From The Chair

Rt Hon. Jeremy Hunt MP
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20 May 2019

Last year, the Foreign Affairs Committee published a report on *The future of UK diplomacy in Europe*. In that report, it concluded:

During this inquiry, we received mixed messages from the Foreign Secretary, the Minister for Europe, and the FCO Permanent Under Secretary. On the one hand, we were told that the FCO was not "doing Brexit" and it was focussing its attention on the capitals of the EU27. However, we were also told that the FCO had a crucial role to play in Brexit and that it was leading on negotiations on CFSP/CSDP and on other issues such as Gibraltar and sanctions. While the FCO said that it provided a platform for HMG in Europe, including the Department for Exiting the EU, it is unclear what this means in practice. [Para 42]

We are now seeking a clearer picture of the FCO's role in the negotiations. I would therefore be grateful if you could answer the questions below on the resources that the FCO has allocated to work related to Brexit, and the extent of the FCO's role in the negotiations, both in London and Europe.

To be clear, we are not seeking the disclosure of the substance of any confidential advice that the FCO has prepared for internal, cross-government dissemination, but rather an indication of the extent to which the FCO has been involved in formulating UK policy, and the processes that have been established by the FCO to influence the negotiations, in support of national objectives and interests.

**FCO Staff**

1. What are the main responsibilities of the FCO's EU Exit Team in London?

2. How many FCO staff are currently working specifically on Brexit in (i) London (ii) UKREP (iii) the FCO's Europe network, and at which grades? Of those staff in UKREP and the FCO's network of embassies, how many are locally engaged and how many are UK-based staff?
3. How many additional staff, in (i) London, and (ii) in each of the posts in the FCO’s Europe network, have been appointed to work specifically on Brexit, and at which grades, each year since 2016?

4. How many of the FCO staff transferred to establish DExEU in 2016-17 have now returned to the FCO?

5. How many FCO staff who were transferred to establish DExEU are (i) still based in DExEU; or (ii) based in the Cabinet Office; or (iii) based in other Government Departments to work specifically on Brexit?

6. Have FCO staff attended any technical working groups in Brussels during the Article 50 negotiations? If so, which and how many?

7. Have any informal or technical meetings taken place between FCO officials and the European Commission on any aspect of the future EU-UK relationship, including sanctions, security and other aspects of foreign policy?

FCO advice to wider Government

8. What cross-Government structures and forums have been established between the FCO, Cabinet Office, DExEU, DIT and other Departments to coordinate policy on (i) the Article 50 negotiations; and (ii) the future partnership negotiations?

9. I would be grateful if you could tell me whether the FCO drafted, was given sight of, or provided comment on any of the following documents and speeches before their publication or delivery, and which were considered in relevant Cabinet Committees in which the Foreign Secretary participates:

   • The Prime Minister's speech to the Conservative Party Conference setting out the Government's priorities for Brexit on 2 October 2016;

   • The White Paper entitled, 'The United Kingdom's exit from and new partnership with the European Union' published on 2 February 2017;

   • The Prime Minister's letter to Donald Tusk, which triggered Article 50, dated 29 March 2017;

   • The Lancaster House, Florence, Munich, and Mansion House speeches;

   • HMG position and future partnership papers, particularly those on:

     ○ Citizens' rights;
     ○ Northern Ireland/Ireland;
     ○ Security cooperation; and
     ○ Foreign policy and defence.

   • The December 2017 Joint Report on 'sufficient progress';

   • The White Paper entitled The future relationship between the United Kingdom and the European Union, published in July 2018, which included proposals for the future UK-EU foreign and defence cooperation;

   • UK Technical Notes, for example the Technical Note on a temporary customs arrangement, published on 7 June 2018; and

   • The Withdrawal Agreement and Political Declaration.
10. Please could you set out what type of written and oral advice/briefings, if any, the FCO provided to the Prime Minister or Ministers before and after each of the following events:

- European Councils and European Summits, including the Salzburg Summit, since June 2016;

- Meetings between the Prime Minister and EU leaders visiting London, including the dinner at Downing Street between the Prime Minister, Jean-Claude Juncker and Martin Selmayr on 26 April 2017; and

- Meetings the Prime Minister and other Cabinet Ministers held with EU leaders in EU Member States to discuss the negotiations.

