

BRIEFING FOR FM'S MEETING WITH THOMAS OPPERMANN, CHAIRMAN OF THE SOCIALIST DEMOCRATIC PARTY'S PARLIAMENTARY GROUP IN THE BUNDESTAG - 28 FEBRUARY 2017

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| Key message | <ul style="list-style-type: none"> • The Scottish Government is determined to protect Scotland's national interests. The Scottish Parliament voted by a clear majority for Scotland's place in the Single Market to be protected, and agreed that "alternative approaches within the UK should be sought that would enable Scotland to retain our place within the single market". This is a significant compromise compared to EU membership, for which the people of Scotland voted. • Our paper, "Scotland's Place in Europe" makes clear the importance of single market membership to our economy and sets out proposals to protect Scotland's interests, even if the remainder of the UK chooses to leave the single market. |
| What | <p>Meeting with Thomas Oppermann, Chairman of The Socialist Democratic Party's Parliamentary Group in the Bundestag. Mr Oppermann will be accompanied by:</p> <ul style="list-style-type: none"> • Albrecht von Wangenheim, Press Secretary • Michael Miebach, Advisor to Mr Oppermann • Jens-Peter Voss, Consul General |
| Why | <p>Mr Oppermann is visiting Edinburgh on 28 February and asked, via the German Consulate, if he could meet with the First Minister. As Mr Oppermann has a key role within the Socialist Democratic Party, one of the two major German political parties, SPADs recommended the First Minister accepted this meeting request.</p> |
| Who | <div style="display: flex; align-items: center;">  <div> <p>Thomas Oppermann:</p> <ul style="list-style-type: none"> • Member of the Bundestag since 2005 • Chairman of The Socialist Democratic Party's Parliamentary Group in the Bundestag since 2016. • 1990 – 2005: Member of the State Parliament of Lower Saxony • 1986 – 1990 Judge at Hanover and Brunswick Administrative Courts </div> </div> |
| Where | Bute House |
| When | 11:30 – 12 noon |
| Likely themes | <p>Mr Oppermann confirmed he'd like to discuss the following topics:</p> <ul style="list-style-type: none"> • Scotland's position post-EU referendum; • Scottish Government's view of the upcoming EU negotiations; and • The First Minister's expectations of the EU. |
| Supporting official | <ul style="list-style-type: none"> • [text redacted], Head of European Engagement – [text redacted] |
| Attached documents | Annex A: Key Brief |

KEY BRIEF**Top Lines**

- Scotland did not vote for the direction set out in the UK Government's White Paper and the Scottish Government is determined to protect Scotland's national interests.
- The Scottish Government's paper, "Scotland's Place in Europe" sets out proposals that would protect Scotland's interests and makes clear the importance of single market membership to our economy.
- There was agreement at the JMC (P) on 30 January from the Prime Minister to intensify joint work on the Scottish Government's proposals. We have not yet seen evidence that Scotland's voice is being listened to or our interests taken into account.
- The Prime Minister has made numerous statements and commitments that there would be a UK approach to Brexit. The Scottish Government published proposals to protect Scotland's interests in Europe at the end of last year and we have yet to have any detailed response, or any indication of whether or how the UK Government intends to take them forward as part of its forthcoming negotiations.
- On 07 February 2017, the Scottish Parliament agreed to a Motion which stated that the Bill which would allow the UK Government to trigger Article 50 should not proceed. We are pressing the UK Government to respect the views of the Scottish Parliament.

The Scottish Government embraces the four freedoms and believes that, short of EU membership, full membership of the Single Market is the best outcome not just for Scotland but for the whole of the UK

- Scotland should continue to be a member of the European Economic Area (EEA), even if the UK leaves. This would safeguard social and environmental protections and would pave the way for additional close collaboration with the EU in other areas.
- The UK's Article 50 letter needs to include an intention to pursue a differentiated approach for Scotland; as the UK Government is considering arrangements to take account of the particular circumstances of Northern Ireland and Gibraltar – they should also do so for Scotland.
- A differentiated approach would allow Scotland to enjoy the benefits of the European Single Market in addition to – not instead of – free trade across the UK. There would be no need to make that choice.

The Scottish Government will continue to engage with EU partners to ensure that our voice is heard, our position understood, and that all options are on the table

- We have engaged with other EU member states and institutional partners over the past six months following the EU referendum to raise awareness of the way Scotland voted and our determination to retain our relationship with Europe.
- We are not seeking a separate, parallel negotiation with the EU institutions or member states. We absolutely accept that the negotiation that will start on the triggering of Article 50 will be between the UK and the EU.
- The Scottish Government's proposals are aimed at the UK Government and we are pressing for these to be given serious consideration through the Joint Ministerial Committee framework.

If Scotland's interests cannot be protected in a UK context, independence is an option people in Scotland must have the right to consider

- Any decision on a further referendum including the timing of it will be for the Scottish Parliament to take having considered all the options for Scotland's future relationship with the EU.

