



The primary purpose of the House of Lords European Union Select Committee is to scrutinise EU law in draft before the Government take a position on it in the EU Council of Ministers. This scrutiny is frequently carried out through correspondence with Ministers. Such correspondence, including Ministerial replies and other materials, is published where appropriate.

This edition includes correspondence from 1 June 2017 – 31 September 2017

## EU EXTERNAL AFFAIRS SUB-COMMITTEE

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(10164/17)

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REFLECTION PAPER ON THE FUTURE OF EUROPEAN DEFENCE (10165/17)

**Letter from Baroness Verma, on behalf of Lord Boswell of Aynho, to the Rt Hon Earl  
Howe, Minister of State, Ministry of Defence**

Thank you for your Explanatory Memorandum (EM) of 13 July 2017, and those signed by Harriett Baldwin MP of 10 July, regarding the above documents. They were considered by the External Affairs Sub-Committee on 14 September 2017. We would like to request further information on the following issues.

First, the EM states that the Government “broadly welcomes the EDF” and the Ministry of Defence has been “heavily involved” in the development of the preceding Preparatory Action since 2013. However, it also mentions concerns about the balance of responsibilities between Member States and the Commission in the EDF. What is the Government’s position on the role the Commission should play in the EDF?

Second, the EM criticises the fact that the EDIDP is only open to EU undertakings, which are defined as being owned by more than 50% by EU MS or nationals. It states that such a rule “is inappropriate in the context of international shareholders and attracting new investment.” What would be the UK Government’s criteria to define EU undertakings, or in which ways should the EDIDP be opened up to ensure sufficient investment?

Third, on a similar note, the EM highlights that the UK could be at risk of exclusion from EDIDP funding after Brexit, as it would be likely to be limited to EU MS. Another issue is the rule that “all assets and resources used by the participants, including subcontractors, funded under the EDIDP are not to be located in the territory of non-Member States”, which you assess to be “overly protectionist and unrealistic.” What amendments would the UK like to see to these rules and how can the UK ensure that it will still be able to apply for EDIDP funding, should it be in its interest to do so after Brexit?

Fourth, we note that in the Government’s *Foreign policy, defence and development: a future partnership paper*, published on 12 September, a “deep and special partnership” is outlined, which proposes collaboration with and participation in most current and future EU foreign policy initiatives, without providing detailed information. The EMs state that the level of future co-operation between the UK and the EU is subject to negotiations and that it would be in both sides’ interest to “have a positive relationship on the EDF”. What might such a positive relationship look like from the UK Government’s perspective?

15 September 2017

REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE EUROPEAN COUNCIL AND THE COUNCIL FOURTH PROGRESS REPORT ON THE PARTNERSHIP FRAMEWORK WITH THIRD COUNTRIES UNDER THE EUROPEAN AGENDA ON MIGRATION (10408/17)

**Letter from the Chairman to the Rt Hon Sir Alan Duncan MP, Minister for Europe and the Americas, Foreign and Commonwealth Office**

Thank you for your Explanatory Memorandum (EM) dated 29 June regarding the above document. This was considered by the External Affairs Sub-Committee on 13 July 2017.

We have a number of questions regarding the document, to which we would be grateful for your response.

First, what is the UK Government's policy on migration relating to the EU Partnership Framework's five priority countries and where do UK and EU policies overlap or complement each other?

Second, which countries covered by the Partnership Framework are the UK's main priorities?

Third, what is your assessment of the coordination to date between the UK and the EU "in pursuing our mutual objective of better managed migration", as mentioned in your EM?

Fourth, with regard to financing of the Partnership Framework, how much does the UK currently contribute to the overall €2.64 billion, both through the European Development Fund and outside the EDF? The Commission encourages Member States to contribute more funds voluntarily – is the UK Government considering this, and if so, what would be the timeframe for such a contribution?

Fifth, your EM states that "we welcome the Commission's efforts to increase voluntary returns". What has been the Government's contribution to these efforts through the EU? What do you think could or should be done to make progress on readmission agreements with third countries and to increase voluntary returns?

Sixth, what is your assessment of the EU's approach to Libya's border management, both of its maritime border and its southern border? What results has the EU's regional approach at Libya's southern border and with its neighbouring countries achieved?

Seventh, the 2016 Communication on the establishment of the Partnership Framework stated that the Framework "must create genuine prospects of resettlement to the EU to discourage irregular and dangerous journeys."<sup>1</sup> Could you please elaborate on what progress has been made on creating such genuine prospects in the UK and at the EU level?

Eighth, the 2016 Communication also stated that "a mix of positive and negative incentives" for each partner country should be developed, "the use of which should be governed by a clear understanding that the overall relationship between the EU and that country will be guided in particular by the ability and willingness of the country to cooperate on migration management".<sup>2</sup> This is not mentioned again in the Fourth Progress Report. Could you please elaborate on the progress that has been made on the development of such incentives, and what these incentives are?

We look forward to your response within the usual 10 working days. In the meantime, we have decided to retain the document under scrutiny.

13 July 2017

**Letter from the Rt Hon Sir Alan Duncan MP, Minister for Europe and the Americas**

Thank you for your letter dated 13 July regarding the Explanatory Memorandum on the above document. I will respond here to the Committee's questions in turn.

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<sup>1</sup>[http://www.europarl.europa.eu/RegData/docs\\_autres\\_institutions/commission\\_europeenne/com/2016/0385/COM\\_COM\(2016\)0385\\_EN.pdf](http://www.europarl.europa.eu/RegData/docs_autres_institutions/commission_europeenne/com/2016/0385/COM_COM(2016)0385_EN.pdf), p2

<sup>2</sup>[http://www.europarl.europa.eu/RegData/docs\\_autres\\_institutions/commission\\_europeenne/com/2016/0385/COM\\_COM\(2016\)0385\\_EN.pdf](http://www.europarl.europa.eu/RegData/docs_autres_institutions/commission_europeenne/com/2016/0385/COM_COM(2016)0385_EN.pdf), p6

The Partnership Framework aligns with UK policy in each of the partner countries as it takes a comprehensive approach to migration management addressing the long term causes of migration as well as taking shorter term action to reduce unmanaged flows and save lives.

Of the five 'compact' countries, the UK has the most significant bilateral interests with Nigeria and Ethiopia. It is right that the EU tackles trafficking in Nigeria, with a particular focus on the trafficking of women and girls. Ethiopia is a significant host country: the EU's Regional Development and Protection Programme (RDPP) and Emergency Trust Fund for Africa (EUTF) are important contributions. The UK pioneered the Ethiopia jobs compact that has since been supported by the EU. For the other compact countries, the UK shares the EU's commitment to reducing illegal migration flows by increasing returns, including voluntary returns from Libya; tackling smuggling and improving border management; and establishing positive cooperation with partner governments. Work with Libya's neighbours is key to tackling Central Mediterranean migration flows and the Partnership Framework, alongside the Malta Declaration and the Valletta Action Plan, provides an avenue for action.

Coordination with the Commission and individual Member States is strong in Brussels and across our international network. Since 2016, we have provided support to Greece and Turkey under the EU-Turkey Statement, including seconding 115 expert staff to Greece to assist with the admissibility process and returns. Recognising Italy's importance on the Central Mediterranean route, the UK has provided expert staff support to European Asylum Support Office, as well as providing humanitarian assistance and sharing our returns expertise bilaterally. The UK has supported Operation Sophia since its inception, with HMS Echo and expert staff currently deployed to the Operation, as well as supporting the Operation's Coastguard training task. UK Border Force is supporting Frontex operations in both the Central Mediterranean and the Aegean, including with the deployment of two cutters engaged in search and rescue work. We are also closely engaged with the EU's Khartoum Process, driving forward the EU-Africa Valletta Action Plan, and shaping EU Trust Fund programming.

The UK has made a direct bilateral contribution of €3 million to the Emergency EU Trust Fund for Africa, in addition to an underlying contribution through our approximate 15% share of the EU external action instruments contributing to the Fund. The UK also contributes funding to Operation Sophia, including voluntary funding for Coastguard training. Bilaterally, we are contributing £80 million to the Ethiopia jobs compact, now co-funded by the World Bank and EU, to provide employment opportunities for Ethiopians and refugees. We have also dedicated £5 million to tackle Modern Slavery in Nigeria. As new EU proposals are developed, we will continue to keep under consideration additional voluntary contributions or non-financial contributions such as deployment of assets or personnel. For example a UK funded secondee is the EU Migration Liaison Officer in Addis Ababa. We also coordinate our bilateral programmes, for example the £75 million announced by the Prime Minister before the June European Council to tackle migration along the Central Mediterranean Route, with the Commission and other Member States.

Fifthly, Assisted Voluntary Return (AVR) is a vital intervention as it removes individuals from a situation where they have no legal migration status, and in which they can often be vulnerable. UK programming through the IOM has enabled the assisted voluntary return of over 1,200 migrants from Libya this year, including from detention centres in Libya, providing migrants with an alternative to travelling towards Europe. The EU is now expanding this programme, and more than 5,000 individuals have been returned from Libya so far this year. We look to share our returns experience with EU partners and have offered practical cooperation, for example the use of our reception facility in Nigeria. Through increasing the operational capacity of delivery partners, we shall work to expand this valuable work further through the EU.

Achieving stability in Libya is our priority: it is essential to do so in order to achieve fully our migration objectives. Until then, we, and EU partners continue to be limited in our ability to operate in Libya. Operation Sophia, and the UK's contribution to it, has saved over 38,000 lives and is helping to disrupt the activities of smugglers who continue to exploit migrants. Smugglers' boats are destroyed before they can be reused. The inability to operate in Libyan territorial waters and on land has hampered Operation Sophia's core mission to break the model of people smuggling networks. However we will continue to work with our European partners on ways in which the mission's impact on people smuggling can be increased. The Libyan Naval Coastguard training is important work: it will help enable Libya to secure its own maritime border.

Given the challenges of operating in Libya, it is right that we look for different ways to drive progress, such as coordinating EU activities with Libya's neighbours, including Niger and Mali. Community stabilisation work in Libya is important, though results will be longer-term. The UK continues to support the EU's comprehensive strategy on migration on the Central Mediterranean route, including through supporting the extension of EUBAM Libya's mandate until December 2018: assisting the Libyan authorities on border management, law enforcement and criminal justice with a particular emphasis on the South of Libya, and help shape CSDP missions and EUTF programming in the region.

The UK does not participate in EU resettlement schemes, instead resettling under several bilateral programmes. These include the Syrian Vulnerable Persons Resettlement Scheme (VPRS) and Vulnerable Children's Resettlement Scheme (VCRS), under which we have committed to resettling up to 23,000 people by 2020. As of March 2017, 7307 people have been granted humanitarian protection under the Syrian VPRS, half of whom are children. Some Member States have suggested an EU resettlement scheme from Africa; however, these have not yet developed into concrete proposals. The Home Office keeps our resettlement policy under review and the UK would consider any proposal put forward by EU partners.

The cooperation of partner governments is essential to make progress across the Partnership Framework's range of migration objectives, and particularly on returns. Incentives that achieve this cooperation are essential. Positive incentives will be tailored to the needs of the country in question. Funding, assistance, capacity-building, and cooperation under the Partnership Framework aims to improve the ability of partner countries to protect their own nationals; to improve employment opportunities; to strengthen their borders with corresponding benefits for security and counter-terrorism objectives; and to manage migration through their country more safely.

Potential negative incentives include visa sanctions or the use of other legal migration policies as leverage, as noted on page 14 of the Report. We believe that negative incentives should be used with caution, and that they must be targeted and well-communicated to the relevant government. The EU does consider how sanctions can be used to support our migration objectives, for example the EU has just adopted restrictive measures to prevent the supply of dinghies and outboard motors to Libya that may be used for people smuggling.

21 July 2017

#### **Letter from the Chairman, to the Rt Hon Sir Alan Duncan MP, Minister for Europe and the Americas**

Thank you for your letter dated 21 July regarding the above document. This was considered by the External Affairs Sub-Committee on 14 September 2017.

We still have a number of questions regarding your letter, to which we would be grateful for your response.

First, you mention the EU's Regional Development and Protection Programme (RDPP) in Ethiopia as an important contribution to its ability to host regional refugees. We note that in your response to the Committee's report *Operation Sophia: a failed mission*, dated 13 September, you mention the UK's contribution of £80 million for the building of two industrial parks in Ethiopia. Is this part of the EU's RDPP? What is the UK's contribution to other projects under this programme, both financially and with regard to the selection and design of projects?

Second, your letter states that the Government is "also closely engaged with the EU's Khartoum Process, driving forward the EU-Africa Valletta Action Plan, and shaping EU Trust Fund programming." In your response to the Committee's report *Operation Sophia: a failed mission* you state that "the UK is supporting the creation of a Regional Operations Centre in Khartoum to assist the sharing of intelligence related to organised immigration crime." Could you please elaborate on how the UK is supporting the Centre's creation and how it is further engaged with the EU's Khartoum Process? Could you please give us some concrete examples of the UK's role in the EU-Africa Valletta Action Plan and EU Trust Fund programming?

Third, you mention that the UK made "a direct bilateral contribution of €3 million to the Emergency EU Trust Fund for Africa, in addition to an underlying contribution through our approximate 15% share of the EU external action instruments contributing to the Fund." Is it correct to assume that this 15%

share refers to the UK's contribution to the European Development Fund, which is the main financing instrument for the Trust Fund?

Fourth, your letter states that "UK programming through the IOM has enabled the assisted voluntary return of over 1,200 migrants from Libya this year ... The EU is now expanding this programme, and more than 5,000 individuals have been returned from Libya so far this year." Does this mean that overall, 6,200 migrants have been returned from Libya as a result of joint UK-EU efforts?

Fifth, could you please provide us with further information on the abovementioned IOM programme? What is the UK's contribution, both financially and in terms of content?

Sixth, your letter says that "coordinating EU activities with Libya's neighbours, including Niger and Mali", is right. What is your assessment of the EU's regional approach at Libya's southern border so far and what results have been achieved?

Seventh, you mention that "as of March 2017, 7,307 people have been granted humanitarian protection under the Syrian VPRS, half of whom are children." How many of them have been resettled to the UK to date?

Eighth, thank you for expanding on the nature of positive and negative incentives. Could you please provide us with examples of the application of such incentives and its results? What is your assessment of the likely effectiveness of the recently imposed sanctions by the EU on the sale of rubber dinghies and outboard motors to Libya that may be used for people smuggling?

