

REVIEW OF EU BALANCE OF COMPETENCES

INTERNATIONAL DEVELOPMENT

How has the scope of the EU competence for this policy area changed over time?

Growth in both scope and competence. Development cooperation is a shared competence between the EU and the Member States, with EU development policy undertaken as complementary to the policies pursued by the Member States.

The EU is the largest global Official Development Assistance (ODA) donor, accounting for the half of the total ODA to developing countries and funding work in 150 countries.

The Lisbon treaty was significant in establishing the European External Action Service (EEAS). In addition EU action in the field of development policy is also based on the *European Consensus on Development*, signed on 20 December 2005, by EU Member States, the Council, the European Parliament and the European Commission agreeing a common EU vision of development.

Within the European Commission, EuropeAid is the Directorate-General responsible for formulating and implementing EU development policy. EuropeAid works together with the European External Action Service to finance allocations and strategy papers by country and by region, as well as national and regional programmes.

How have the legislative procedures for adopting measures under the Treaties changed (e.g. a move from consultation to co-decision, or a move from unanimity to Qualified Majority Voting) for this policy area?

Increased focus and attention on multilateral level agreements, including outcome of the Busan High Level Forum on Aid Effectiveness as well as MDG review and follow up to commitments made at Rio as well as UN target of 0.7% of GNI spent on ODA, which EU aim to achieve in 2015.

Does the UK enjoy any special status under the Treaties in respect of this policy area?
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No – Scottish, UK governments and EU Commission have a commitment to maintain development spending within reduced budgets.

Why is EU-level action most appropriate (rather than e.g. UN/G20 or national/regional level) for this policy area?

EU development policy seeks to be complementary to work undertaken by member states, however the scale of the resources EU is able to mobilise in comparison to individual member states is significantly enhanced, both in budgetary terms, for example in response to addressing the aid gap for newly established South Sudan, as well as drawing on specific expertise from within member states.

The scale of funding offered through the EU development programmes is also able to effectively fund work in many developing countries to support and enable development work to be undertaken across borders to achieve a regional level outcomes. Impact maternal health project based in Aberdeen University is one positive example of regional level engagement in southern Africa made possible by the range of countries funded through EU and including Scottish Government development grant to fund work of the project in Malawi.

How does EU action in this policy area advantage the UK?

EU development funding offers source of funding to support development work for UK NGOs in addition to funding provided through aid budgets in UK and access to EU funding for UK in effect provides for further funding options and combinations to UK based NGOs.

How does EU action in this policy area disadvantage the UK?

No disadvantage.

What future challenges might we face in this policy area and what impact might challenges have on the balance of competences?

2011 was the first year that total global aid spending decreased in real terms. While the EU has looked to maintain aid budgets the impact of the economic downturn could provide basis for challenge to this position.

What are the main EU Treaty articles (what they mean in terms of the split of competences between the UK and EU); the key European Court of Justice case law and the major pieces of legislation applicable to this policy area?

Development cooperation is based on Articles 177 to 181 of the Treaty of the European Community.

The basis for the External Action Service is set out in article 13a-III of the Treaty of Lisbon.

Cotonou Agreement providing basis for ACP cooperation (African, Caribbean and Pacific states) was signed in June 2000 (revised in 2005 and 2010).

The *European Consensus on Development*, signed on 20 December 2005, by EU Member States, the Council, the European Parliament and the European Commission outlines approach to international development.

INTERNATIONAL DEVELOPMENT

Have your team been involved in any stakeholder engagement or stakeholder events related to the Balance of Competences?
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Attended an initial briefing on the Balance of Competences review given by Whitehall leads on visit to Scottish Government on 24 September, 2012.

Are you aware of any of your stakeholders being involved in consultations, events or other activities organised by the UK Government?
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No, not aware of any consultation being undertaken with the development sector in Scotland, either directly or through umbrella organisations.
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