

Standing Council on Europe Minutes of Meeting of 28 November 2017

Apologies: Vasco Cal, Dame Anne Glover, Sir John Grant, David Martin MEP, Amanda McMillan, Professor Alan Miller, Anne Richards, Professor Frances P Ruane

1. Welcome and Introduction

The Standing Council met on Tuesday 28th November. The meeting opened with a welcome from the chair and a brief overview of developments since the previous meeting.

2. Update from First Minister

First Minister noted that the current focus is on what will transpire over the next few weeks in the run up to European Council on 14-15 December – with the key areas to resolve being citizens' rights, financial settlement and the Irish border. Most pressing, particularly for business, is the need for clarity and certainty and for agreement of a steady state transition. While there has been engagement with the UK Government including a meeting with the Prime Minister this has not resulted in any further clarity of position.

3. Update from Minister for UK Negotiations on Scotland's Place in Europe

Minister for UK Negotiations on Scotland's Place in Europe reported on recent visits to Brussels, a shift of focus towards the issues around the Irish border and role of the European Court of Justice in respect of EU nationals.

The Minister also set out that the Joint Ministerial Committee (EU Negotiations) met on 16 October, and agreed a set of joint principles in relation to UK frameworks. It was noted that the EU (Withdrawal) Bill has now commenced its legislative route through the UK Parliament and Scottish Government will be seeking significant amendments before it could be supported.

4. Discussion of Current Issues

Members provided insight from London and Brussels. They suggested that there was cautious optimism in Brussels that an agreement to move to Phase 2 of the negotiations may be agreed at the December Council although the Irish border remains a difficult issue. A transition period will be necessary and will require the UK to accept the EU acquis in full, potentially without representation in the institutions. There is also likely to be a need for a full budget contribution. In moving into Phase 2 the impact of Brexit will become better understood and the resolve of the EU27 will become clearer as the detail is worked through. A paper on what Scottish Government wants would be well received in the coming weeks.

In relation to the EU (Withdrawal) Bill, the importance of clearly explaining the principles at stake and the proposed amendments to the Withdrawal Bill so these could be better understood by the widest possible audience, was discussed.

3. Scotland's Place in Europe

Members were provided with an update on the Scottish Government's proposed update of Scotland's Place in Europe. Members were reassured that Scotland's fundamental position, as set out in Scotland's Place in Europe, had not changed. Short of EU membership, it is in Scotland's best interests to stay in the European Single Market and the Customs Union. Further analysis would be provided in an updated document to reinforce this position. Members were supportive of an update being published in the coming weeks and the discussion which followed reflected on how best to demonstrate the impact of this.

4. Free Movement of People / Migration

Cabinet Secretary for Culture, Europe and External Affairs introduced this item, referring to the forthcoming UK White Paper and Immigration Bill, and the Scottish Government's [response](#) to the Migration Advisory Committee which clearly demonstrates the significant contribution EU citizens make to Scotland.

Members were very supportive of the response and analysis that pointed to a distinctive approach in Scotland. The discussion covered the success of differentiated systems in other countries, and the importance of alliances with other regions. The particular impact Brexit was having on EU students/researcher numbers was also highlighted.

Standing Council Secretariat