11. What work has the FCO conducted to map the priorities of each EU Member State before the upcoming negotiations on the future UK-EU relationship?

Permanent Representative of the UK to the EU

12. How many times did Ivan Rogers, the former Permanent Representative of the UK to the EU, meet the Prime Minister, the Secretary of State for Exiting the European Union, the Foreign Secretary or any of their Special Advisors, between 23 June 2016 and Mr Rogers’s resignation on 3 January 2017?

13. Did either the current or former Permanent Representative of the UK to the EU provide HMG with written advice on the timing of when to trigger Article 50? If so, when?

14. Did either the current or former the former Permanent Representative of the UK to the EU provide written advice to HMG on the sequencing of the Article 50 negotiations?

I would appreciate a response by 21 June 2019. I intend to place this letter and your response in the public domain.

Tom Tugendhat MP
Chair
27 June 2019

Tom Tugendhat MP  
Chair, Foreign Affairs Committee  
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SW1A 0AA

Dear Tom,

Thank you for your letter of 20 May about the FCO’s role in the process of leaving the European Union.

One of the Prime Minister’s first acts in office was to create the Department for Exiting the European Union (DExEU) to oversee and lead negotiations to leave the EU. The FCO has not been responsible for the negotiations, but the FCO has supported DExEU since its establishment, using our unique expertise and network. We lead on the limited and distinct areas for which we are responsible, and on engaging with other countries and international organisations to achieve our global objectives from outside EU structures. The FCO has also worked hard to bolster our bilateral relationships and people-to-people links with European partners. I have met frequently with my European counterparts, in both bilateral and multilateral fora, since taking up the role of Foreign Secretary last year.

After the UK has left the EU, the FCO will play an important role, delivering and shoring up our new relationships with the EU and EU Member States. We will also lead on reconfiguring the UK’s post-EU Exit relationship with the rest of the world.

I am pleased to be able to respond to the questions set out in your letter. In a very few cases the detail is limited, either due to the information not being available or because of the financial or opportunity cost entailed in collecting it.

1. FCO STAFF

What are the main responsibilities of the FCO's EU Exit Team in London?

Working closely with Cabinet Office and DExEU, the FCO leads on a limited number of EU Exit issues, including Gibraltar and the Overseas Territories, our responsibilities to UK Nationals in the EU, sanctions, and the Kimberley Process. We also support the delivery of HMG’s EU Exit policy, including the economic and security partnerships. The FCO is using, and will continue to use, our EU and bilateral capabilities in support of the wider HMG effort.
Our EU Exit work is led by Europe Directorate, working closely with others across the FCO in London and overseas, whose responsibilities include:

- ensuring that I and my Ministerial team are provided with effective advice on delivering a successful Exit, including in preparation for Cabinet and other meetings;
- inputting advice on EU Exit policy with DExEU and other departments, focussing on planning and delivery of FCO interests in EU Exit, with coordination as required with the Overseas Territories including Gibraltar, devolved administrations and other stakeholders;
- diplomatic engagement with our European partners to support HMG EU Exit strategy, and engagement with our key non-EU partners on EU Exit issues; and
- contingency policy and operational planning for a No Deal Exit, in cooperation with other departments (including as part of ‘Operation Yellowhammer’).

How many FCO staff are currently working specifically on Brexit in i) London ii) UKRep iii) the FCO’s Europe network, and at which grades? Of those staff in UKRep and the FCO’s network of embassies, how many are locally engaged and how many are UK-based staff?

How many additional staff, in i) London, and ii) in each of the posts in the FCO’s Europe network, have been appointed to work specifically on Brexit, and at which grades, each year since 2016?

Since the referendum, the FCO has created approximately 580 new roles to work specifically on EU Exit (135 were created in FY 16-17, 303 in 17-18, and 103 in 18-19 and 39 in 19-20). These include:

- 310 are in London (120 in Europe Directorate);
- 193 are in our Posts in the EU27 (60 UK-based and 133 local staff);
- 56 are at UKRep (39 UK-based and 17 local staff);
- 21 are in non-EU posts (9 UK-based and 12 local staff).

