

Dear Mr Hay

FREEDOM OF INFORMATION

Thank you for your email of 20 January 2014 requesting the following information:

On the 20th Jan 2014, the Scottish secretary, Had quotes published in the Scotsman newspaper. Can you confirm he was correctly quoted?

Further, that being the case, Mr. Carmichael referenced legal problems associated with membership of the EU for an independent Scotland.

I request such information be published, however, should it be exempted from the FOIA, please confirm the date any and all advice was sought by the secretary with regards this quote, and please advise the cost of such advice.

In addition, I request any minutes for meetings relating to EU membership by the Secretary of State for Scotland, and any non-legal privileged correspondence between him and any EU institution.

Your request has been handled in accordance with the Freedom of Information Act 2000 and I have been asked to reply.

On 20 and 21 January, The Scotsman newspaper reported on the Secretary of State for Scotland's speech of 20 January to the Centre for European Policy Studies in Brussels. The full text of the speech can be found at:

<https://www.gov.uk/government/speeches/independence-referendum-scotland-decides>.

<https://www.gov.uk/government/publications/scotland-analysis-devolution-and-the-implications-of-scottish-independence>

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/271794/2901475_HMG_Scotland_EUandInternational_acc2.pdf

The speech makes reference to the findings of two leading experts on the issue of state formation and how this is seen in international law, James Crawford SC, Whewall Professor of International Law at the University of Cambridge and Alan Boyle, Professor of Public International Law at the University of Edinburgh. Their Opinion was published, in full, as an annex to the UK Government's Scotland Analysis Paper 'Devolution and the Implications of Scottish independence'. Furthermore, the UK Government position on the question of EU membership for an independent Scotland has been put fully in the public domain through publication of the Scotland Analysis Paper 'EU and International Issues'.

I can confirm that no meetings or correspondence relating to EU membership have been pursued by the Secretary of State for Scotland with EU institutions.

If you are dissatisfied with the decision made in relation to your request you may ask for an internal review. A request for an internal review should be addressed to:

FOI Officer
1 Melville Crescent
EDINBURGH
EH3 7HW

If you are not content with the outcome of the internal review you have the right to apply directly to the Information Commissioner for a decision. The contact details are:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
CHESHIRE
SK9 5AF

If you have any queries about this letter please contact me.

Yours sincerely

Craig Robertson
Scotland Office