We look forward to your response within the usual 10 working days. In the meantime, we have decided to retain the document under scrutiny.

*15 September 2017*

#### **Letter from the Rt Hon Sir Alan Duncan MP, Minister for Europe and the Americas**

Thank you for your letter dated 15 September regarding the Explanatory Memorandum on the above document and my letter dated 21 July. I will respond here to the Committee's questions in turn.

You asked about the UK's contribution of £80 million for the building of two industrial parks in Ethiopia and how this related to the EU's Regional Development and Protection Programme (RDPP). The £80 million is part of the Ethiopia jobs compact – a joint initiative between the UK, EU and World Bank – which was agreed at the UN General Assembly in 2016. The RDPP for the Horn of Africa covers Ethiopia, as well as Kenya, Sudan, Uganda and Somalia, and comes under the Valletta Action Plan. It aims to address protection needs and promote development opportunities for refugees, Internally Displaced People (IDPs) and host communities, which is in line with the UK approach in the region. Whilst the Ethiopia jobs compact was not expressly conceived as an initiative under the Horn of Africa RDPP, it was designed to fit with the Valletta Action Plan and is thus complementary. The UK attends Steering Committee meetings of the Horn of Africa RDPP and comments on project proposals. Total funding for the Horn of Africa RDPP is €140 million, of which €120 million comes from the EU Emergency Trust Fund for Africa (EUTF). The UK does not fund the RDPP directly but does provide €3 million to the EUTF.

Second, you raised the Regional Operations Centre in Khartoum (ROCK), the Khartoum Process and the UK's role in the Valletta Action Plan and EUTF programming.

The creation of a Regional Operations Centre in Khartoum (ROCK), which will build regional law enforcement capacity to tackle organised immigration crime (OIC) in the Horn of Africa, was spearheaded by the French, with funding from the EU Commission. The UK has been involved since the initial concept stage, feeding in recommendations which were fully incorporated into the final project proposal. We are also providing a Migration Advisor to push forward the logistics for setting up the ROCK. The ROCK is a positive step in delivering Khartoum Process and Valletta Action Plan priorities. To take Sudan as an example, the UK has also provided over €1.5 million through the International Organisation for Migration (IOM) to set up a Migrant Resource and Response Centre (MRRRC) in Khartoum, to provide emergency assistance, information, and Assisted Voluntary Returns (AVRs) to migrants. Through both financial support and the deployment of experts from the National Crime Agency (NCA) and Crown Prosecution Service (CPS), we are building the capacity of the Sudanese judiciary to tackle human trafficking and improving the protection mechanisms for



unaccompanied migrant children, and have cooperated successfully with the Sudanese police on people smuggling cases. We are also supporting safe houses in Sudan for victims of trafficking.

This work in Sudan supports the €46 million<sup>3</sup> Better Migration Management programme (BMM), part of the EUTF, which is targeted at tackling the trafficking and smuggling of migrants in the Horn of Africa. We have also been involved with driving the EUTF's €20 million programme to support South Sudanese Refugees in Northern Uganda, which addresses the developmental needs of South Sudanese refugees and host communities, and will equip these populations with the necessary tools for their future reintegration or return to South Sudan.

The UK remains fully engaged in the Khartoum Process, which we chaired in 2016. In addition to attending Steering Committee meetings, we have used our role as Rapporteur to support the current Ethiopian Chair and are sharing our experience with the Italians, the 2018 Chair. In July, the UK hosted a Khartoum Process thematic workshop on Organised Immigration Crime.

You referred to UK funding for the EUTF via the European Development Fund (EDF). The EUTF is supported by a range of funds<sup>4</sup>, including the European Development Fund (EDF), but also the Development Cooperation Instrument (DCI), the European Neighbourhood Instrument (ENI), EU Humanitarian Aid and Civil Protection (DG ECHO), and others. The UK on- and off-budget contribution to these collective funds is approximately 15%.

You asked about the number of migrants returned from Libya due to UK-EU efforts. The UK has provided £2.2 million to IOM for the assisted voluntary return and reintegration of vulnerable migrants out of Libya. From October 2016 to August 2017, UK support enabled 1,488 migrants to return. EUTF funding has additionally supported the return of 4,061 migrants, and the EUTF target is to support 15,000 returns over two years from May 2017.

In total, IOM have carried out 8,001 returns so far in 2017 (to 21 September), from combined UK, EU and other country funding. IOM plans to have carried out between 11,000 and 12,000 assisted returns by the end of 2017. IOM is also now carrying out assisted voluntary returns from Niger, and has provided 3,948 returns in 2017 (to 31 August).

You asked for further information on the IOM programme. Under the programme, IOM receives a request for voluntary return, either from a direct visit in a detention centre, or through a referral. An IOM team ensure that it is the individual's voluntary decision to return and conducts screenings, interviews, vulnerability assessments, and then prepares exit visa forms and ensures all paperwork and travel documents are in order. In order to ensure the safe passage of the individual, IOM coordinates access and works with security officials to ensure the route's security. IOM missions in the receiving countries also ensure that staff are available to process the paperwork of the arriving returnees efficiently, and arranges transportation and escorts for those travelling farther afield. Beyond our financial contribution, the UK has provided additional support, for example, using our dedicated returns facility in Nigeria for the reception of flights.

You asked about the EU's approach towards Libya's southern border. The EU Action Plan for the Central Mediterranean Route, published on 4 July 2017, includes measures to strengthen controls at Libya's southern border, in coordination with G5 Sahel countries, and engaging further with Niger and Mali under the EU's Partnership Framework. An EUTF programme worth €46 million has been adopted in support of the Action Plan, specifically to reinforce the integrated migration and border management capacities of the Libyan authorities. EU Border Assistance Mission's (EUBAM) renewed mandate also has a focus on developing Southern border capacities.

Seventh, you asked about resettlement to the UK under the Syrian Vulnerable Persons Relocation Scheme (VPRS). As of June 2017, 8,535 people have been resettled to the UK under the VPRS, including all 7,307 people referred to in my previous letter as having been granted humanitarian protection. Further individuals are being identified and will be resettled in due course. Across all our resettlement schemes, we resettled 5,180 people to the UK in 2016, representing more than a third of the total number resettled in the EU.

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<sup>3</sup> Of which, €40million is EUTF funding and €6 million is from the German Federal Ministry for Economic Cooperation and Development (BMZ), the programme duration is April 2016 to March 2019.

<sup>4</sup> A full breakdown of EU funding sources for the EUTF is available at:  
[https://ec.europa.eu/europeaid/sites/devco/files/eu\\_contributions\\_to\\_the\\_eutf\\_for\\_africa\\_11\\_09\\_2017.pdf](https://ec.europa.eu/europeaid/sites/devco/files/eu_contributions_to_the_eutf_for_africa_11_09_2017.pdf)

You asked for examples of positive/negative incentives and an assessment of the restriction on the sale of dinghies. The Partnership Framework approach is inherently designed to use incentives to establish, over the long-term, relationships and institutions that can manage migration safely. The multiple visits to Niger by EU delegations, and by Nigerien delegations, including President Issoufou, to Brussels, function as both political and operational incentives. EUTF funding is another. EUTF and bilateral Member State funding is supporting Niger to implement their emergency action plan (November 2016) to tackle smuggling and trafficking. Development funding is also supporting agricultural, vocational training, and alternative livelihoods projects, in addition to a project to improve basic services and community resilience. Nigerien nationals have also benefitted from assisted voluntary returns and associated IOM support.

It is too early to know whether EU sanctions on the sale of dinghies and outboard motors will have a significant effect on the smuggling business model. We supported these EU sanctions as part of a comprehensive Central Mediterranean migration policy, which ranges from providing protection; to trying to prevent journeys by intervening upstream; to tackling smuggling and trafficking.

*29 September 2017*

**REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE  
COUNCIL ON TRADE AND INVESTMENT BARRIERS | JANUARY 2016 -31 DECEMBER  
2016 (10715/17)**

**Letter from the Chairman, to the Rt Hon Gregg Hands MP, Minister of State for Trade  
Policy and Minister for London, Department for International Trade**

Thank you for the Explanatory Memorandum (EM) dated 26 July 2017, signed by Lord Price CVO. This document was cleared at the Chairman's sif, and the External Affairs Sub-Committee considered this document on 14 September 2017.

The EM states that "the UK is a strong supporter of the EU's market access strategy" and that the Department for International Trade "is developing a cost-effective market access strategy to help identify and resolve market access barriers for when the UK leaves the EU." Could you elaborate on how this market access strategy would differ from the current EU one? Would it also include setting up a separate market access database (MADB)? What resources would you anticipate to be needed in order to develop a UK market access strategy, both in terms of staff numbers and cost?

The EM also states that "the UK has been actively engaged with the European Commission on behalf of British businesses" in several cases. Would you be able to share any data, for instance from surveys, on the value the EU's MADB brings to UK businesses?

*15 September 2017*

**Letter from the Rt Hon Gregg Hands MP, Minister of State for Trade Policy and Minister  
for London**

Thank you for your letter dated 15 September, regarding the Explanatory Memorandum on the European Commission's report, to the European Parliament and Council, on trade and investment barriers for EU businesses in non-EU countries, covering the period 1 January – 30 December 2016, which was cleared from scrutiny in the Chairman's Sift 1665 on 6th September 2017.

You have posed some questions on the market access strategy being developed by the Department for International Trade (DIT), for when the UK leaves the EU, as well as the benefit that British businesses derive from the European Commission's market access database (MADB).

The department is developing options for identifying and tackling market access barriers once we leave the EU, drawing where appropriate, on approaches in other countries (and on the EU's current approach). For example, officials are currently exploring the feasibility of an online portal for gathering information on non-tariff trade barriers, to help target Government efforts to tackle them. This includes talking to businesses, Government Departments and our overseas posts about how we might improve

on the current arrangements; an assessment of how far the EU's MADB meets current and forecast UK needs is part of this work. However, until this and our other work are further advanced, it is not possible to confirm what the UK's new arrangements will be and how that will translate into resourcing needs.

In terms of your second question, figures concerning the value that the EU's MADB brings to UK businesses are not available. The European Commission has provided figures on the use of the MADB in the past, but this is not a detailed comprehensive evaluation and the data was not disaggregated.

I would be happy to update the Committee in writing in six months on how the new market access strategy is shaping up.

25 September 2017

## JOINT COMMUNICATION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL ELEMENTS FOR AN EU STRATEGY ON AFGHANISTAN (11482/17)

### **Letter from the Chairman, to the Rt Hon Sir Alan Duncan MP, Minister for Europe and the Americas, Foreign and Commonwealth Office**

Thank you for your Explanatory Memorandum (EM) of 9 August 2017 regarding the above document. The document was considered by the External Affairs Sub-Committee on 14 September 2017. We were very disappointed that the EM did not provide us with sufficient information on the content of the strategy or the UK's assessment thereof. The lack of information in this EM is a particular example of the issues Baroness Verma raised in her letter to Baroness Evans of Bowes Park of 26 July. We would therefore like to request further information on the following issues.

First, your EM does not provide any context of the EU's previous strategy of Afghanistan from 2014-2016, or an overview of the changes and continuing elements between the two strategies. Such a comparison would be very helpful to the Committee in order to understand the context and development of policy. What is your assessment of the proposed strategy in comparison to the previous one?

Second, your EM states that the Communication's priorities "are broadly consistent with UK priorities for the EU in Afghanistan". This seems to imply that there are areas where the Communication is not in line with the UK's priorities for the EU, but the EM does not elaborate on those. Please provide us with further information on where the UK's priorities for the EU in Afghanistan are not consistent with the proposed strategy.

Third, your EM states that Afghanistan "faces a great many economic and development challenges", and that the "Joint Communication is a welcome signal from the Commission of its ongoing commitment to support Afghanistan." What is your assessment of how the EU addresses these challenges through its proposed strategy?

Fourth, your EM mentions the addition of migration as a priority to the new strategy. It then highlights that "the UK view is that the new strategy should situate the EU's focus on migration as part of its wider work on building sustainable security, prosperity and opportunity in Afghanistan". Do you see an indication in the proposed strategy that the EU does not view migration in this way, and if so, how would the EU position would need to develop in order to embed migration into its wider work on Afghanistan? Could you please elaborate on how the UK has embedded its own migration approach towards Afghanistan into its wider work bilaterally?

Fifth, the strategy lays out that the EU's efforts on migration management with Afghanistan are "complemented by bilateral memoranda of understanding concluded in parallel by several EU Member States". Has the UK concluded such a memorandum of understanding? How does the EU's approach to migration from Afghanistan complement the UK's bilateral approach?

Sixth, in June Mr Roland Kobia was appointed as Special Envoy of the EU to Afghanistan. What are your expectations of this role and what could realistically be achieved through the creation of this position? How will the Special Envoy contribute to the delivery of the strategy? How will the UK's Special Representative on Afghanistan work with Mr Kobia?

Seventh, the Foreign Affairs Council conclusions of 12 May 2016 and of 18 July 2016 mention the possibility of developing a joint programming approach together with interested Member States (MS) to make better use of resources and enable joint implementation. Could you please elaborate on what role the UK is playing in this and what progress has been made so far towards developing a joint programming approach? We note that in the Government's Foreign policy, defence and development: a future partnership paper a "deep and special partnership" is outlined, which proposes collaboration with and participation in most current and future EU foreign policy initiatives, without providing detailed information. What type of co-operation would the UK consider continuing with the EU and its MS after it has left the EU?

Eighth, at the Brussels Conference on Afghanistan of last October, a total of €13.6 billion was pledged in support of Afghanistan's development agenda, of which the EU and MS combined accounted for €5 billion. What contribution has the UK pledged, both bilaterally and through the EU, and how much of the money has been delivered to date?

Ninth, is the UK Government of the view that the EU has the right tools at hand to support Afghanistan on its path towards self-reliance? If not, what additional tools would it need?

We have decided to continue to hold the document under scrutiny. We look forward to your reply within the usual 10 working days.

15 September 2017

### **Letter from the Rt Hon Sir Alan Duncan MP, Minister for Europe and the Americas**

Thank you for your letter of 15 September. I am sorry that you felt that the Explanatory Memorandum on the above document did not provide the detail that you were looking for.

#### **UK and EU Objectives for Afghanistan**

You asked how the above document compares with the earlier 2014-2016 strategy. As the Explanatory Memorandum notes, the Joint Communication does not represent the full EU strategy. It sets out the position from the European Commission and the European External Action Service. Member States will negotiate Council Conclusions for adoption at the October Foreign Affairs Council. These two documents together will then make up the new strategy.