It is not possible to set out accurately the detailed grade breakdown of these staff. However, they are overwhelmingly concentrated in Civil Service equivalent grades EO, HEO, Grade 6/7 and SCS1.

It should be noted, however, that the impacts of Exit are wide-ranging, and other roles in the FCO combine Exit and non-Exit work in a way which is difficult to quantify accurately. In order to lead on reconfiguring our post-EU Exit relationships in Europe and worldwide, the FCO will seek to maintain current EU Exit enhanced staffing levels.

How many of the FCO staff transferred to establish DExEU in 2016-17 have now returned to the FCO?

How many FCO staff who were transferred to establish DExEU are i) still based in DExEU; or ii) based in the Cabinet Office; or iii) based in other Government Departments to work specifically on Brexit?
After the referendum, the FCO transferred 20 EU Exit related positions to DExEU as part of a Machinery of Government transfer. Of the FCO staff who moved with those positions, 13 have completed their loans and returned to the FCO.

In addition, 40 FCO positions were transferred to the Department for International Trade (DIT). Of the FCO staff who moved with those positions, 33 have subsequently returned to the FCO.

The FCO did not transfer any positions to the Cabinet Office via a Machinery of Government Transfer, but we have of course seconded staff to Cabinet Office and a range of other government departments in the normal way.

We do not readily hold information on whether those individuals have subsequently taken up other positions on loan to the Cabinet Office or other departments.

Have FCO staff attended any technical working groups in Brussels during the Article 50 negotiations? If so, which and how many?

As part of their core responsibilities, FCO staff in London and UKRep have attended technical working groups in Brussels during the Article 50 negotiations. These have generally been limited to discussions on Gibraltar, privileges and immunity and external security. These are among the examples where FCO staff based in London have formed part of negotiating teams. UKRep officials, including staff from other government departments, were involved across the range of negotiating strands for both the Withdrawal Agreement and the Political Declaration.

Have any informal or technical meetings taken place between FCO officials and the European Commission on any aspect of the future EU-UK relationship, including sanctions, security and other aspects of foreign policy?

When it comes to broader foreign policy and security concerns, the FCO played a role in the cross-Whitehall effort on the UK’s negotiations with the EU to help ensure that the UK’s international objectives on these priorities were protected within the Withdrawal Agreement and Political Declaration.

As part of this, there were discussions during the negotiations between FCO and European Commission officials, including on sanctions, security, and other aspects of foreign policy. In addition, FCO officials have informally discussed the future relationship with staff from the European institutions and the Member States, including as part of wider discussions on ongoing business.

2. FCO ADVICE TO WIDER GOVERNMENT

What cross-Government structures and forums have been established between the FCO, Cabinet Office, DExEU, DIT and other Departments to coordinate policy on i) the Article 50 negotiations; and ii) the future partnership negotiations?

Policy on the Article 50 negotiations and the future partnership agreement is set by Cabinet and led by No10 via the Europe Unit. The FCO is a member of certain EU
Exit-related cross-Government working groups, steering groups, and senior official and Ministerial committees.

I am a member of the EU Exit and Trade Committee, which includes sub-committees on international trade, strategy and negotiations, and EU Exit preparedness. Senior members of FCO staff have participated in the Officials format of these committees. FCO officials have also been involved in other groups and committees, on a wide range of economic, foreign and security policy issues, as well as those covering legal and institutional issues.