The legal status of EU citizens living in Scotland and Scottish citizens living in other EU countries will not change for the time being

- The 181,000 citizens of other EU countries living in Scotland who have chosen to make their home in Scotland enrich our culture, strengthen our society and boost our economy¹.
- As the First Minister said on 24 June – "citizens of other EU countries living here in Scotland remain welcome here, Scotland is your home and your contribution is valued."
- The Scottish Government is exploring all possible avenues for Scotland to retain the benefits of EU membership, for which Scotland voted – and this includes freedom of movement.

Key German Reactions to EU Referendum Outcome

- **24/06/2016:** Angela Merkel said "we take note of the British people's decision with regret. There is no doubt that this is a blow to Europe and to the European unification process."
- **28/06/2016:** Angela Merkel – "We will make sure that negotiations will not be carried out as a cherry-picking exercise. There must be and there will be a palpable difference between those countries who want to be members of the European family and those who don't."
- **04/07/2016:** Chancellor Merkel has reportedly said that Juncker has become "part of the problem" and that his recent meeting with Scotland's First Minister was provocative. Although Juncker said the EU commission had no intention to interfere with Scotland's desire to join the EU, he told reporters that it had "won the right to be heard in Brussels."
- **11/07/2016:** David McAllister MEP said he remains neutral in the debate about Scottish independence but praised Nicola Sturgeon for heading to Brussels to speak to politicians, of which he was one. Mr McAllister said: "Once again it's a leap into the dark, nobody knows, there are so many questions that we don't know answers. "Would it be possible that a member state leaves the European Union and a part remains? Is that possible, probably not, but I just don't know if that is possible legally"
- **15/11/2016:** Angela Merkel has signalled a readiness to discuss the parameters of the free movement of people in the EU, suggesting there may be some room for manoeuvre on the issue in Brexit talks. Merkel said the EU could not divide its four freedoms to allow Britain to restrict immigration from the bloc while retaining tariff-free access to the market. But she opened a door to discussions on the framework of the free movement of people. Chancellor Merkel said "I personally am of the view that we will have to discuss further with the [European] commission when this freedom of movement applies from."
- **09/01/2017:** Chancellor Merkel said there could not be negotiations based on ""cherry picking"" of the Union's four freedoms of movement for capital, goods, services and people. She said it was important that "we also make clear on the other hand that access to the

¹ Note: no precise figure is available for Scots living in the EU . 2015 data estimates 1.2 million UK Citizens live in other EU countries.

single market can only be possible on the condition of respecting the four basic freedoms. Otherwise one has to talk about limits (of access)."

Recent SG Engagement with Germany

- **17-18 November 2016** - Mr Russell visited Berlin and participated in a panel discussion at the Süddeutsche Zeitung Economic Summit on 'The Brexit and its consequences'. Mr Russell also met with The UK Ambassador to Germany and representatives of the Konrad-Adenauer-Stiftung (think-tank) while he was there.
- **11-12 October 2016** - Mr Wheelhouse visited Munich as part of a Scottish 'Entrepreneurial Tech Mission'. The aim of this visit was to help facilitate stronger links between our respective economies, whilst also highlighting Scotland's approach to promoting entrepreneurship and innovation through Scotland CAN DO.
- **25 August 2016** – FM met with Germany's Ambassador to the UK, Dr Peter Ammon.
- **09 August 2016** – FM met with Minister Michael Roth, State Secretary for Europe at the German Federal Foreign Office, during a visit to Berlin.
- **05 July 2016** - FM hosted an EU reassurance meeting with the members of the consular corps. German Consul-General Peter Voss was in attendance.
- **27 June 2016** – Ms Hyslop met with Ambassador Dr Ammon in London.

Upcoming Engagement with Germany

- **3rd March** – FM meeting with Christian Schmidt, Germany's Federal Minister for Food and Agriculture.
- **5th – 7th March** – Mr Brown is undertaking a Trade and Investment visit to Hamburg and Berlin.
- **23rd – 24th March** – Delegation from Bavaria, including Ilse Aigner, Deputy Minister-President of Bavaria, visiting Edinburgh.
- **30th March** – Dr Allan is meeting with Guido Wolf, Minister for Justice and European Affairs at Baden-Wurttemberg Landtag.

German Elections

- Germany go to the polls on **24 September 2017** and, although Chancellor Merkel has had a tough few months the CDU/CSU are still expected to come out on top and be the party in the position to form a government.
- However, the government is expected to be another 'grand coalition'. Germany's other major party, the SPD, have also had a difficult time of late, however, this has been turned around in the wake of the nomination of Martin Schulz as SPD Chancellor candidate.
- This has boosted the SPD's standing in the polls and delighted his party supporters. Schulz is expected to be a difficult opponent for Chancellor Merkel and may force her out of her comfort zone. But the polls still suggest Merkel will remain Chancellor after September's election.