The objectives in the EU's strategy for 2014-16 were to:

- promote peace, security and regional stability;
- strengthen democracy, rule of law, human rights;
- support economic and human development.

The proposed objectives in the Joint Communication for the new strategy are very similar, namely:

- promoting peace, stability and regional security;
- strengthening democracy, the rule of law and human rights and promoting good governance and women empowerment;
- supporting economic and human development.

The main difference in the new strategy would be the insertion of an extra specific objective addressing challenges related to migration. This is a reflection of the greater importance that many M/S now attach to this subject.

UK objectives for Afghanistan mirror the EU objectives above, but the former have a broader focus than the EU's. The UK has two objectives, each broken down into sub-objectives, as follows:

#### **Objective 1 - Counter direct threats to UK interests**

1.1 Counter existing and emerging terrorist threats emanating from Afghanistan against the UK and its interest.

1.2 Disrupt organised crime and strengthened co-operation on irregular migration (including returns), reducing its impact on UK interests.

## **Objective 2 - Support a Viable Afghan State**

2.1 Develop and sustain the capability for the Afghan State to fight insurgency; manage security and counter violent extremism, with reduced reliance on international support.

2.2 Push regional actors to create the incentives for a sustainable, inclusive peace agreement between the Taliban and the Afghan Government.

2.3 Encourage political stability based upon an increasingly mature and accountable democratic system that respects human rights and effectively tackles corruption.

2.4 Increase the economic viability and fiscal sustainability of the Afghan state, providing humanitarian assistance and building resilience to respond to natural disasters and political and economic shocks.

We judge the development and political commitments the EU has made to be the right ones, as part of the broader international effort. The EU is one of the biggest donors in Afghanistan. Their strategy reflects the fact that Afghanistan continues to have some of the lowest human development indicators in the world: 36 % of Afghans live in poverty; almost two thirds of Afghans are illiterate and an estimated 40 % of Afghans are unemployed. The joint communication includes a number of proposed measures, which, if implemented effectively, should help to address the economic and development challenges. These include support for the provision of services (including health and education), reinforcing the role of agriculture as the main source of employment, increasing regional connectivity, and promoting sustainable land use.

### **Migration**

We believe that migration is firmly embedded in the EU's broader strategy for Afghanistan. Like us the EU believes that greater stability and economic reform will help to reduce irregular migration. In October 2016, the EU signed a document entitled the 'Joint Way Forward (JWF)' which covered the return of failed Afghan asylum seekers from EU member states back to Afghanistan. The JWF was drafted to ensure that it would be implemented without prejudice to existing agreements which some member states have with Afghanistan. The UK has a separate agreement, signed in 2002, which operates in parallel to the EU agreement, and this continues to form the basis of the UK's ongoing cooperation with Afghanistan on migration management.

The EU recently developed a programme to reintegrate returnees from Europe, which is now being implemented by the International Organisation for Migration (IOM). It is one component of a wider EU-funded programme which is also targeting returns from the region. This complements the UK's CSSF-funded work on reintegrating internally displaced people and returned migrants, through a package of support including establishment of migrant hubs, research into the causes and effects of migration, and capacity building to government agencies.

### **EU Special Envoy for Afghanistan**

We welcome the appointment of Roland Kobia as the Special Envoy of the EU to Afghanistan. This appointment means that both the EU Head of Delegation in Kabul and the Special Envoy can concentrate on the particular tasks required of each role. Mr Kobia will be based in Brussels which will allow him to work closely with our Special Representative, and those of other M/S. We would expect him to engage with us both bilaterally and in the variety of fora in which Special Representatives meet, such as the International Contact Group. He will play a key role in delivery of the strategy, focusing particularly on regional outreach. We expect the EEAS to provide Member States with more detail of how he plans to carry out his role shortly. When they do so we will be able to evaluate what he will realistically be able to achieve.

### **Potential UK/EU Collaboration Post-Brexit**

The Government provided, in its paper 'Policy, defence and development: a future partnership paper', specific examples of cooperation the UK wishes to continue with the EU. These include: driving forward greater collaboration between the EU and NATO, a new ambitious partnership providing opportunities for the UK and EU to work together in CSDP missions, collaboration and alignment on development policy and programming, strategic cooperation with the EU on external migration, reciprocal exchange of foreign and security policy experts and military personnel, as well as humanitarian and development experts, collaborating closely through participation in the CSIRT network and cooperation group on cyber security.

In her speech on 22 September the Prime Minister also mentioned other examples of collaboration the UK seeks, such as in the areas of science, education and culture.

### **Bilateral and EU Aid**

The UK pledged to spend up to £750m from 2016-2020 depending on Afghan government performance and security conditions. In FY2016-17 DFID Afghanistan spent £168m in aid. No bilateral country funds are spent directly through the EU. The EU pledged to spend approximately €1.35bn in aid to Afghanistan from 2016-2020, of which approx €268m was spent in 2016. The UK share of the central contribution to EU development spending is approximately 15%. The EU is an effective and important development partner to the government and people of Afghanistan.

*29 September 2017*

## **PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON THE EUROPEAN FUND FOR SUSTAINABLE DEVELOPMENT (EFSD) AND ESTABLISHING THE EFSD GUARANTEE AND THE EFSD GUARANTEE FUND (12290/16)**

### **Letter from Lord Bates, Minister of State, Department for International Development**

An Explanatory Memorandum (EM) on the EFSD was deposited on 28 September 2016 and Further Information was provided at the request of the European Scrutiny Committee (ESC) on 16 November 2017. The ESC then granted a scrutiny waiver on 23 November enabling the UK to support the adoption of the Council position at the General Affairs Council on 13 December 2016.

The Council's Partial General Approach established their position on the substance of the text but included square brackets around the funding arrangements pending completion of the mid-term review of the EU budget. The UK supported the Partial General Approach text on the basis that the financing arrangements would be in line with the outcome of the mid-term review and would not depend on additional contributions from Member States.

The European Parliament (EP) considered the file between February and late April 2017, assigning responsibility for writing the report equally between three committees: Development (DEVE); Foreign Affairs (AFET); and Budgets (BUDG). I am pleased to update the Committees with the latest developments on the proposal following publication of the EP's text, as well as consequent progress made in trilogue negotiations which took place during Purdah.

The Parliament's report on the proposal was adopted on 26 April 2017 and contained a number of proposed amendments to the Commission's original proposal. Consequently in early May the Maltese Presidency convened a 'Friends of the Presidency' (FoP) group to prepare the Council for negotiations with the EP, with the intention of bridging the gap between the EP and Council position and securing a first-reading agreement before the summer. Four trilogues have taken place to date (on 2, 10, and 18 May, and 13 June). A fifth trilogue is scheduled to take place on 29 June.

Our earlier EM on this proposal outlined the Government's support for the principle of leveraging EU grant funding to secure further private investment, and set out the following four recommendations:

- Ensure the necessary investment expertise is available when assessing proposals;
- Use the instrument to leverage investment in countries and regions experiencing significant migratory pressures;
- Adopt a differentiated approach depending on country need and circumstance;
- Focus on using the guarantee to deliver additionality.

As noted in our letter of 19 November 2016, the UK was pleased with the significant progress made in Council discussions on each of these recommendations. The subsequent EP report was broadly aligned with the UK position on these specific issues; for example, the EP suggested language to strengthen the principle of additionality and to give more prominence to the needs of fragile states.

Below I focus on the six main outstanding points of difference between the Council and the EP which have emerged in the trilogue discussions that took place during Purdah:

- **Preference towards European counterparts**

The Council position adopted in December called for the EFSD guarantee to be "implemented whenever possible under the lead of a European eligible counterpart." This language was the result of detailed technical work which struck a fine balance between the preferences of some Member States towards EU development finance institutions (DFIs) and the preference of other Member States, including the UK, to maintain an openness to participation by non-EU DFIs (e.g. the European Bank for Reconstruction and Development and the African Development Bank).

In its proposed amendments the EP called for a level playing field between all eligible counterparts. A compromise has now been put forward by the Council that calls for a European lead where possible, while ensuring effective and efficient use of resources and fair treatment between counterparts. This will be a key issue for the final trilogue. The UK could support the compromise but, if required, could also offer greater flexibility towards the European Parliament's position of having an open instrument under a level playing field. The UK would resist any movements in the other direction away from the Council position towards a more restrictive instrument, although this is an unlikely outcome at this stage.

- **Role of the European Parliament in the governance arrangements**

The Commission proposal foresaw the creation of a Strategic Board of the EFSD which would provide strategic direction and help define investment priorities. The Council, in its Partial General Approach, took the view that "the EP may be given observer status, where appropriate." The Council position also made reference to the need to establish Operational Boards at a regional level which would review project proposals and provide technical oversight.

In its report the EP requested the right for its designated observers on the Strategic Board to "fully participate in the deliberations without the right to vote." The Council and the Council Legal Service have strongly rejected this proposal as it would disrupt the interinstitutional balance set out in the Treaties, and set a precedent for future financial negotiations. The EP also requested observer status at the regional Operational Boards and suggested adding a new article in the legislation describing in detail the tasks of these Boards. These suggestions have also been rejected by the Council, the Council Legal Service and the Commission because the Operational Boards are concerned with practical implementation of the instrument in which the EP has no formal institutional role. The Presidency has indicated that failure to move towards the EP on these issues could lead to the failure of discussions at first reading and delay adoption of the instrument. A compromise has been tabled which would effectively postpone the discussions on the exact nature of the EP's observer role until the Rules of Procedure for the Boards are agreed at a later date.

- **Strength of the climate change objective and target**

The Council's General Approach proposed to allocate at least 20% of the EFSD financing to investments contributing to climate action, whereas the EP report proposed a higher allocation of 35% for climate action, renewable energy and resource efficiency. Although not opposed in principle to an ambitious target for climate-related actions, some concerns have been expressed in Council that a restrictive target might reduce the flexibility of the instrument and make it too prescriptive. A potential compromise for a climate target of at least 28% (in line with similar such targets in the World Bank) has been agreed in principle in Council and will be presented to the EP.

- **Procedure for extending the geographical scope of the EFSD**

The Commission, Council and European Parliament all recognise that while the instrument will focus primarily on Africa and the EU Neighbourhood at first, the scope could be extended to other regions in the future. However, agreement has not yet been reached on the most appropriate procedure for extending the geographical scope. The EP suggested an amendment that would empower the Commission to make such a proposal through a delegated act. The Council, backed by the Legal Service, has strongly opposed this proposal on the grounds that the geographical scope is an essential element of the instrument and therefore outside the scope of delegated acts, as defined by the Treaty on the Functioning of the European Union (Article 290). The Council, supported by the UK, has suggested

using the ordinary legislative procedure instead; this would give equal weight to the Council and the EP in the process. We expect this compromise to be accepted by all sides in the final deal.

- **Balance in the text of the regulation between migration and development**

This issue reflects the dual objectives of the EFSD of addressing the root causes of migration and contributing to the sustainable development goals. In Council discussions last year, the UK secured important amendments to increase the prominence of the migration-related objectives in the text and to reflect the differentiated needs of migration-affected states, including host, origin and transit countries.

In its draft report, the EP introduced proposed amendments that gave the instrument a stronger development emphasis, including by placing it explicitly within the legal remit of development policy. In trilogue negotiations to date the Council have stood firmly by their Partial General Approach text; however, a compromise may need to be reached in the final trilogue. The UK stands by the Council text but can be flexible as long as addressing the root causes of migration remains a key part of the articles outlining the purpose of the regulation, and that it remains clear that host, transit and origin countries will be able to benefit from the EFSD. We are confident that these elements can be maintained in a final agreement.

- **Responsibilities regarding management of the Guarantee Fund**

The Council Partial General Approach took the view that the resources of the EFSD Guarantee Fund should be managed by the European Investment Bank (EIB), whereas the European Parliament report suggested they be managed by the European Commission. A potential compromise is emerging whereby the management of the EFSD would be ensured by the Commission, working in close cooperation with an EIB-led Technical Assessment Group. We are confident that the Commission and EIB working together would ensure that sufficient investment expertise is available for effective management of the Guarantee Fund.

The final trilogue in first-reading is planned to take place on 29 June. The UK will continue to participate actively in discussions preparing the Council position for negotiations with the EP. It is not guaranteed that a first-reading agreement will be reached and there is a possibility that the file will be handed over to the Estonian Presidency and possibly move into second-reading. If an agreement is reached, the UK's final voting position will depend on the content of that agreement.

*26 June 2017*

## JOINT STAFF WORKING DOCUMENT EASTERN PARTNERSHIP - FOCUSING ON KEY PRIORITIES AND DELIVERABLES (15625/16)

### **Letter from the Rt Hon Sir Alan Duncan MP, Minister for Europe and the Americas, Foreign and Commonwealth Office**

In January 2017, the FCO submitted an Explanatory Memorandum on a Staff Working Document which set out deliverables under the EU Eastern Partnership initiative for the period 2017-2020 (15625/16, Joint SWD(2016)467). The Explanatory Memorandum was cleared by both Committees without follow up.

Following further discussion with Member States and Eastern Partners, the EU institutions have now issued an updated version of the same document (SWD(2017) 300 final), which reflects a number of UK priorities.

*29 June 2017*

### **Letter from the Rt Hon Sir Alan Duncan MP, Minister for Europe and the Americas**

In January, the FCO submitted an Explanatory Memorandum on a Staff Working Document which set out deliverables under the EU Eastern Partnership initiative for the period 2017-2020 (15625/16, Joint SWD(2016)467). The Explanatory Memorandum was cleared by both Committees without follow up.



Following further discussion with Member States and Eastern Partners, the EU institutions have now issued an updated version of the same document (SWD(2017) 300 final).

The revised document improves on the last version. It retains the same cross cutting deliverables – engagement with Civil Society, Gender and non-discrimination and strategic communications – and four priority areas – economic development and market opportunities, strengthening institutions and good governance, connectivity and climate change, and mobility and people to people contacts – but is strengthened by incorporating contributions from Member States and Partner Countries.

The UK Government played an active role in developing the approach set out in the updated document, including jointly drafting a non-paper with the Latvians on strategic communications – an area of particular importance to the UK. The revised document takes on board the recommendations in the non-paper.

Overall, the Government is content with the updated document, which is aligned with UK priorities, and welcomes the additional consultation undertaken which has increased stakeholder ownership and commitment to the approach outlined.

