



HOUSE OF LORDS
European Union Committee

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The Rt Hon David Davis MP
Secretary of State for
Exiting the European Union
9 Downing Street
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22 February 2018

Dear David,

TECHNICAL NOTE - INTERNATIONAL AGREEMENTS IN THE IMPLEMENTATION PERIOD

Thank you for your letter of 8 February 2018, enclosing the document ‘Technical Note - international agreements in the implementation period’, which was considered by the EU External Affairs Sub-Committee on 22 February 2018. We have a number of questions in this regard, to which we would be grateful for your response.

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?

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?

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

Fourth, at what point during the withdrawal negotiations do you expect to discuss third country preferential trade agreements with the EU?

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?;

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?

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?

We look forward to your response on these matters.

I am copying this email to the Secretary of State for International Trade, the Chair of the House of Commons European Scrutiny Committee; Lynn Gardner, Clerk of the House of Commons European Scrutiny Committee; Les Saunders, at the Department for Exiting the EU; Richard Cleary and Michael Shantry at the Department for Exiting the EU; and Chris Taylor at the Department for International Trade.

Yours sincerely,

Yours sincerely,

Tim Boswell

Lord Boswell of Aynho
Chair of the EU Select Committee