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Dear Ms McKelvie,

Thank you for your letter of 10 March 2014.

The European Union has been established by the relevant treaties among the Member States. The Commission, as the guardian of those treaties, is responsible for overseeing their implementation, including the implementation of provisions related to the accession of any European State to the Union.

The Commission's position on the issue that you raise has been stated on a number of occasions since 2004¹. The Treaties apply to the Member States. When part of the territory of a Member State ceases to be a part of that State, e.g. because that territory becomes an independent state, the treaties will no longer apply to that territory. In other words, a new independent region would, by the fact of its independence, become a third country with respect to the Union and the Treaties would, from the day of its independence, not apply anymore on its territory.

Under Article 49 of the Treaty on European Union, any European state which respects the principles set out in Article 2 of the Treaty on European Union may apply to become a member of the EU. If the application is accepted by the Council acting unanimously after consulting the Commission and after receiving the consent of the European Parliament, an agreement is then negotiated between the applicant state and the Member States on the conditions of admission and the adjustments to the Treaties which such admission entails. This agreement is subject to ratification by all Member States and the applicant state.

Yours sincerely,

*Ms Christina McKelvie, Convener
European and External Relations Committee
By email: Europe@scottish.parliament.uk*

¹ C 84 E/422. *Official Journal of the European Union* (3/4/2004)