*21 July 2017*

JOINT PROPOSAL FOR A COUNCIL DECISION ON THE UNION POSITION WITHIN  
THE ASSOCIATION COUNCIL ESTABLISHED BY THE ASSOCIATION AGREEMENT  
BETWEEN THE EUROPEAN UNION, THE EUROPEAN ATOMIC ENERGY COMMUNITY  
AND ITS MEMBER STATES, OF THE ONE PART AND UKRAINE, OF THE OTHER PART  
WITH REGARD TO THE ADOPTION OF A RECOMMENDATION ON THE  
IMPLEMENTATION OF THE EU-UKRAINE ASSOCIATION AGENDA (5910/15)

**Letter from the Rt Hon Sir Alan Duncan MP, Minister for Europe and the Americas,  
Foreign and Commonwealth Office**

Further to my letters of 13 and 19 December 2016 in relation to the EU-Ukraine Association Agreement (AA), I am writing to give you a further update on this issue.

On 11 July, the European Council adopted a Decision to conclude the AA on behalf of the EU. This is the final step of the adoption process for this Agreement and it will allow its full entry into force from 1 September 2017.

As noted in my previous letter to the Committee on this matter, following the December European Council's agreement to the Decision of Heads of State and Government presented by the Dutch Prime Minister, the Dutch Government introduced a bill to Parliament to confirm its previous ratification bill. This was voted through, allowing the Netherlands to join the other 27 EU Member States that have already ratified the AA.

This successful conclusion of the AA is positive news. The AA is a key plank of Ukraine's reform efforts and its Euro-Atlantic orientation; its loss would have been a major setback and damaging to the EU's relationship with Ukraine at a critical time.

*21 July 2017*

PROPOSAL FOR A COUNCIL DECISION ON THE EXTENSION OF THE ENTITLEMENT TO CO- PRODUCTIONS AS PROVIDED FOR IN ARTICLE 5 OF THE PROTOCOL ON CULTURAL COOPERATION TO THE FREE TRADE AGREEMENT BETWEEN THE EUROPEAN UNION AND ITS MEMBER STATES, OF THE ONE PART, AND THE REPUBLIC OF KOREA, OF THE OTHER PART (8211/17)

**Letter from the Rt Hon Matt Hancock MP, Minister of State for Digital, Department for Digital, Culture, Media and Sport**

I enclose an Explanatory Memorandum on a Council Decision to extend, for a further three years, an existing EU provision which enables audiovisual co-productions made jointly by film or television producers in Korea and an EU Member State to be treated as European works for the purpose of national quotas, tax incentive and related schemes intended to support local cultural content.

This has no meaningful impact in the UK, but I am conscious that whereas we would normally inform you of such measures in advance of their adoption, the Council Decision was adopted on 9<sup>th</sup> June, so there was an inadvertent scrutiny override the day after the General Election, and prior to my appointment. This is regrettable, and I can assure you that my Department will seek to avoid any repetition of this situation.

*5 July 2017*

JOINT REPORT TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS.  
REPORT ON THE IMPLEMENTATION OF THE EUROPEAN NEIGHBOURHOOD POLICY REVIEW (9435/17)

**Letter from the Rt Hon Sir Alan Duncan MP, Minister for Europe and the Americas, Foreign and Commonwealth Office**

Please find attached an Explanatory Memorandum for the above report. The result of the referendum last year has of course changed the strategic context of the UK's engagement on the ENP. However I have been clear that the UK should continue to engage constructively and ambitiously on the ENP, in light of our significant interests in the ENP partner countries.

I regret that due to an administrative error, an Explanatory Memorandum was not submitted during the dissolution of Parliament. I also sincerely regret that the final Explanatory Memorandum is being submitted late. As you know, the responsibility to keep your Committee informed on these issues is something I take seriously so I have asked officials to look at FCO scrutiny processes to ensure there are no such oversights in the future.

*3 August 2017*

**Letter from the Chairman, to the Rt Hon Sir Alan Duncan MP, Minister for Europe and the Americas**

Thank you for your letter and Explanatory Memorandum of 3 August, which were considered by the External Affairs Sub-Committee on 14 September.

Thank you for your explanation for why the document was deposited late with Parliament. As you acknowledge in your letter, this is an example of an unnecessary delay to parliamentary scrutiny from the Foreign and Commonwealth Office. We hope that the action you have undertaken to address this issue will, as you intend, improve the department's approach to scrutiny in future.

We request that you provide additional information on four issues, which arise from your Explanatory Memorandum. First, with regard to Moldova, your Explanatory Memorandum states that the UK "wants the EU to use its levers to encourage a return to reform, in line with the Association Agreement". Is this objective shared by other Member States? How much leverage does the EU have in this regard?

Second, your Explanatory Memorandum states that the UK “would have welcomed a more realistic assessment of the challenges facing civil society in Egypt”. Is there disagreement between Member States on this issue? What are the principal challenges to the EU’s agenda in this area?

Third, your Explanatory Memorandum states that “The Commission claims that Mobility Partnerships offer a framework for comprehensive cooperation with partner countries to address mobility issues including visa issues and the return and readmission of irregular migrants.” Is this also the UK’s view?

Fourth, we note that 15 European Migration Liaison Officers have been seconded to EU Delegations. Which countries they have they been deployed to, and what is the Government’s assessment of this approach to date?

We have decided to retain the document under scrutiny. We look forward to your response in the usual 10 working days.

*15 September 2017*

### **Letter from the Rt Hon Sir Alan Duncan MP, Minister for Europe and the Americas**

Thank you for your letter of 15 September, which sought clarification on points around Moldova, Egypt, Mobility Partnerships and European Migration Liaison Officers.

On Moldova, other EU Member States share the UK’s concern about the direction of travel. For this reason, there is wide support for a strong EU response to encourage the Moldovan government to reconsider its approach. The EU has significant leverage to help achieve this by demonstrating that continued EU support is conditional on the authorities enacting genuine structural and governance reforms. The institutions are taking a robust approach to implementing conditionality. For example, the proposed EU Macro Financial Assistance package for Moldova includes stringent political conditionality. Going forward, the EU will link support to clearer and more concrete reform benchmarks based on calibrated conditionality. The fulfilment of these benchmarks will be regularly evaluated in order to concentrate or appropriately reallocate support to areas where progress is achieved.

On Egypt, the UK is deeply concerned by restrictions on civil society and media freedom. We will continue to work with EU partners to engage with the Egyptian government on these shared concerns. We welcome the fact that the EU has subsequently raised concerns about the challenges facing Egypt in a number of fora since the May 2017 European Neighbourhood policy review. For example, the July 2017 the EU-Egypt Association Council expressed concerns about civil society restrictions in Egypt, including the arrest of individuals associated with human rights organisations. Furthermore, the EU’s Item 4 statement to the UN Human Rights Council in September 2017 called on Egypt to “improve the situation with respect to civil and political rights, including freedom of association, assembly and expression both on and offline”. The EU also took the opportunity to express concerns publicly about the new NGO law in Egypt; an issue which the UK finds deeply concerning.

The UK remains firmly of the view that respect for individual rights in Egypt is fundamental to Egyptian stability and prosperity. The EU has an important role to play in defending civil and human and rights in Egypt, and the UK will continue to engage on these issues with our European partners so that we raise concerns about them on a regular basis.

The UK recognises that Mobility Partnerships can support dialogue between the EU and thirds countries on a range of issues, including Schengen visas (in which the UK does not take part), countering organised immigration crime activity, and returns and readmission delivery. The UK is a member of a number of these external migration instruments by virtue of our EU membership, but we can decide not to be a signatory on a case by case basis taking into account our bilateral priorities and existing relationships with the third countries concerned. This is also the case for other Member States. We are currently signed up to Mobility Partnerships with Georgia, Ethiopia, Tunisia, Morocco and Nigeria; but we are not signed up to those with Iran, Bangladesh, Pakistan, Algeria, Iraq, Sudan, Azerbaijan, India and China, given our extensive bilateral engagement with these countries and existing returns and readmission dialogues and arrangements.

As you note, 15 European Migration Liaison Officer (EMLOs) posts were created in 2016. As of September 2017, EMLOs are currently deployed to twelve countries: Ethiopia, Jordan, Lebanon, Mali, Niger, Nigeria, Pakistan, Senegal, Serbia, Sudan, Tunisia, and Turkey. Posts have also been created, but

not yet filled, in Egypt, Bangladesh, and Morocco. The EMLO in Ethiopia is a UK expert. The objective for the creation and deployment of EMLOs was to maximise the impact of EU action on migration in third countries and to enhance the engagement of key countries of origin and transit on the entire spectrum of migration issues through more effective coordination.

The UK agrees that Liaison Officers, as dedicated migration resource in-country, are a useful tool to improve coordination and progress migration objectives. We have encouraged the EU to ensure that there is effective coordination between the different EMLOs and also with national Liaison Officers to avoid potential duplication. The EMLO posts are also enabling on-the-ground migration situation reporting, which is available to all Member States. EMLOs have only recently been deployed to their posts: we will therefore be able to make a fuller assessment once the EMLOs have been in place for a longer period of time.

29 September 2017

## HOUSE OF LORDS EU EXTERNAL AFFAIRS SUB-COMMITTEE, OPERATION SOPHIA: A FAILED MISSION

### **Letter from Baroness Verma to Federica Mogherini, High Representative, Vice President of the European Commission**

Please find enclosed a copy of the report *Operation Sophia: a failed mission*, prepared by the House of Lords EU External Affairs Sub-Committee, which I chair.

The report considers the mandate and effectiveness of Operation Sophia in disrupting the business model of people smuggling on the central Mediterranean route. The report follows up on our May 2016 report, *Operation Sophia, the EU's naval mission in the Mediterranean: an impossible challenge*.

We find that, judged against its mandate, Operation Sophia, has failed to achieve its objective of "contributing to the disruption of the business model of human smuggling and trafficking networks in the Southern Central Mediterranean". A naval mission is the wrong tool to tackle irregular migration which begins onshore: once the boats have set sail, it is too late to undermine the business of people smuggling. An unintended consequence of Operation Sophia's destruction of vessels has been that the smugglers have adapted, sending migrants to sea in unseaworthy vessels, leading to more deaths.

We find that the existence of a unified government in Libya, able to provide security across the country and work with the EU on migration, is a precondition for meaningful action against people smuggling networks onshore. We conclude that the Government of National Accord cannot, at present, fulfil this role. We are encouraged by the recent discussions towards modifying the Libyan Political Agreement to secure the support of the House of Representatives. Nonetheless, political and security conditions in Libya are unlikely to improve sufficiently to allow onshore operations by the EU any time soon. We therefore see little reason to renew the mandate of Operation Sophia in its current form beyond July 2017.

However, we are clear that search and rescue is a vital humanitarian obligation, which the EU must continue to fulfil, using more suitable vessels than those of Operation Sophia. We also note that training for the Libyan coastguard could be maintained, outside the mandate of Operation Sophia. We also find that the EU should maintain its counter-migration efforts across Sub-Saharan Africa, and that in the long term, supporting economic development and good governance in countries of origin and transit is the only way that mass migration can be addressed.

Finally, we suggest that planning be undertaken for a new Common Security and Defence Policy mission to combat irregular migration on Libya's southern border, for implementation as and when the political and security conditions in Libya allow.

We would welcome your views on the report and its proposals. For further information about the Committee's work please see the committee's webpage: <http://www.parliament.uk/hleuc>

12 July 2017

**Letter from Federica Mogherini, High Representative, Vice President of the European Commission, to Baroness Verma**

Thank you for your letter of 12 July in relation to the report “Operation Sophia: a failed mission”, prepared by the House of Lords EU External Affairs Sub-Committee. The findings of your Committee, on what is a very serious and complex security regional and global challenge, are being carefully looked at. However, let me first offer an initial reaction.

Operation SOPHIA is only one part of an integrated strategy pursued by the European Union to address the challenge of people smuggling and trafficking across the Central Mediterranean. Finding a political solution to the situation in Libya is one pillar of that strategy. This would help facilitate stability, the rule of law, good governance, and security in that country. Addressing migration and its root causes at source and in transit is a second pillar. Operation SOPHIA is part of the third pillar, addressing the issue in the Mediterranean Sea.

Operation SOPHIA is doing a sterling job in difficult circumstances and has been adapted to make an active and constructive contribution to the objectives it was set up to achieve. I therefore feel it is incorrect to describe it as “a failed mission”, a description that does not do justice to the difficulties of the circumstances, the dedication of its staff, and the need to adapt to the realities and they are. The situation is evolving and the mission with it. It is, for now, a shared assessment with EU Member States that Operation SOPHIA constitutes a necessary and useful contribution to the efforts aimed at disrupting the business model of traffickers in the Mediterranean. This has been reconfirmed in the latest strategic review of the operation and Member States have agreed to extend its mandate until the end of December 2018. Furthermore, the Operation has been endorsed twice by the UN Security Council, underscoring its value as an internationally backed naval operation.

Operation SOPHIA has so far apprehended 110 suspected smugglers and traffickers and transferred them to the relevant authorities, while 463 vessels have been neutralised. In order to adapt to the situation where the existing Libyan authorities have not felt able to allow SOPHIA to operate within its territorial waters, the Operation has begun actively training the Libyan Coastguard, who do operate within those waters, and developing capacity to improve monitoring their actions at sea. This should lead to greater effectiveness in addressing the migratory challenge and combating illegal trafficking. In addition to these tasks, Operation SOPHIA is contributing to the implementation of the arms embargo decided by the UN Security Council.

I appreciate your recognising the Search and Rescue is a vital human obligation and I am proud that Operation SOPHIA is fulfilling that part of its mandate, and is seen to be doing so with over 39,000 men, women and children’s lives saved by Operation SOPHIA’s personnel since its launch in 2015. It is clear that Operation SOPHIA will likely have to continue responding in this fashion over the summer and we have a collective duty to maintain our readiness and willingness to save lives in the Mediterranean.

The EU is of course well aware of the limitation and constraints linked to the prevailing security and political situation in Libya. For this reason, operation SOPHIA is but one part of the efforts being deployed to tackle the Central Mediterranean migratory challenge, as indicated above. As the recent Foreign Affairs Council (FAC) Conclusions of 17 July identified, a unified government in Libya able to provide security across the country would permit more effective action against smuggling networks onshore. Along with our international partners, under the overall coordination of the UN and through the Libyans themselves, the EU is working hard to achieve a political solution based on Libyan Political Agreement that will restore stability in Tripoli and throughout the country.

