



Department  
for Exiting the  
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Lord Boswell of Aynho  
Chair, European Union Committee  
House of Lords  
London  
SW1A 0PW

16 May 2018

Dear Lord Boswell,

Thank you for your letter of 20 April regarding international agreements during the implementation period. I have responded to each of your questions in turn and I hope this provides the further clarity you are seeking.

**First, what discussions has the Government held with third country signatories to EU preferential trade agreements—including free trade agreements, Economic Partnership Agreements, Association Agreements, Partnership and Co-operation Agreements, and other EU agreements that include a free trade dimension—specifically on arrangements for the transitional period, in the past 12 months?**

At the March European Council, the UK and EU negotiating teams reached agreement on the terms of the implementation period. This approach relies on a notification being sent to existing treaty partners making clear that the United Kingdom is to be treated as a Member State for the purposes of these agreements (see Article 124 of the draft Withdrawal Agreement). This provides a basis for continuity throughout the implementation period and will allow businesses and citizens to operate as presently in respect of these agreements.

To support these next steps, since this agreement was reached, my officials have engaged with most third countries with whom we have international agreements, be that in trade, aviation, nuclear or elsewhere. We have engaged with these countries to introduce to them the approach agreed at March European Council and support them in considering what the implementation period may mean for the UK's international agreements with them, and their own domestic arrangements.

**Second, is the Government prioritising its efforts in this regard based on the significance of each third country to current UK trade, or undertaking the same level of effort with all third countries?**

The draft Withdrawal Agreement text agreed at the March European Council provides that the UK is to be treated as a Member State for the purposes of all existing international agreements during the implementation period.

This will, therefore, provide continuity across trade and non-trade international agreements with all third countries on the same basis for the duration of the implementation period. This will also provide certainty for businesses and citizens and is important for ensuring a smooth and orderly withdrawal from the EU. We will update the Committee as we put in place successor agreements to enter into force at the end of the implementation period.

**Third, has the Government received any explicit commitment to extend an existing agreement during the transitional period from any third country?**

A number of countries have welcomed the approach agreed by the UK and the EU at the March European Council - including most recently in the margins of CHOGM. Some of these countries – including South Africa, New Zealand, Canada, Singapore, and Australia – have published statements affirming their support for this approach and the certainty it gives businesses and citizens.

**Fifth, what would the formal process be, including the national and EU legal basis, for the UK, the EU and each third country to agree to the continued application of the agreements under international law, and specifically the Vienna Convention on the Law of Treaties?**

**Sixth, on what basis do you assert, in paragraph 7 of the Technical Note, that it would not be necessary to deal with each individual EU Treaty, particularly as you note that the VCLT requires the clear agreement of the parties to the underlying Treaty?**

As agreed at the March European Council, the draft Withdrawal Agreement provides that the UK is to be treated as a Member State for the purposes of international agreements during the implementation period. The approach set out in the Withdrawal Agreement supersedes the Technical Note and is, therefore, the approach by which continuity across international agreements will be delivered during the implementation period.

The approach for the implementation period is underpinned by international law and practice, including the provisions of the draft Withdrawal Agreement. The approach is a treaty process and is to enable a process of transition, rather than a new agreement. It does not require a new treaty or an amendment to the existing treaty.

**Seventh, is the Government confident that all the EU's preferential trade agreements with third countries will continue to apply to the UK during the transitional period?**

We have agreed with the EU that this approach to achieving continuity through the Withdrawal Agreement should be adopted in relation to all of the international agreements which at present apply to the UK as a Member State.

We are therefore confident that this approach will mean that the preferential trade agreements with third countries will continue to apply during the implementation period.


**Finally, what consultation has the Government undertaken with businesses in the past 12 months specifically on the issue of continued access to preferential trade terms under existing EU agreements during the transitional period?**

As stated in our previous response, and outlined in the Trade White Paper, we recognise that trade agreements exist to serve businesses and consumers. As such, we are committed to an inclusive trade policy that listens carefully to their concerns and responds accordingly.

Arrangements for preferential trade terms were subject to consultation at the EU level. Businesses and other stakeholders were part of this process. But the Government continues to engage widely with businesses on the future of the UK's trade policy, which includes discussions on existing EU agreements. Through these conversations, stakeholders have emphasised the economic benefit that certainty and continuity for these agreements provides.

The Department for International Trade will continue to host roundtable forums and 'town hall' style meetings (as well as maintaining official-level working relationships) to ensure that businesses are kept informed about ongoing policy development and have the opportunity to feedback.

I trust that the Committee will find this further information helpful.

A handwritten signature in blue ink, appearing to read 'David Davis', with a large, stylized flourish extending from the end of the name.

**RT HON DAVID DAVIS MP  
SECRETARY OF STATE FOR EXITING THE EUROPEAN UNION**