I would be grateful if you could tell me whether the FCO drafted, was given sight of, or provided comment on any of the following documents and speeches before their publication or delivery, and which were considered in relevant Cabinet Committees in which the Foreign Secretary participates:

- The PM’s speech to the Conservative Party Conference setting out the Government’s priorities for Brexit on 2 October 2016
- The White Paper entitled, ‘The United Kingdom’s exit from and new partnership with the European Union’ published on 2 February 2017
- The PM’s letter to Donald Tusk, which triggered Article 50, dated 29 March 2017
- The Lancaster House, Florence, Munich, and Mansion House speeches
- HMG position and future partnership papers, particularly those on i) citizens; rights; ii) Northern Ireland/Ireland iii) Security cooperation iv) foreign policy and defence
- The December 2017 Joint Report on ‘sufficient progress’
- The White Paper entitled The future relationship between the United Kingdom and the European Union, published in July 2018, which included proposals for the future UK-EU foreign and defence cooperation
- UK Technical Notes, for example the Technical Note on a temporary customs arrangement, published on 7 June 2018
- The Withdrawal Agreement and Political Declaration

FCO Ministers and officials have been closely involved in policy discussions and decisions relating to the UK’s exit from, and future partnership with, the EU. As you will be aware, I cannot comment on which papers, documents or speeches were discussed at Cabinet and its various Committees. However, I can assure you that all the documents listed above were based on policy discussions in which the FCO was involved, and reflected the collective agreement reached at Cabinet and related Committees, which both I and my predecessor as Foreign Secretary attended.

Please could you set out what type of written and oral advice/briefings, if any, the FCO provided to the PM or Ministers before and after each of the following events:

- European Councils and European Summits, including the Salzburg summit, since June 2016
• Meetings between the PM and EU leaders visiting London, including the dinner at Downing Street between the PM, Jean-Claude Juncker and Martin Selmayr on 26 April 2017
• Meetings the PM and other Cabinet Ministers held with EU leaders in the EU Member States to discuss negotiations

The Cabinet Office’s Europe Unit, in conjunction with DExEU, coordinated briefing for the Prime Minister on EU Exit-related issues, including for meetings of the European Council and European Summits. The FCO worked closely with both Cabinet Office and DExEU on briefing for the Prime Minister, providing country-specific written briefing and objectives.

EU Exit-related briefing for meetings between the Prime Minister and EU leaders, such as the dinner at Downing Street on 26 April 2017, is also led by Cabinet Office Europe Unit, but the FCO nonetheless provided advice on EU and country-specific context and speaking points.

When I or other FCO Ministers have met our EU counterparts, the FCO provided written briefing, often supplemented by oral briefings and other diplomatic reporting. The FCO typically contributes written briefing for other departments’ briefings for their Ministers’ meetings with EU counterparts.

**What work has the FCO conducted to map the priorities of each EU Member State before the upcoming negotiations on the future UK-EU relationship?**

Our teams across London and Europe routinely provide expert reporting and analysis on host country sentiment, reactions, priorities, and requests. In order to provide a joined-up approach to negotiations, this is fed into cross-HMG mechanisms across Article 50 and future partnership negotiations.

### 3. PERMANENT REPRESENTATIVE OF THE UK TO THE EU

**How many times did Ivan Rogers, the former Permanent Representative of the UK to the EU, meet the PM, the Secretary of State for Exiting the EU, the Foreign Secretary or any of their Special Advisors, between 23 June 2016 and Mr Rogers's resignation on 3 January 2017?**

The Permanent Representative to the EU regularly meets the Prime Minister, the Secretary of State for Exiting the EU and the Foreign Secretary and their advisors. However, we do not have a precise record from that period of every occasion on which this happened.

**Did either the current or former Permanent Representative of the UK to the EU provide HMG with written advice on the timing of when to trigger Article 50? If so, when?**

The official-level, consolidated departmental advice related to the triggering of Article 50 came from DExEU. Officials from across the FCO, including UKRep and our Posts in Europe, contributed to that advice, including through reporting and analysis on the EU and bilateral context.
Did either the current or former Permanent Representative of the UK to the EU provide written advice to HMG on the sequencing of the Article 50 negotiations?

The formal, consolidated HMG advice related to the sequencing of the Article 50 negotiations came from DExEU. Officials from the FCO, including UKRep and our Posts across Europe, contributed to that advice, including through reporting and analysis on the EU and bilateral context.

I trust that this letter helps explain the role which the FCO and our network have played – and continue to play – in securing a successful, orderly Exit from the European Union, and an ambitious partnership for the years to come.

THE RT HON JEREMY HUNT MP