EU operational engagement to support the Government of National Accord is broad. The EU Liaison and Planning Cell supports the UN Mission in Libya in implementing plans to restore stability in Tripoli. However, we are also examining ways in which to help the Libyans combat irregular migration by other means, including on their southern borders and through the work of our EU CSDP Border Assistance Mission (EUBAM). The latter is engaging with and assisting more intensively Libya’s internationally recognised authorities in its areas of focus as per its mandate, namely border management, law enforcement, and criminal justice. Special attention is being paid to Libya’s southern regions and its southern borders by engaging with Libya’s neighbours, particularly in the Sahel region, and via CSDP efforts deployed in Niger and Mali.

As part of the comprehensive approach, the EU has also mobilised a total of 90 million euros for Libyan projects on protection of migrants and community stabilisation. Additional funding for border management has been announced in the European Commission Action Plan on measures to support Italy, reduce pressure along the Central Mediterranean Route, and increase solidarity, published on 4 July.

The EU has been providing significant support to Libya since the beginning of the crisis. The EU has currently a package of over 120 million euros in bilateral support to Libya in 37 projects across six sectors: civil society; governance; health; youth and education; migration and protection; and support to the political process, security and mediation. These packages for the benefit of the Libyan population are provided in cooperation with and in support of UNHCR and IOM.

The migration crisis is a complex phenomenon. Libya is but one element, a transit country, although the deep political and security crisis that it is immersed in has contributed in no small manner to the deep aggravation of migrant trafficking in the Central Mediterranean in recent years. The EY has deployed operation, financial, and political means and will continue to do so. It is also engaging intensely with neighbouring countries and countries of origin. No single line of action will produce results in isolation. It is the combination of efforts; strong commitment, and determination that will help Europeans advance towards sustainable solutions. The support of the House of Lords will undoubtedly be of great value in advancing in this direction.

*26 July 2017*

## UPDATE ON NEW CIVILIAN CSDP MISSION IN IRAQ

### **Letter from the Rt Hon Sir Alan Duncan MP, Minister for Europe and the Americas, Foreign and Commonwealth Office**

I am writing to update the Committee following the discussion at the 17 July Foreign Affairs Committee (FAC) on the establishment of a new civilian CSDP mission in Iraq to support civilian security sector reform.

The UK wants to see a stronger, more stable Iraq. Ensuring that Iraq's security structures are capable, professional and legitimate will be critical to achieving that. Supporting Iraqi security sector reform is therefore an important aspect of UK policy.

On 17 July the FAC adopted a crisis management concept for the new mission in Iraq. The mission (named the EU Assistance Mission in Iraq – EUAMI) will support the Government of Iraq as it looks to reform its civilian security sector and re-establish security across the country following the defeat of ISIL / Daesh.

EUAMI will provide strategic advice to the Iraqi Ministry of Interior and Office of the Iraqi National Security Adviser. It will support the implementation of Iraq's National Security Strategy, with a particular focus on counter terrorism and organised crime. The mission will also carry out an initial mapping exercise to assess those areas where it could scale up in the future, if appropriate.

Planning for the mission has taken into account the relevant lessons from EUJUST LEX Iraq – the EU's rule of law mission in Iraq which ran from 2005-2013. Those lessons include: the need for Iraqi buy-in, flexibility, cooperation and coordination with other donors, and closing the gap between the long term needs of security sector reform in Iraq and the duration of EU engagement. In addition, development of EUAMI will follow the guidelines for external action as set out in the EU's framework for security sector reform that was adopted in 2016.

Approximately 10-15 experts will deploy to Baghdad (as well as support and locally employed staff) before the end of the year and the mission will have an initial mandate of one year, at which point it will be reviewed. Operational and budgetary planning is currently underway and preparations have begun to recruit a Head of Mission and other members of the team.

The UK has pressed for EUAMI to be based firmly on Iraqi needs and to complement other activity carried out by individual EU Member States, the Global Coalition and other international actors. We will inform your Committee of key developments as the operational planning process progresses.

2 August 2017

## SCRUTINY UPDATE AND OVERVIEW OF TRADE PRIORITIES UNDER THE ESTONIAN PRESIDENCY

### **Letter from Lord Price CVO, Minister of State, Department for International Trade**

As is standard practice in scrutiny matters, I am writing to update you on both the ongoing development of specific trade related issues including progress on current EU trade negotiations. The letter also starts with a summary of the main areas of EU trade policy that we expect to be most active during the Estonian Presidency of the EU which runs from 1 July to 31 December 2017.

This letter follows on from my last update letter of 22 March 2017 and I hope that you find it useful.

The Department will provide a further regular update in due course, as well as any further specific updates if the committee has further questions.

...

### **UPDATE ON EU PARLIAMENTARY SCRUTINY MATTERS CONCERNING TRADE (AND CONSIDERATION OF ESTONIA PRESIDENCY PRIORITIES) July 2017**

#### **PRIORITIES OF THE ESTONIAN PRESIDENCY**

The Estonian Presidency began on 1 July and will run for six months. Estonia and the UK are like-minded on trade and the UK will continue to be supportive of their free trade agenda, including on the digital agenda – one of their four priorities.

With regard to on-going trade files, Council Decisions on signing, provisionally applying and concluding the EU-Singapore trade agreement may fall into this Presidency, possibly with the EU-Vietnam free trade agreement following soon after. The Estonians also hope substantial progress can be achieved in concluding negotiations with Japan, following political agreement to the Economic Partnership Agreement on 6 July.

They will continue to emphasise legislative work on the Trade Defence Instruments proposals, especially the new anti-dumping methodology, and draft legislation on Dual-Use Items.

Estonia is also expecting to reach a constructive EU position ahead of the WTO Ministerial Conference MC11. Estonia will also pursue negotiations with Tunisia, Mercosur, Mexico and ASEAN countries as well as working towards mandates for New Zealand, Australia and Chile. The Presidency will also aim to steer discussions towards agreement of main parameters of a multilateral investment court and the EU-China Investment Agreement.

Further detail about the current state of play in relation to these and other trade matters is outlined below:

#### **BILATERAL TRADE NEGOTIATIONS AGENDA – MANDATES NEARING KEY DECISION POINTS**

##### **Modernisation of EU-Chile Association Agreement**

A restricted draft negotiating mandate was circulated on 29 May 2017 amongst all EU Member States authorising the European Commission and the High Representative of the Union for Foreign Affairs and Security Policy to open negotiations and negotiate a modernised Association Agreement with the Republic of Chile.

The previous Association Agreement between the EU and Chile, which was the first of its kind to be concluded with a South American country, entered into force on 1 March 2005. Moves were made at a summit held in Santiago in January 2013 to explore options to modernise the agreement following 10 years of its implementation. With this aim in mind, a joint working group was set up in April 2015 and a final scoping paper was published on 1 February 2017.

The modernised agreement is more comprehensive and encompasses political, security, sectorial cooperation and trade matters and aims to deepen EU-Chile relations. The scope of the agreement will be broadened to reflect new bilateral and global political and economic challenges in the context of deepening EU integration and the accession of new EU Member States and also to reflect the evolving role of the EU and Chile internationally. In terms of trade, the draft mandate is in line with the EU's "Trade for All – Towards a More Effective, Transparent and Responsible Trade and Investment Policy" which is intended to further liberalise trade in goods and services.

The Foreign Office lead on Association Agreements (with the Department for International Trade leading on the trade elements of the agreement) and the Foreign Office are in the process of conducting a Write Round to agree a common UK position on the mandate.

### **EU-New Zealand and EU-Australia Free Trade Agreements**

Separate initial scoping exercises for two potential new FTAs between the EU and New Zealand and between the EU and Australia have now both concluded. The Commission is in the process of preparing draft negotiating mandates for both agreements. We anticipate that restricted versions of these documents will be circulated across Member States in the coming months. We will update the committee further when both mandates are circulated.

### **EU-Japan Free Trade Agreement**

There is renewed engagement from both sides to finalise a deal in 2017. The agreement is of particular significance to the EU in the context of the changed priorities and policies in the US in relation to trade matters. Japan is the EU's 6<sup>th</sup> largest trading partner and the volume of trade between the EU and Japan is estimated at 125 billion Euros in 2016.

On 6 July, the EU and Japan reached agreement in principle on the Economic Partnership Agreement (EPA) at a political level. This represents an important milestone towards finalisation of a comprehensive free trade deal. The political agreement will add impetus to resolve outstanding issues, namely, investment protection, regulatory co-operation, and data flows. The UK has been one of the strongest advocates of the agreement and is encouraging both sides to maintain momentum.

### **EU-Singapore Free Trade Agreement**

The European Court of Justice (ECJ) issued an Opinion on the 16 May 2017 as to the balance of competencies in the EU-Singapore FTA. The court determined that the agreement is mixed and as it stands therefore requires ratification by individual Member States in addition to EU conclusion following signature in order for the agreement to enter into force. The Opinion found that provisions relating to non-direct foreign investment and dispute settlement between investors and States do not fall under the EU's exclusive competence but that provisions in other areas such as transport services, intellectual property (IP) and sustainable development do fall under EU exclusive competence. The judgement frees up the way for agreement to move forward and we are expecting decisions on signature, conclusion and provisional application to be asked for in the coming months.

### **Ukraine – Autonomous Trade Measures**

In October 2016, both scrutiny committees were consulted on a package of temporary trade measures intended to bolster EU support for Ukraine under the existing EU-Ukraine Association Agreement and the DCFTA that sits within it. This was in the form of expanded tariff rate quotas (TRQs) across a range of agricultural products, and further liberalisation across a selection of tariffs for an initial period of three years. Both the Lords and Commons European committees cleared the package as not being significantly politically or legally important, in October and December 2016 respectively. The Autonomous Trade Measures (ATMs) have been considered in co-decision by the Council and the European Parliament in unison. Both sides agreed upon a compromise package which sees one tariff line omitted and certain TRQs reduced slightly from the Commission's original proposal. This is not thought to have any significant implications and the overriding opportunity to further the UK's political objective of supporting Ukraine remains unchanged. The European Parliament approved the ATM



package on 6 June and, at the time of writing, a Council vote to adopt the measure is expected to take place on 11 July 2017.

## **OTHER BILATERAL TRADE & INVESTMENT NEGOTIATIONS – ONGOING MANDATES**

### **EU-Turkey Customs Union**

As advised in our last update letter, efforts to modernise the existing EU-Turkey Customs Union remain on-going.

A restricted negotiating mandate has been circulated across all EU Member States and work continues on reaching agreement on a final draft.

### **EU-Armenia Free Trade Agreement**

There are no further significant developments on this proposed agreement. As indicated in our previous March letter, negotiations concluded in February 2017 on the trade aspects of the EU-Armenia Framework Agreement. The FCO lead on the overarching agreement and a Government write round is anticipated to be circulated to agree a common UK position in September.

### **EU-China Investment Agreement**

The 13th round of negotiations in relation to an EU-China Investment Agreement took place in May, with new Chief Negotiators on both sides. Exchanges were constructive and progress was made in certain areas, while on others the EU's and China's positions remain divergent. The next round of negotiations will take place in July. As we have made clear previously, the UK remains committed to supporting this agreement, while we are an EU Member State. We have also been the most vocal supporter within the EU for a Free Trade Agreement with China and will continue to be a positive and powerful force for free trade.

### **EU-Mexico Global Agreement**

There is a strong political willingness to reach an agreement on modernisation of the EU-Mexico Global Agreement by the end of 2017. The last round of negotiations on this agreement took place from 26-30 June 2017.

### **EU-Mercosur Free Trade Agreement**

On EU-Mercosur the Commission are also hopeful of reaching agreement by the end of 2017. The most recent negotiating round took place from 3-7 July, after which we are expecting a set of consolidated texts to be ready to share with Member States.

### **ASEAN (Association of South East Asian) FTAs (besides EU-Singapore FTA)**

Beyond the EU-Singapore FTA CJEU Opinion detailed above, there is no significant further progress in relation to other ASEAN FTAs, including no further negotiating rounds with either the Philippines or Indonesia.

Negotiations with Thailand and Malaysia have not resumed.

The formal conclusion of negotiations on an EU-Vietnam FTA was announced on 2 December 2016. The legal review of the text of the agreement is nearing completion, after which the text will be

translated into Vietnamese and all official EU languages. We are also expecting decisions on signature, conclusion and provisional application to be asked for in the coming months.

### **EU-Myanmar Investment Protection Agreement**

This potential agreement which was launched in 2013 aims to establish a level playing field and ensure the protection of investments from both sides. The agreement takes place in the context of greater liberalisation and also greater EU engagement with Burma (Myanmar) since 2011. The 5<sup>th</sup> round of negotiations took place in April 2017. The agreement was discussed at the Foreign Affairs Council (Trade) in May, where it was indicated that it could be close to a political conclusion. The UK remains supportive of any agreement that is likely to help towards facilitating increased FDI flows into Burma, support trade and poverty reduction. We will update the committee as and when the situation becomes clearer.

### **EU-Tunisia Deep and Comprehensive Free Trade Agreement**

The EU originally signed an Association Agreement with Tunisia in July 1995 which came into force in March 1998. A restricted draft mandate for a DCFTA was adopted by the Council on 14 December 2011 and negotiations themselves were launched in October 2015. The previous Maltese Presidency had been keen to progress negotiations on this agreement following an initial first full round of negotiations which took place in April 2016. Under the Maltese Presidency a technical round took place in Brussels in February 2017. A second round of negotiations is due to be held in Tunis in autumn 2017. We do not anticipate that this agreement will be high on the Estonian Presidency agenda.

### **EU-Canada Comprehensive Economic and Trade Agreement (CETA)**

Following the European Parliament's vote to approve CETA on 15 February, the necessary implementing legislation for the agreement was passed by the Canadian parliament and received Royal Assent in May. The next stage is for provisional application, although no firm date has been set. The UK Government is still in the process of determining a precise timetable for UK ratification and as indicated previously, we will update Parliament in due course.

### **Transatlantic Trade and Investment Partnership (TTIP)**

According to the EU's publically available "Overview of FTA and Other Trade Negotiations" (updated in June 2017), TTIP negotiations are now effectively on hold. We will of course update the committee if there are any further updates in due course.

### **Economic Partnership Agreements**

The UK is a long-standing supporter of Economic Partnership Agreements (EPAs) which are development focused trade deals aiming to promote increased trade and investment among regional groupings of African, Caribbean and Pacific (ACP) countries. As part of the EU, the UK currently has seven EPAs in application.

