

Item 1 – Email from Brian Dornan regarding meeting on 28th March 2022

From: Dornan B (Brian) [Redacted]

Sent: 25 March 2022 14:30

To: Cabinet Secretary for Constitution, External Affairs and Culture <CabSecCEAC@gov.scot>; Cabinet Secretary for Finance and Economy <CabSecFE@gov.scot>; Minister for Culture, Europe and International Development and Minister with special responsibility for Refugees from Ukraine <MinisterCEID@gov.scot>

Cc: Rogers D (David) (Constitution and Cabinet Director) <David.Rogers@gov.scot>; Wightman S (Scott) <Scott.Wightman@gov.scot>; Johnson M (Martin) <Martin.Johnson@gov.scot>; [Redacted] [Redacted][Redacted] Crawford E (Ewan) <Ewan.Crawford@gov.scot>; McAllister C (Colin) <Colin.McAllister@gov.scot>; Lloyd E (Elizabeth) <Elizabeth.Lloyd@gov.scot>

Subject: OFFSEN - Prospectus policy - preparatory session - EU

Cabinet Secretary for Constitution, External Affairs and Culture
Cabinet Secretary for Finance and Economy
Minister for Culture, Europe and International Development

Copy as above

A discussion on EU accession has been arranged for Monday afternoon, preparatory for a further session to take place relatively soon.

Please find attached a technical note to support that discussion.

In addition to relevant officials and SpAds, external attendees will include Sir John Grant (UK Perm Rep to the EU, 2003-2007) and Drew Scott (Professor Emeritus EU Studies, UoE).

I trust this is useful.

Brian

Brian Dornan | Deputy Director Constitutional Futures | Directorate for Constitution and Cabinet | Scottish Government

Mob 1: [Redacted]

Mob 2: [Redacted]

Item 2 – Document relating to the meeting on 23rd March 2022

EU ACCESSION PROCESS UNDER ARTICLE 49

1. Article 49 of the Treaty of the European Union provides a legal basis, and defines the procedure, for a country seeking membership of the EU. It provides that any European state which respects and promotes the EU's values may apply to become a member of the EU.
2. Under the terms of Article 49 of the Treaty on European Union, in order to be eligible to enter the EU, a country must:
 - Be a state in its own right within geographical Europe;
 - Respect and commit to the values set out in Article 2 Treaty on European Union. These are respect of human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. Furthermore pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men must prevail;
 - Satisfy the Copenhagen Criteria, notably:
 - Political criteria: “*stable institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities*”.
 - Economic criteria: “*a functioning market economy and the capacity to cope with competitive pressure and market forces within the union*”.
 - The ability to take on the obligations of membership; “*adherence to the aims of political, economic and monetary union, adoption of the EU acquis and the administrative capacity to effectively implement and enforce the EU acquis*”.
2. Once a candidate country has had its application for membership accepted, negotiations take place on the conditions and timing of the adoption, implementation and enforcement of the EU's standards and rules (the ‘acquis’). The acquis is split into 35 different policy areas (known as ‘chapters’); each chapter is closed when the candidate country has transposed the relevant acquis into national law, or can demonstrate that it will implement by the date of accession. Chapters can be negotiated in parallel. Financial and transitional arrangements, such as how much the new member is likely to pay and receive from the EU budget and which rules will be phased in gradually to give new or existing members time to adapt, are also discussed and agreed.
3. The EU operates comprehensive approval procedures that ensure new member states are admitted when they can demonstrate they will be able to play their part fully as members, namely by:
 - complying with all the EU's standards and rules (the ‘acquis’);
 - having the consent of the EU institutions and EU member states; and
 - having the consent of their citizens – as expressed through approval in their national parliament or by referendum.

4. The terms and conditions of membership, including any transitional arrangements (which can include derogations), are incorporated into an accession treaty once negotiations have concluded.
5. The accession treaty must be approved unanimously by the Council of the EU and must receive the consent of the European Parliament. The treaty is then signed by each of the EU countries and by the acceding country and ratified by each EU country and by the acceding country, each according to its own constitutional procedures. Unanimous agreement of current member states - both over the ability for a new member to join, and the terms on which it does so - will be required.

Item 3 – Invitation to policy session on 6th June 2022

From: [Redacted] **On Behalf Of** Cabinet Secretary for Constitution, External Affairs and Culture

Sent: Wednesday, June 1, 2022 4:35 PM

To: [Redacted]

Cc: [Redacted] [Redacted] [Redacted] Cabinet Secretary for Constitution, External Affairs and Culture <CabSecCEAC@gov.scot>

Subject: Invitation to Policy Session

Dear Sir John Grant,

On behalf of the Cabinet Secretary for Constitution, External Affairs and Culture this is an invitation for you to attend a focused policy discussion about EU accession to test in detail the propositions in this area which are to be addressed in the updated prospectus for independence.

Your participation in this session is requested to provide background and views on EU to Ministers, alongside a small group of our internal senior policy officials and other external experts.

The session will take place on Monday 6th June at 14:00 until 16:00. I would be grateful if you could confirm your availability to attend. Details for you to attend the meeting virtually will be provided separately.

