

Standing Council on Europe Minutes of Meeting of 5 February 2018

Apologies: Sir John Grant, David Martin, Alyn Smith, Anne Richards, Sir George Reid

1. Welcome and Introduction

The meeting opened with a welcome from the Chair and a brief overview of developments since the previous meeting. The Chair noted that Francis Ruane and Amanda McMillan have stood down from the Council, and conveyed thanks for their contribution as members.

2. Update from First Minister

The First Minister added her thanks to Frances Ruane and Amanda McMillan for their respective contributions, before providing an update.

The conclusion of Phase 1 of the negotiations was a positive step forward, but it is disappointing that the momentum has not been maintained nor further clarity provided by the UK Government. The next 2-3 months will be crucial.

The analysis set out in 'Scotland's Place in Europe: People, Jobs and Investment' makes the continued case for European Single Market and Customs Union membership, and it would seem that the conclusions reached in the UK Government's leaked analysis appear to be in broad agreement. The papers sets out that a pragmatic approach is necessary and consideration must be given to how to limit the damage caused by leaving the EU in the manner being pursued.

The Minister for UK Negotiations on Scotland's Place in Europe provided an update on recent engagement with UK Government. While limited progress has been made, Scottish Government will continue to support and encourage discussion, including through JMC(EN).

3. European Union (Withdrawal) Bill

Members were provided with an update on the EU (Withdrawal) Bill, noting the potential implications for the devolution settlement. The discussion which followed raised a number of issues including the importance of the timetable and amendments going forward. It was noted that the Scottish Government has announced its intention to introduce a Continuity Bill if agreement is not reached.

4A. Discussion of Scotland's Place in Europe: People, Jobs and Investment publication and Phase Two of UK-EU negotiations

'Scotland's Place in Europe: People, Jobs and Investment' published on 15 January presented the latest analysis of the implications of leaving the European Union set against three main scenarios, and members were invited to discuss the implications for Scotland and the negotiations moving forward.

There was agreement on the continuing need to communicate this evidence (both domestically and beyond), and ensure the consequences of being outside the European Single Market and Customs Union are clearly understood.

The Scottish Government will continue to publish further papers to demonstrate the full consequences of EU withdrawal. It was agreed there was a role for the Standing Council to further support this work.

There was also discussion around the Withdrawal Agreement, the EU position for the negotiations, and future trade agreements. It was highlighted that maintaining a level playing field is critical. Clarification of the UK Government position is needed.

4B. Update on Freedom of Movement and Migration

Cabinet Secretary for Culture, Tourism and External Affairs introduced this item, noting the positive contribution EU citizens make to Scottish economy. Scotland has distinct needs which require a different approach and a tailored/regional approach is not unusual. A discussion paper to be published shortly will explore how powers over migration could be devolved to the Scottish Parliament (this was subsequently published on 7 February).

Members were supportive, noting Scotland's specific demographic requirements and that messaging is important. It was agreed the paper should be shared with members.

5. AOB

With no further business, the meeting closed.