The Southern African Development Community (SADC) EPA has been in provisional application since October 2016. Mozambique ratified the agreement on 28 April 2017 and is in the process of submitting the ratification instrument to the EU, after which it will also enter provisionally into force for that country. The Caribbean EPA remains in provisional application. Interim EPAs are also in application with Cote D'Ivoire, Ghana, Cameroon, with four countries in Eastern and Southern Africa, and with two countries in the Pacific.

There is still the potential for two further EPAs to be signed: West Africa (16 countries) and East Africa (5 countries). Kenya currently has an interim alternative in place (Market Access Regulation).

## **DEVELOPMENT AGENDA**

Sri Lanka applied for GSP+, and was granted access on 19 May 2017. Sri Lanka was previously a GSP+ beneficiary, but their status was temporarily withdrawn by the EU in 2010 for human rights abuses committed at the end of the civil war. Since then, Sri Lanka has made efforts to reform, including the introduction of new laws and a range of constitutional amendments. The European Commission concluded in January 2017 that Sri Lanka met the requirements to be readmitted to GSP+.

The Government agreed with this assessment and the decision cleared UK Parliamentary scrutiny on 2 Feb 2017. The Council of Ministers and the European Parliament approved the decision in May 2017.

## MULTILATERAL TRADE AGREEMENTS

The next WTO Ministerial Conference (MC11) will take place in Buenos Aires, Argentina, on 10-13 December 2017. The current focus at the WTO in Geneva is on agreeing a negotiating agenda to guide work between now and MC11 in December.

The EU approach was agreed at the Trade (Foreign Affairs) Council in May 2017. The main elements of the EU approach are that the WTO ought to prioritise three key issues: agricultural domestic support, digital trade (up-dating trade rules for the digital age) and investment, while also working on a set of more specific issues (such as fisheries subsidies and market access in specific goods sectors).

All discussions remain ongoing. The final mini-Ministerial ahead of MC11 will take place in Marrakesh in early October 2017, which I hope will contribute to advancing the preparatory discussions ahead of MC11. I will update the Committee of any significant developments.

## PLURILATERAL TRADE AGREEMENTS

The Trade in Services Agreement (TiSA) and the Environmental Goods Agreements (EGA) remain on hold and next steps are still to be determined in relation to both agreements. As indicated previously, the UK continues to support a swift return to negotiations on both agreements.

## LEGISLATIVE TRADE FILES

In respect of the department's main legislative files – namely the **Modernisation of EU Trade Defence Instruments (MTDI)**, the new **Anti-Dumping Methodology (ADM) (14249/16, 8493/13 and 8495/13)** and the EU's plans to review controls on **dual-use goods (12785/16)** - the department continues to be actively engaged at working group level in relation to each dossier.

On the issue of anti-dumping, the UK's position is one of tentative support at this stage, as I outlined to you in a separate letter in April this year. The issue is currently being discussed in informal trilogues between the Council, Commission and the European Parliament and there is considerable political will to come to an agreement by the end of 2017. However, we do not currently anticipate any significant progress on this issue until the autumn.

Discussions but not negotiations on the proposed text on dual-use goods continued during the Maltese Presidency, with no concrete outcomes. These discussions will restart in September under the Estonian Presidency.

Finally, we are also closely monitoring the **International Procurement Instrument (IPI)** file. A revised proposal was published in January 2016 (**5752/16**) which is still subject to scrutiny in both Houses and is an Internal Markets issue. In light of recent revised interest in the proposal, we are keeping a close eye on this issue and will continue to engage on any further discussions on it.

We will of course continue to keep the committee updated on any further discussions on, this, as with all other ongoing trade policy matters subject to scrutiny as outlined above.

*13 July 2017*

## FOREIGN AND COMMONWEALTH OFFICE'S PERFORMANCE ON EU PARLIAMENTARY SCRUTINY

### **Letter from Baroness Verma to the Rt Hon Baroness Evans of Bowes Park, Leader of the House of Lords and Lord Privy Seal**

I am writing to you, as Leader of the House, on behalf of the European Union External Affairs Sub-Committee, to express our frustration at the persistent failure of the Foreign and Commonwealth Office to support effective parliamentary scrutiny of EU documents, and to seek your support in encouraging the Department to improve its performance.

We have raised this issue a number of times with the Rt Hon Sir Alan Duncan, Minister of State for Europe and the Americas. We are, however, still not being provided with timely or sufficiently detailed information on dossiers within the purview of the Sub-Committee. The Explanatory Memorandums provided are often perfunctory, and frequently lack the analysis and information needed to explain the Government's position. All too frequently, we receive draft Council Decisions just days before their adoption at the Council of the EU, or after their adoption. This is a particular issue for, though not limited to, the scrutiny of Common Security and Defence Policy missions. These missions are renewed on a predictable annual or bi-annual basis, and it is therefore most disappointing that the FCO does not make more effort to anticipate the renewal deadline and brief the Sub-Committee in good time.

We accept that sometimes it is not possible for full parliamentary scrutiny to be undertaken before an EU proposal is agreed, particularly in the case of fast-moving issues such as sanctions; there are also times when the House is in recess, or has been prorogued or dissolved, which cannot readily be avoided. But even with these provisos, parliamentary scrutiny of draft EU laws will be essential for as long as the UK remains a full member of the EU, and it is incumbent on the Government to support that scrutiny appropriately.

If we do not see an improvement in the FCO's performance, we will give consideration to requiring the Minister to give oral evidence on this matter. But I hope that, with your assistance, we may yet be able to address the issue informally. I would be very happy to meet you to discuss further if that would be helpful.

We look forward to your response.

*26 July 2017*

### **Letter from the Rt Hon Sir Alan Duncan MP, Minister for Europe and the Americas, Foreign and Commonwealth Office, to Baroness Verma**

I am replying following your letter of 26 July to the Leader of the Lords about the role that the Foreign and Commonwealth Office (FCO) plays in the Parliamentary scrutiny of European Union proposals.

You note that the Committees must have timely and sufficiently detailed information to carry out effective scrutiny of EU documents and initiatives. This point has been forcibly made to officials who are under clear instructions to process scrutiny documents swiftly.

I note that Lord Boswell raised concerns regarding the full and timely scrutiny of EU proposals on external affairs in his letters to me of 13 and 20 July. I recognise the issues raised and have addressed them in my replies to those letters. I was, however, surprised and disappointed by the needlessly aggressive tone of your letter. I am not aware of the Committee or your sub-Committee having raised any additional concerns on other occasions while I have been an FCO Minister. I would be grateful if you could send me copies of any that may not have been drawn to my attention.

The majority of HM Government scrutiny overrides relate to restrictive measures (sanctions) that are often decided quickly by the EU Council and its working groups. As the Committee will be aware, some are direct transpositions of UN sanctions into EU law, and there is a responsibility to do so swiftly. Other restrictive measures are new designations, for which Member States including the UK are unable to share details, given the risk of asset flight. The number of scrutiny overrides in Session 2016/17 was 38, compared to 50 in Session 2015/16. The majority of these, though not entirely, were for restrictive measures.

As you state in your letter, it is however possible to plan for the renewal of sanctions or mandates for EU missions. Scrutiny itself, though, is dependent on the publication of the legal papers by the EU institutions. Whilst the FCO can request timely publication, the matter is the responsibility of the Council Secretariat.

I welcome your suggestion to address these issues informally and I hope that the FCO will be able to demonstrate the importance we place on Parliamentary scrutiny through the information we submit.

25 August 2018

**Letter from the Rt Hon Baroness Evans of Bowes Park, Leader of the House of Lords  
and Lord Privy Seal**

Thank you for your letter of 26 July. I am sorry for the slight delay in replying to it, which arose because I thought it was important to discuss your concerns with the Department before I did so.

In your letter you raised concerns over the recent performance of the Foreign and Commonwealth office in supplying your sub-committee with information to support your scrutiny of draft Council Decisions. I have relayed your concerns to Sir Alan Duncan, the Minister of State for Europe and the Americas. Sir Alan will be writing to you directly to address those points.

Effective relationships between select committees and government departments can seldom have been as important as they are now, so please do let me know if you would like to discuss these issues further in due course.

29 August 2017

**Letter from the Rt Hon Sir Alan Duncan, Minister for Europe and the Americas, to  
Baroness Verma**

Further to my response of 25 August 2017 regarding the Committee's concerns on the Foreign and Commonwealth Office's (FCO) role on Parliamentary scrutiny and our recent helpful phone conversation, I wanted to let you know that I am now watching the scrutiny process like a hawk. I would like to highlight one particular example my officials are working through now as it relates directly to our correspondence.

The EU imposes a wide variety of restrictive measures (sanctions) against individuals and entities including the Ukraine (sovereignty) (tier 2) sanctions for which the EU designates a person or entity who are "*responsible for actions which undermine or threaten the territorial integrity, sovereignty and independence of Ukraine, including actions on the future status of any part of the territory which are contrary to the Ukrainian Constitution, and persons, entities or bodies*".

One element of the measures outlined in this sanctions regime involves restricting the travel of those individuals into/within the EU or freezing any assets those individuals or entities may hold within the EU. The list of individuals and entities is carefully reviewed by the EU every 6 months which can result in additions or deletions. The revised lists and corresponding legal acts are then renewed and adopted by the EU.

During this current review, after careful consideration, the EU Council proposes to extend the sanctions regime for another 6 months, but decided to also make some amendments to the individuals and entities on the list.

These amendments unfortunately prevent us from following the usual parliamentary scrutiny process, as we need to ensure the information remains within the EU Council and is not shown to anybody else until it has been formally adopted. This is to avoid the risk of asset flight by newly listed individuals or entities.

The revised legal acts are likely to be adopted at the next appropriate European meeting. This will have to take place before the current sanctions regime expires on 15 September.

The key point is that there is therefore no opportunity for the documents to be given to your committee in advance: only post-adoption is feasible.

After the legal acts have been adopted, we will ensure we provide your committee with the relevant paperwork within the 10 working day post-adoption deadline. This post-adoption procedure is exactly the sort of unavoidable administrative process which I suspect causes your concern. It explains why I am required to sign a scrutiny override.

Might I suggest that we track the scrutiny process in this case to check that you are content with how it is handled?

5 September 2017

**Letter from Baroness Verma to the Rt Hon Sir Alan Duncan MP, Minister for Europe and the Americas**

Thank you for your letters of 25 August and 5 September, in response to my letter to Baroness Evans of Bowes Park regarding the Foreign and Commonwealth Office's performance on EU parliamentary scrutiny of 26 July. Your letters were considered by the EU External Affairs Sub-Committee on 14 September.

We are pleased to hear that you are closely monitoring the scrutiny process, as set out in both letters. We would like to draw to your attention that our concerns on the timely provision of information do not relate to sanctions regimes prior to their adoption. As stated in my letter to Baroness Evans, "We accept that sometimes it is not possible for full parliamentary scrutiny to be undertaken before an EU proposal is agreed, particularly in the case of fast-moving issues such as sanctions". For this reason, we do not think that tracking a current sanctions regime, as suggested in your letter of 5 September, would be a useful exercise.

To clarify, there are two aspects to the issue of timeliness. First, we acknowledge that, as you state in your letter of 25 August, scrutiny is dependent on the publication of the legal papers by the EU institutions, which is the responsibility of the Council Secretariat. However, we would welcome a more positive approach by the department to keep the Committee updated by letter on dossiers on which decisions at the Council are forthcoming. This would be particularly relevant for annual renewals of CSDP missions or annual or multi-year strategies, and for new EU initiatives where the Committee may otherwise receive no information before an agreement has been reached at the Council. I refer, as an example, to our request for information on the crisis management concept for an Iraq CSDP mission adopted at the Foreign Affairs Council on 17 July, which we received in your letter of 2 August, and our letter dated 14 September on the Council Decision on a European Union Stabilisation Action in Mopti and Segou, sent under separate cover.

Second is the issue of delays in providing documents to the Committee. As you are aware, since my letter of 26 July, a number of documents have been submitted late, for example unnumbered document Council Decision (CFSP) 2017/1252 of 11 July 2017 in support of the strengthening of chemical safety and security in Ukraine, 9435/17 Joint Report on the Implementation of the European Neighbourhood Policy Review, and Council Decision (CFSP) 2017/1148 of 28 June 2017 amending Decision 2014/512/CFSP concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine (provided more than 10 days post-adoption). Your letters on these dossiers acknowledge where administrative errors have occurred, and we are pleased that you have set in place measures to avoid such delays in future.

Additionally, we would also like to draw to your attention that our concern is not only the timeliness of information provided to the Committee. As stated in my letter of 26 July, we do not always receive sufficiently detailed information from the department in the accompanying Explanatory Memorandums. As an example of that, I draw to your attention the Committee's letters regarding EUPOL COPPS and EUBAM Rafah of 13 July 2017 and 1 July 2016, where no political context was provided in the Explanatory Memorandums. Our letters to you have posed a number of follow up questions, many of which arose as a result of the brevity of information provided in the Explanatory Memorandums, for example our letters of 17 November 2016 on Operation Atalanta and of 13 July on 10408/17 Fourth Progress Report from the Commission on the Partnership Framework with third countries under the European Agenda on Migration.

We would appreciate your assistance in improving the quality of analysis provided in Explanatory Memorandums. Hereafter, the Committee will be more explicit in drawing to your attention

unsatisfactory Explanatory Memorandums, to assist you in this process. In this regard, I draw to your attention that we are sending a number of letters under separate cover, following our meeting on 14 September, which include concerns about the quality of information provided in the Explanatory Memorandums.

When we spoke over the phone, you offered to meet with the Committee in private to discuss EU parliamentary scrutiny and how this can be improved. The Committee would welcome such a meeting if this would be helpful to you and your officials as part of your review of EU scrutiny. The Committee usually meets on a Thursday morning, but we would also be happy to find a time that would be convenient for you.

We also thank you for your letter of 11 September, offering to brief the Committee on the Sanctions Bill. We would welcome the opportunity to hear from you on this issue at the same meeting, if this would be convenient? Alternatively, we would be happy to hear from Lord Ahmad at a convenient time.

*15 September 2017*

**Letter from Baroness Verma to the Rt Hon Baroness Evans of Bowes Park, Leader of the House of Lords and Lord Privy Seal**

Thank you for your letter of 29 August, in response to my letter of 26 July regarding the Foreign and Commonwealth Office's performance on EU parliamentary scrutiny.

