Joan McAlpine MSP
Convener
Culture, Tourism, Europe and External Affairs Committee
Scottish Parliament
Edinburgh
EH99 1SP

3rd February 2019

Dear Joan

THE CREATIVE EUROPE PROGRAMME AND EUROPE FOR CITIZENS PROGRAMME REVOCATION (EU EXIT) REGULATIONS 2019 – EU EXIT LEGISLATION – PROTOCOL WITH SCOTTISH PARLIAMENT

I write in relation to the protocol on obtaining the approval of the Scottish Parliament to the exercise of powers by UK Ministers under the European Union (Withdrawal) Act 2018 in relation to proposals within the legislative competence of the Scottish Parliament.

I wrote to you on 16 January outlining my recommendation that the CTEER Committee should give its consent to a UK statutory instrument which, under a no deal exit, would provide for the UK-wide delivery of the UK Government EU funding guarantee to organisations involved in Creative Europe and Europe for Citizens projects on exit.

Following my recommendation of 16 January, further information has come to light which requires that I change my recommendation to consent. I now understand that the delivery mechanism under the proposed statutory instrument would require direct payments to Scottish culture sector organisations in the name of the UK DCMS Secretary of State. This would be unprecedented and inappropriate to devolved competence for culture policy and funding.

I now propose that payments are made to Scottish organisations directly by the Scottish Government using existing powers, we are therefore not proposing to consent to the UK statutory instrument. As such there is no longer any need for the Scottish Parliament to consider this SI. My officials will continue to work closely with their counterparts in DCMS to ensure delivery of the guarantee across the UK and that Scottish culture organisations involved in Creative Europe or Europe for Citizens projects are supported in the event of a no deal Brexit.

I have similarly written to the UK Secretary of State for Digital, Culture, Media and Sport outlining my position and asking that the SI is amended to reflect this before it is laid in the UK Parliament.
I understand that your meeting of 31 January gave initial consideration to the SI as was proposed and that committee members sought further information on particular issues, specifically the current mechanism by which payments under the programmes in question are made to Scottish organisations and UK Government intentions around any funding mechanisms that may replace EU programmes for culture. I include further information on these issues below.

*Current operation of Creative Europe and Europe for Citizens*

Both of these programmes are managed centrally by the European Commission. All assessment, decision making and grant issuing responsibilities sit with the European Commission and its agencies. For Creative Europe there is a support service within the UK and other member states whose role it is to promote the programme and provide advice to organisations on their applications. In the UK this support service, the Creative Europe Desk, is delivered by a consortium of organisations which includes Creative Scotland.

*Future funding*

I attach great importance to the Creative Europe programme. It has provided valuable funding to organisations from the Scottish culture sector, but vitally, it has helped many to make international links that have supported cultural innovation, exchange of ideas and the development of their work. This type of collaboration is greatly facilitated by the transnational framework through which Creative Europe is delivered and would be significantly more difficult to support through domestic funding arrangements. The UK Government has provided little by way of clarity on its intentions in this area. However, I have made clear to the UK Secretary of State for Digital, Culture, Media and Sport the importance that I attach to Creative Europe and have emphasised the importance of negotiating continued participation in the programme, regardless of Brexit.

I am copying this letter to the Convener of the Delegated Powers and Law Reform Committee.

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FIONA HYSLOP