ongoing work programme in 2018 to give a focus to the development of UK common frameworks relating to agriculture and fisheries following the exit from the EU. However, given the current uncertainties regarding timing, format, etc. of the frameworks, the Committee would be keen to explore the potential for a common approach to the scrutiny of common frameworks with other committees that are likely to conduct similar work.

### **Response from the Social Security Committee**

To date the Social Security Committee has not undertaken any activity in relation to the European Union, our main focus having been on the devolution of social security via the Social Security Bill.

The Committee will be discussing its work programme post the Social Security Bill at its meeting next week. As things stand this is unlikely to include any European Union engagement at this stage, although in the longer term, once the outcome of Brexit negotiations become clearer, we may examine the impact on social security.

I hope that this is useful in terms of the reporting process. If you require any further information, please do not hesitate to contact me.