This letter was considered by the EU External Affairs Sub-Committee on 14 September. We were reassured by your commitment to the importance of effective relations between select committees and government departments. Thank you for raising our concerns with Sir Alan. He has also written to me, and we will continue to interact directly on this matter to seek to improve the timeliness and quality of information provided to the Committee by the Foreign and Commonwealth Office.

*15 September 2017*

**Letter from the Rt Hon Sir Alan Duncan MP, Minister for Europe and the Americas, to Baroness Verma**

Thank you for your letter of 15 September on behalf of the EU External Affairs Sub-Committee about the scrutiny process undertaken by the Foreign and Commonwealth Office (FCO). I am replying separately to your other letters with specific questions on individual Explanatory Memoranda (EMs); in this one I seek to cover processes and time-scales in general.

Regarding sanctions-related measures, I take note that your Sub-Committee does not consider that tracking a current sanctions regime is required, given the fast-moving nature of the processes by which Sanctions are introduced or transposed.

You raise two aspects in relation to timeliness in your letter. You request a more active approach to keeping your Committee updated by letter on dossiers on which decisions at the EU Council are forthcoming, such as annual renewals of CSDP missions or annual or multi-year strategies. As you will be aware, this is not generally the practice now, due to the potential difficulties associated with sharing documents that are in draft form. You also mentioned that you consider EMs often to be insufficiently detailed. I agree with you that EMs should not omit important details. We have further expanded and updated our scrutiny guidance for FCO officials, to help ensure that policies are introduced and explained fully. FCO officials would be happy to meet the Committee secretariat to discuss these issues in more detail.

As you are of course aware, the UK will leave the EU in March 2019. It would be useful to know how the Committee wishes to approach the scrutiny of new and renewed EU missions and other EU external affairs activities that extend beyond March 2019. Again, I suggest FCO officials meet the Committee secretariat to discuss this question.

I would be pleased to discuss scrutiny matters with your committee as part of the session we have together on Thursday 26 October.

*29 September 2017*

## SCRUTINY RESERVE OVERRIDES: JANUARY TO JUNE 2017

### **Letter from the Rt Hon Baroness Anelay of St Johns DBE, Minister of State for Exiting the European Union, Department for Exiting the European Union**

I enclose the list of overrides for January-June 2017 to follow up the answer I gave on 2 August to Lord Jay's written question about the figures (HL1148).

The period of this report was impacted by the dissolution of Parliament which has increased the number of overrides incurred, though your agreement to a number of scrutiny resolution waivers ahead of the dissolution helped keep the numbers lower. I am also encouraged that there were only a handful of occasions during this period when the Committee was critical about Government handling. But I am also aware that Baroness Verma wrote to Baroness Evans more generally about some recent FCO scrutiny performance issues. Sir Alan Duncan MP replied to Baroness Evans on 25 August and DExEU officials will continue to work closely with the FCO to address those concerns.

I hope this information continues to be helpful to the Committee.

*11 September 2017*

## OVERSEAS TERRITORIES AND THE EUROPEAN UNION COMMITTEE

### **Letter from Baroness Verma to the Rt Hon Priti Patel MP, Secretary of State for International Development, Department for International Development**

I am writing following a meeting I held on 20 September with the UK representatives of the British Virgin Islands, Bermuda, Turks and Caicos and Montserrat, regarding the Government's response to Hurricane Irma. The meeting followed engagement between the Overseas Territories and the European Union Committee on Brexit, regarding which I enclose a letter from Lord Jay of Ewelme (on behalf of Lord Boswell of Aynho), to the Rt Hon David Davis, Secretary of State for Exiting the European Union, dated 13 September.

The representatives of the British Virgin Islands, Bermuda, Turks & Caicos, and Montserrat are deeply concerned that the funding the Government has made available to date to those Overseas Territories affected by Hurricane Irma has been insufficient. They outlined to me the scale of the damage wrought, and the need for the Department for International Development to provide further emergency funding as a matter of urgency. I was particularly concerned to hear that, because the islands are reliant on the tourism industry, in addition to the damage to property and infrastructure, the livelihood of many of the residents of these islands is also at risk if sufficient assistance is not disbursed as a matter of high priority. Since we met, Hurricane Maria has caused further damage to some of these territories.

In the aftermath of a natural disaster, swift action to prevent a worsening of the humanitarian situation and the outbreak of diseases is critical. I urge the Government to make every effort to provide the affected Overseas Territories with the funding which they are requesting and in desperate need of, in order to repair the damage and rebuild their economies. I would be grateful therefore for your assurance that the Department for International Development is doing everything possible to provide practical assistance to the affected Territories, and that it is working effectively with the Foreign and Commonwealth Office and agencies to ensure that help is delivered where and when it is needed most. I would also be interested to know what discussions you are having, via the EU, with other governments, notably the French and Dutch governments, to ensure that the provision of aid is coordinated, and that EU resources are used effectively.

*22 September 2017*



## DEPARTMENT FOR INTERNATIONAL TRADE SCRUTINY UPDATE

### **Letter from the Rt Hon Greg Hands MP, Minister of State for Trade Policy and Minister for London, Department for International Development**

Given the recent parliamentary recess period, I thought that this would be the most appropriate time, to provide you with a current up to date summary, of the progress of both EU trade negotiations and ongoing legislative files.

This letter follows on from previous update letters sent by Lord Price on 22 March and 13 July 2017. This particular update focuses on files subject to particular key decision points, as well as highlighting President Juncker's State of the Union speech and resulting Commission documents which have all been deposited for scrutiny by both Houses of Parliament.

As announced on 3 September 2017, Lord Price has now stood down from his role as Minister for Trade Policy at the Department for International Trade (DIT). I am delighted to be taking forward responsibility for trade policy matters within DIT. A new DIT Lords Minister, Baroness Rona Fairhead was appointed on 28 September 2017. Baroness Fairhead is the Minister for Trade and Export Promotion, as well as leading DIT business in the House of Lords.

I would like to take this opportunity to stress that DIT views scrutiny of EU business, as being of the utmost seriousness and that we aim to have an ongoing productive working relationship, at both Ministerial and official level with your committee.

The Department will continue to provide further specific updates as necessary, as well as further general updates.

### **UPDATE ON EU PARLIAMENTARY SCRUTINY MATTERS CONCERNING TRADE October 2017**

#### **COMMISSION PRESIDENT JUNCKER'S STATE OF THE UNION ADDRESS AND ACCOMPANYING LETTER**

On 13 September 2017, President Juncker gave his annual State of the Union keynote speech to the European Parliament in which he laid out his vision for EU policy during the year ahead and assessed the current state of affairs<sup>5</sup>.

A major aspect of his speech focused on trade matters. Juncker noted the importance of trade, with this speech placing more emphasis on reciprocity and a level playing field than was the case in 2015 (when the EU's "Trade for All" strategy paper was published in October 2015<sup>6</sup>). This was further evidenced by the announcement of a European framework for screening of foreign direct investment (with the current proposal suggesting a soft enabling framework) and a reference to the International Procurement Instrument (IPI) in the letter that accompanied the speech.

Juncker noted the aim of finalising ongoing FTAs by the end of the current Commission's mandate in 2019, and that the Commission intends to open negotiations with Australia and New Zealand in the coming months.

In addition to the speech, a letter of intent addressed to the President of the European Parliament Antonio Tajani and to the Prime Minister of Estonia, Juri Ratas, was published on 13 September<sup>7</sup>. This contained a recommendation authorising the opening of negotiations for a Multilateral Investment Court (MIC), noted the need to adapt the EU anti-dumping methodology and modernisation of the trade defence instruments, and noted the proposal for an International Procurement Instrument (IPI), which would authorise the Commission to investigate the public procurement practices in third countries where it believed EU companies faced discrimination, and provide for retaliatory action if the third country did not remove the alleged practice.

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<sup>5</sup> <http://trade.ec.europa.eu/doclib/press/index.cfm?id=1715>

<sup>6</sup> [http://trade.ec.europa.eu/doclib/docs/2015/october/tradoc\\_153846.pdf](http://trade.ec.europa.eu/doclib/docs/2015/october/tradoc_153846.pdf)

<sup>7</sup> [https://ec.europa.eu/commission/sites/beta-political/files/letter-of-intent-2017\\_en.pdf](https://ec.europa.eu/commission/sites/beta-political/files/letter-of-intent-2017_en.pdf)

The speech was also accompanied by two overview reports – one on “A Balanced and Progressive Trade Policy to Harness Globalisation” and a “Report on the Implementation of the Trade Policy Strategy Trade for All”. An Explanatory Memorandum has been prepared for the committees on the subject of these documents.

## **BILATERAL TRADE NEGOTIATIONS – PUBLICATION OF NEGOTIATING MANDATES**

### **EU-New Zealand and EU-Australia Free Trade Agreements**

The Commission’s proposed negotiating directives for the EU-Australia and EU-New Zealand Free Trade Agreements have been published and have been deposited for parliamentary scrutiny. The Department has prepared a single Explanatory Memorandum on the recommendation of a Council Decision authorising the opening of negotiations in both cases.

## **BILATERAL TRADE NEGOTIATIONS**

### **EU-Canada Comprehensive Economic and Trade Agreement (CETA)**

As I advised in my letter of 14 September, CETA was provisionally applied on Thursday 21 September. A Written Ministerial Statement was laid in both Houses to inform Parliament of this milestone.

### **Implications of the CJEU Opinion on the EU-Singapore FTA**

As referred to in the previous update letter, the Court of Justice of the European Union issued an Opinion in May this year as to the balance of competencies in the EU-Singapore FTA. The court determined that this is a mixed agreement, because provisions including those relating to non-direct foreign investment and dispute settlement between investors and States do not fall under the EU’s exclusive competence. This has led to preliminary discussions in the Council on the question of the future structure of EU FTAs, but no detailed proposals have yet been tabled by the Commission or Member States. We expect further discussions on this to continue this autumn and will update the Committees on these in due course, or when documents on specific agreements are placed under scrutiny.

### **EU-Japan Free Trade Agreement**

There is momentum to finalise a deal between both parties by the end of 2017, after political agreement was announced in July. Also in July, the Council approved the decision to publish the final version of the negotiating directives which were adopted by the Foreign Affairs Council (Trade) on 29 November 2012. These directives were made available as a publicly accessible document on 14 September 2017<sup>8</sup>.

## **Economic Partnership Agreements**

Since our last update in July 2017, the most significant issue relating to the Economic Partnership Agreements (EPAs) has concerned the CARIFORUM EPA.

The EPA between the EU and Caribbean Forum (CARIFORUM) countries was signed by the UK on 15 October 2008 and ratified on 25 January 2010. The CARIFORUM EPA is a comprehensive development-focused free trade agreement with 15 Caribbean countries.

From working group discussions, the only recent updates to this agreement are two technical Council proposals. The first of these proposals is to update the list of Overseas Countries and Territories (OCTs) listed in Annex IX to Protocol I of the Agreement to bring it into line with the list included in Annex II of the Treaty on the Functioning of the EU (TFEU). The second proposal concerns establishing

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<sup>8</sup> [http://trade.ec.europa.eu/doclib/docs/2017/september/tradoc\\_156051\\_en12.pdf](http://trade.ec.europa.eu/doclib/docs/2017/september/tradoc_156051_en12.pdf).

a list of arbitrators, in accordance with the dispute settlement provisions of the agreement (as specified in Article 221 of the Agreement). Both of these technical amendments have been granted a waiver from deposit.

### **EU-Mexico Global Agreement**

The EU and Mexico launched negotiations in May 2016 to modernise the Global Agreement. The fourth negotiation round for the modernisation of the trade part of the EU-Mexico Global Agreement took place from 26-30 June 2017 in Mexico City. Significant progress was achieved on most of the key issues. The EU is ready to exchange market access offers on goods, services and procurement once all Member States have approved. There is a strong political will to reach an agreement by the end of 2017 ahead of the summer 2018 Presidential elections in Mexico.

### **EU-Mercosur Free Trade Agreement**

Negotiations on an FTA with Mercosur (Brazil, Argentina, Uruguay and Paraguay) were re-launched in October 2016 following a four year break and an exchange of offers in May 2016. The latest negotiation of the trade part of the EU-Mercosur Association Agreement was held between 3 and 7 July 2017 in Brussels and progress was made in areas such as customs and trade facilitation, geographical indications, trade and sustainable development and dispute settlement amongst others. We hope that further progress will be made at the 29<sup>th</sup> negotiation round planned for 2 to 6 October in Brasilia.

### **Modernisation of EU-Chile Association Agreement**

The EU and its Member States concluded an Association Agreement including political, cooperation and trade provisions with Chile in 2003. Proposals for a mandate were reached in 2017. The third Presidency compromise was published on 25 September 2017 which covers a wide range of other areas of co-operation. The Commission has signalled its ambition to reach an agreement on a finalised text with Chile during the spring of 2018.

## **MULTILATERAL NEGOTIATIONS**

### **Multilateral Investment Court (MIC) proposal**

As referred to above, the Commission have published a draft negotiating mandate to authorise the opening of negotiations for the establishing of a multilateral investment court. This permanent court could, in some circumstances, replace the traditional investor-state dispute settlement model to preside over disputes between investors and states arising from alleged violations of their investment protection agreements. Again, the Government is considering the proposal in detail and has prepared an Explanatory Memorandum.

### **WTO – 11<sup>th</sup> Ministerial Conference**

Discussions are ongoing at the World Trade Organization ahead of the 11<sup>th</sup> WTO Ministerial Conference which will take place on 10-13 December in Buenos Aires. The UK would like to see a successful MC11. In particular, we would welcome outcomes on domestic agricultural support, fisheries subsidies, domestic regulation in services and digital trade. We support the work of the Commission in advancing these discussions and are working with partner countries to secure UK priorities.

## **LEGISLATIVE TRADE FILES**

### **European framework for the screening of foreign direct investment**

Juncker's speech also put forward a new proposal for investment screening. A more detailed paper on the same issue was published on 14 September 2017. The Government is currently considering its position on these proposals and has also prepared an Explanatory Memorandum in conjunction with the deposit of the EU documents in Parliament.

### **The New Anti-dumping Methodology (14249/16)**

Trilogues on the proposal in this area are still ongoing. The next trilogue is expected on 3 October 2017. The Estonian Presidency is keen on finalising a compromise solution with the European Parliament by the end of 2017.