Should you have any questions please contact

[Redacted]

Best wishes,

[Redacted]

[Redacted]

Assistant Private Secretary to Angus Robertson MSP, Cabinet Secretary for Constitution, External Affairs and Culture

Ministerial Private Office

St Andrews House

Edinburgh

Item 4 – Email including briefing material for the policy session on 6th June 2022

From: [Redacted]

Sent: Monday, June 6, 2022 12:21 PM

To: 'John Grant' <[Redacted]>

Subject: OFFICIAL - SENSITIVE for the personal attention of Sir John Grant - Supporting Materials for Policy Session

Good afternoon,

Please find attached supporting materials for today's discussion.

Please do not share these papers with anyone else, or retain them once the meeting has concluded.

Kind regards,

[Redacted]

[Redacted]

Constitutional Futures Division

Constitution and Cabinet Directorate

The Scottish Government | St Andrew's House, Regent Road, EDINBURGH EH1 3DG

Item 5 – Slides for the policy session on 6th June 2022

EU Policy – Prospectus Session

6 June 2022

FINAL DRAFT

This document is prepared for the purpose of formulating and developing government policy, and contains expressions of views and proposed policy positions and statements that are intended to inform deliberation.

Official Sensitive – Policy Development

2014

- Scotland was already part of the EU through the UK's membership so the position was 'we will continue to be a member of the EU'.

Current position

- We will seek to re-join the European Union as soon as we can.
- With a view to re-joining the EU as soon as we are able to, we will preserve Scotland's good relations with the EU and implement our commitment to seek to align with EU standards and laws, and we will affirm the need for international cooperation to solve global issues.

Official Sensitive– Policy Development

[Redacted]

Item 6 – Agenda for policy meeting on 6th June 2022

Prospectus Policy Session 3: EU 06/06/22

Agenda

1. Session introduction (David Rogers)
2. Externals introduction (Sir John Grant and Professor Drew Scott)
3. Presentation (Martin Johnson)
4. Discussion
5. Next steps

Item 7 – Email advising Sir John Grant that he has been named in an FOI request

From: [Redacted]

On Behalf Of Constitutional Futures

Sent: Thursday, July 13, 2023 9:44 AM

To: John Grant <[Redacted]>

Subject: Freedom of Information request

Good morning,

I am writing to advise you that the Scottish Government has received a request under the Freedom of Information (Scotland) Act 2002 (FOISA) for a list of names of

any external individuals or organisations that members of staff working within the Constitutional Futures Division have met with since March 2021.

You have an interest in the information which has been requested because you have attended a meeting which included staff within the Constitutional Futures Division.

Therefore, I am writing to advise you that your name will be included in the list within the response to the FOISA request. We expect this to be issued in the coming days.

I should also explain that we can withhold information only if an exemption under FOISA applies to that information and, where applicable, the public interest in disclosure is not outweighed by the public interest in upholding the exemption. You can find detailed information about FOISA on our website at: <https://www.gov.scot/about/contact-information/how-to-request-information/> or on the Scottish Information Commissioner's website at: <https://www.itspublicknowledge.info/>.

Kind regards

[Redacted]
Constitutional Futures Division
Directorate for Constitution
The Scottish Government
2W, St Andrew's House, Edinburgh, EH1 3DG

Item 8 – Email containing Economy paper and summary

From: [Redacted]
On Behalf Of Brian Dornan
Sent: Monday, October 17, 2022 12:13 PM
To: John Grant <[Redacted]>
Cc: [Redacted]

Subject: Building a New Scotland - A stronger economy with independence

Dear Sir John,

The third paper in the Independence Prospectus Series (*A stronger economy with independence*) has been launched today by the First Minister. The full paper and a summary are attached to this email, for your interests.

If you would like any further information, don't hesitate to get in contact.

Kind regards

Brian Dornan

Brian Dornan | Deputy Director Constitutional Futures | Directorate for Constitution and Cabinet | Scottish Government

Mob: [Redacted]

Item 9 – Full economy paper and summary relating to above email

[Building a New Scotland: A stronger economy with independence - gov.scot \(www.gov.scot\)](http://www.gov.scot)

[Building a New Scotland: A stronger economy with independence - summary - gov.scot \(www.gov.scot\)](http://www.gov.scot)

Annex B

Section 30(c) (Prejudice to the Effective Conduct of Public Affairs)

The reason why this exemption applies is because releasing draft plans for and content of Scottish Government publications, which do not reflect final decisions taken, would result in inaccurate information on the Scottish Government's proposals for an independent Scotland being published, thereby undermining the Scottish Government's ability to effectively and accurately engage and communicate with the public.

This in turn would be likely to impair the Government's ability to take forward its work on policy development for an independent Scotland. This would constitute substantial prejudice to the effective conduct of public affairs in terms of the exemption.

This exemption is subject to the 'public interest test'. Therefore, taking account of all the circumstances of this case, we have considered if the public interest in disclosing the information outweighs the public interest in applying the exemption. We have found that, on balance, the public interest lies in favour of upholding the exemption. We recognise that there is a public interest in disclosing information as part of open, transparent and accountable government, and to inform public debate. However, there is a greater public interest in enabling the Scottish Government to effectively and accurately engage and communicate with the public on its proposals for an independent Scotland without the risk of these proposals being prejudiced by inaccurate information, which doesn't reflect final decisions taken, being released while the Scottish Government's work was still under development on a matter of significant political relevance and controversy.