



The Scottish Parliament
Pàrlamaid na h-Alba

The Presiding Officer
Rt Hon Tricia Marwick MSP

Mr William Cash MP
Chair
European Scrutiny Committee
7 Millbank
House of Commons
LONDON
SW1P 3JA

21 May 2013

Dear Mr Cash

Explanatory Memorandum in respect of EU Proposal 7999/13

I understand that the House of Commons European Scrutiny Committee has recently considered EU Proposal 7999/13, which is a Proposal for a Regulation of the European Parliament and of the Council on measures to reduce the cost of deploying high speed electronic communications networks.

The Scottish Parliament has agreed that where the UK Government, the UK Parliament or the Scottish Government brings any EU proposal to the attention of the Parliament as raising a concern in relation to compliance with the principle of subsidiarity, the relevant Parliamentary committee will consider that proposal. Where a committee has a concern in relation to the proposal but there is an insufficient period remaining for a chamber debate, parliamentary procedure enables the views of that committee to be transmitted directly to you from the Office of the Presiding Officer.

I am therefore writing to you following the consideration of Proposal 7999/13 by the Scottish Parliament's Infrastructure and Capital Investment (ICI) and Local Government and Regeneration (LGR) Committees at their respective meetings of 15 May 2013. Both Committees agreed to express concerns in relation to the Proposal. These concerns are set out below.

Concerns in relation to subsidiarity

Both Committees agree with the Scottish Government that the legislative implications for Scotland in relation to this Proposal are complex and more detailed information is required to fully understand the implications of implementing this Regulation at a local level. In addition, both Committees note that the limited time available for scrutiny of this Proposal was not helpful to that process.

They acknowledge that, in its Explanatory Memorandum, the UK Government highlights concerns regarding the justification for this Regulation. The UK Government is of the view that measures supported by the Regulation would all be

implemented at local level and therefore believes that the aims of the Regulation would be best achieved by action at local Member state level.

The Scottish Government's view is that there appears to be no compelling evidence or arguments which would cause it to deviate from the UK Government's position with regard to subsidiarity. Both the ICI and LGR Committees of the Scottish Parliament support this view.

I have written in similar terms to the Chair of the EU Select Committee in the House of Lords.

Yours sincerely

A handwritten signature in blue ink that reads "Tricia Marwick". The signature is written in a cursive, flowing style.

TRICIA MARWICK