29 September 2017

### **COUNCIL DECISION (CFSP) 2017/1385 OF 25 JULY 2017 AMENDING DECISION (CFSP) 2015/778 ON A EUROPEAN UNION MILITARY OPERATION IN THE SOUTHERN CENTRAL MEDITERRANEAN (EUNAVFOR MED OPERATION SOPHIA) (OTNYR)**

#### **Letter from the Chairman to the Rt Hon Sir Alan Duncan MP, Minister for Europe and the Americas, Foreign and Commonwealth Office**

Thank you for your Explanatory Memorandum of 13 July 2017 regarding the above document. It was considered by the External Affairs Sub-Committee on 20 July 2017.

We were pleased to receive a detailed Explanatory Memorandum (EM). This provided more detail than most such EMs, which was welcome. That said, we were disappointed that you did not provide us with detailed information on the recent Strategic Review of CSDP Operations in Libya, and we request that you provide us with this in writing.

We were disappointed that the document was provided to the Committee too late to allow for appropriate scrutiny of the Council Decision. Your EM states that it was due to be adopted on 17 July at the Foreign Affairs Council, which would have constituted an override. No explanation was provided as to why this delay arose. We understand that renewal of the mission was not in fact discussed on 17 July, but that the mission is now likely to be adopted by written procedure before 25 July.

In this instance, our report *Operation Sophia: a failed mission*, addresses our conclusions and recommendations about the future of this mission. We look forward to your response to that report by 12 September 2017. We would also appreciate further information on the revised operational plan (OPLAN) for the mission in due course.

We would also like to take this opportunity to reiterate the necessity of providing documents on the renewal of all Common Security and Defence Policy missions to us sufficiently in advance of their renewal to allow for proper parliamentary scrutiny. In this regard, we were disappointed that the mandate of EUBAM Libya was extended to 31 December 2018 with no prior parliamentary scrutiny. We would appreciate an explanation for this override of Parliamentary scrutiny, and also look forward to receiving a post-adoption EM.

We look forward to your response within the usual 10 working days. In the meantime, we have decided to continue to hold the document under scrutiny.

20 July 2017

#### **Letter from the Rt Hon Sir Alan Duncan MP, Minister for Europe and the Americas**

Thank you for your letter of 20 July in response to the Explanatory Memorandum and Ministerial override for the extension of the mandate of Operation SOPHIA. You raised a number of questions.

We endeavour to provide documents regarding the renewal of Common Security and Defence Policy (CSDP) missions in good time to allow for Parliamentary scrutiny. However, EU Council Decisions are not always produced early enough to avoid overrides.

I regret that your Committee did not have the opportunity to properly scrutinise the Council Decision regarding the extension of Op SOPHIA. However, the EU working groups took longer than expected to agree a document close to the final state that we were able to share with you.

Our expectation was that the Council Decision would be adopted at the Foreign Affairs Council (FAC) on 17 July. Only after I had taken the decision to invoke Ministerial override did it become apparent that consensus could not be reached in time for the FAC. Consequently the vote was postponed and the Council Decision was eventually adopted by written procedure on 25 July: there will be no gap in the mandate of Op SOPHIA, which will now run until 31 December 2018.

With hindsight there could have been more time for your Select Committee to consider the Council Decision and Explanatory Memorandum but that was unfortunately not known at the time.

You requested further information concerning the Strategic Review of CSDP Operations in Libya. The relevant document is classified as “EU Restricted” and because of that security restriction I am unable to provide your Committee with a copy of it. However, I can tell you that the Review contains the following key points:

- CSDP engagement in Libya needs to be holistic and in line with the integrated approach.
- Libya remains a divided country and strategic patience is required. The EU will therefore focus on developing stability which requires a sustained approach. Doing nothing is not a viable option.
- The mandates of Op SOPHIA, EUBAM Libya, and the EU Liaison and Planning Cell should be renewed until 31 December 2018 with maintenance of their existing core mandates.
- Within these mandates, there should be a focus on the development of a monitoring mechanism, continued training of the Libyan Coastguard, information sharing, and maritime security.

You also requested further information concerning Op SOPHIA’s OPLAN. That document will be classified as “EU Confidential” so once again we will be unable to provide your Committee with a copy but we will share as much as possible with you.

We will provide a response to the Committee’s report, *Operation Sophia: a failed mission*, by your deadline of 12 September.

In regard to the extension of the mandate for EUBAM Libya, I recently submitted a post-adoption Explanatory Memorandum. The mandate for the mission was due to expire on 21 August. In order to ensure the continued operation of the mission, I found myself in the position of having to agree to the adoption of the Council Decision at the final Foreign Affairs Council before the summer recess, before your Committee had an opportunity to scrutinise the document.

My officials will stay in close touch with the EEAS in respect of all EU and Libya matters and will keep the Committee informed of progress.

4 August 2017

#### **Letter from the Chairman, to the Rt Hon Sir Alan Duncan MP, Minister for Europe and the Americas**

Thank you for your letter of 4 August 2017, which was considered by the Committee at its meeting on 14 September 2017.

Thank you for your explanation of your decision to override parliamentary scrutiny for this dossier. We also appreciate the short summary of the Strategic Review of CSDP missions in Libya which you have now provided, and responses to the additional questions which we posed. We are reassured by your stated commitment to keep the Committee informed of progress on issues relating to the EU and Libya in future.

Turning to support for the Libyan coastguard, we note that the Government’s position paper, *Foreign policy, defence and development - a future partnership paper*, published on 12 September, states that the UK has “on top of its share of common costs, funded almost €600,000 for Libyan Coastguard training”.

However, the reference for this assertion, the Government's Explanatory Memorandum of 1 March 2017, signed by Robert Goodwill MP, Minister for Immigration, states that:

"In the UK's view, common funding is the most appropriate funding mechanism and our additional support to the Libyan Coast Guard will include the UK providing its share of common funding (currently £595,000) to support the next phase of training."<sup>9</sup>

We request that you clarify: the total funding provided by the EU to train the Libyan coastguard; how this is split between (1) common funding and (2) funding by individual Member States; and how much the UK has contributed (a) as its share of common funding and (b) on top of its share of common funding.

We have decided to keep the document under scrutiny. We look forward to your response within the usual 10 working days.

*15 September 2017*

#### **Letter from the Rt Hon Sir Alan Duncan MP, Minister for Europe and the Americas**

Thank you for your letter of 15 September seeking clarification on funding provided by the EU to train the Libyan coastguard; how this is split between common funding and funding by individual Member States; and how much the UK has contributed as its share of common funding and on top of its share of common funding.

The EU's capacity building and training of the Libyan Navy and Coastguard is financed largely from voluntary contributions made by Member States and/or any third parties that wish to contribute. Only a small amount of support (translation and interpreting costs) to this task is funded in common.

The Government believes that common funding is the appropriate mechanism to support these activities but in lieu of that being agreed by all Member States, we decided, as did other Member States, that the importance of the task meant that it was right to make voluntary contributions commensurate with that we would otherwise have contributed through common funding.

Fourteen Member States have made bilateral voluntary contributions; the total amount raised to date is €2.6m. Of this, the UK made two separate voluntary contributions: €100,000 in December 2016 and €595,000 in May 2017.

*29 September 2017*

### **CFSP REPORT – OUR PRIORITIES IN 2017**

#### **Letter from the Rt Hon Sir Alan Duncan MP, Minister for Europe and the Americas, Foreign and Commonwealth Office**

I am writing with regard to the annual CFSP report from the High Representative of the European Union for Foreign Affairs and Security Policy to the European Parliament.

As detailed in the attached Explanatory Memorandum, the report sets out the breadth of EU external activity for 2017, including many areas of progress in line with UK objectives. This is the second year of the new style format of the report. It no longer reviews the previous year and instead provides a forward look to the coming year. This is in keeping with the original idea of it being a document that would shape the direction of the Common Foreign and Security Policy.

The final version of the report was shared with us at the end of June but given time constraints, the department agreed with the Committee clerks that the documents would be submitted after endorsement at the Foreign Affairs Council on 17 July. I am grateful to the Committee clerks for their understanding and I accept that this does not set a precedent.

*25 July 2017*

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<sup>9</sup> <http://europeanmemoranda.cabinetoffice.gov.uk/files/2017/03/5684-17.pdf>

## **Letter from the Chairman to the Rt Hon Sir Alan Duncan MP, Minister for Europe and the Americas**

Thank you for your letter and Explanatory Memorandum of 25 July 2017 regarding the above document. The document was considered by the External Affairs Sub-Committee on 14 September 2017. We would like to request further information on the following issues, which arise from the document and from references in your Explanatory Memorandum.

First, the report covers a number of regions where Brexit may have a particular impact on the UK's influence—notably the Western Balkans, Turkey, and the countries of the Eastern Partnership—given that current engagement is to a large extent predicated on the prospect of closer EU association and/or accession. Will the UK continue to encourage these countries to pursue closer association with, and/or membership of, the EU, given that the UK has decided to leave? What is your assessment of the influence the UK will have in the Western Balkans, Turkey and the with Eastern Partnership states after it ceases to be an EU Member State?

Second, the report sets out the EU's plans to further develop co-operation with Turkey on counter-terrorism and migration. How are the UK and the EU balancing these aims against commitments to uphold human rights and the rule of law, in light of the increasingly authoritarian nature of the Turkish regime?

Third, we request that you provide us with information on the Strategic Reviews of EUFOR Althea and EULEX Kosovo when these have been completed this autumn. Your Explanatory Memorandum states that the Government supports the renewal of the executive mandate of EUFOR Althea; does it also support the extension of the non-executive mandate?

Fourth, we request that you provide us further information about the EU-Republic of Korea Framework Participation Agreement and how it provides “a framework for joint crisis management operations”, including participation in EU counter-piracy efforts off the Horn of Africa, as referenced in the report. Has this been considered by the UK as a potentially useful model for UK-EU co-operation on CSDP after Brexit?

Fifth, how in practice are the EU and Member States developing “a more strategic approach for CSDP co-operation with third countries”, as stated in the report? What implications, if any, will this have for the UK after it leaves the EU?

Sixth, we request further information about the work being undertaken to enhance “the preparation, modularity and effective financing of the EU Battlegroups”, as mentioned in the report. Has a decision been taken on whether the UK will fulfil its commitment to lead and provide troops for the EU Battlegroup from July 2019? If this is to form part of the Brexit negotiations, when is it likely to be discussed?

Finally, we request further information on the forthcoming EU-Canada Security of Information Agreement, and how this will “facilitate military-to-military co-operation substantively”, as stated in the report.

In the meantime, we have decided to continue to hold the document under scrutiny. We look forward to your reply within the usual 10 working days.

*15 September 2017*

## **Letter from the Rt Hon Sir Alan Duncan MP, Minister for Europe and the Americas**

Thank you for your letter of 15 September, which sought clarification on a number of points in the report and the Explanatory Memorandum.

You asked for the Government's position on EU enlargement. We remain of the view that the EU accession process is important to delivering security, stability and prosperity in the Western Balkans and Turkey. We will continue to support countries committed to the accession process in meeting the necessary requirements. As and when candidate countries have met the requirements for accession in full, it will be for those countries and European Union members at the time to decide on membership. That point remains some way off. As the Foreign Secretary has set out, as we leave the EU, the UK's commitment to European security is undiminished. For example, our Western Balkans Summit in 2018

is a demonstration of that commitment and recognition by major European partners, such as Germany, of our strategic role.

The UK also remains well placed to engage bilaterally with the Eastern Partnership and with Eastern Partner countries following our EU exit, including through practical support for rule of law and economic governance reforms, and on strategic communications. The UK provides significant bilateral support to the region through our Good Governance Fund (£180m for 2016/17–2020/21 for Georgia, Ukraine, Moldova, Bosnia & Herzegovina and Serbia). From supporting the justice sector and tax reform in Moldova to the work of the National Anti-Corruption Bureau in Ukraine, this assistance is making an important contribution to building resilience in the region.

In regards to Turkey, we welcome the EU's plans to develop further cooperation on counter-terrorism and migration. We are confident that this is in compliance with all relevant legal obligations and in the interest of both the UK and EU. EU assistance to Turkey under the EU-Turkey migration deal has helped reduce illegal migration across the Aegean to a small fraction of its peak, and the EU's 3€bn Facility for Refugees in Turkey provides valuable support to Turkey in its generous hosting of 3.3 million refugees. Turkey has played a critical and unique role in the fight against Daesh, and increased cooperation on Foreign Terrorist Fighters is a vital element of reducing the terrorist threat across Europe. At the same time, both the EU and UK Government have repeatedly raised concerns about human rights and the rule of law with the Turkish Government.

The Strategic Reviews of EUFOR Althea and EULEX have not yet been completed. We will update your Committee once they have been published. You asked about the Government's position of EUFOR Althea. The Government supports the continuation of the EUFOR Althea Executive Mandate along with the continuation of the operation's non-executive functions.

The EU-Republic of Korea (ROK) Framework Participation Agreement governs participation in EU missions in the field of crisis management, including peace-keeping operations and humanitarian operations. It came into force in December 2016. As a result, in March 2017, the Republic of Korea's warship, *Choi Young*, was allowed to operate under EU NAVFOR Somalia, a current counter-piracy military operation at sea off the Horn of Africa and in the Western Indian Ocean. The UK supports a continued commitment by the international community to deterring and combating piracy off the coast of Somalia and is considering a range of options to support this commitment post Brexit.

The Council Conclusions of 18 May 2017 on the European Global Strategy reiterated the EU's commitment to develop a more strategic approach to CSDP cooperation with partner countries. This should (i) focus on partner countries that share EU values (including respect for international law) and are able and willing to contribute to CSDP missions and operations; (ii) closely involve Member States; and, (iii) fully respect the EU's institutional framework and its decision-making autonomy. Efforts to improve cooperation with partner countries will include cooperation on countering a range of threats and challenges, including counter-terrorism; enhancing efforts to build the resilience of third countries; exploration of an enhanced role for EU Delegations; and dialogue and consultation with third countries on security and defence related issues.

A recent example of useful dialogue was the Third CSDP Seminar for Partner Countries, which took place in Brussels in July, and was attended by over one hundred participants from fifty five non-EU countries.

EU Battle Groups (EUBGs) are important to the EU as a demonstration of readiness and willingness to respond to crises, even though no EUBG has ever deployed. As stated in the [Implementing the EU's Global Strategy - Year 1](#) report, the EU is developing an integrated approach to conflicts and crises that aims to take stock of the best practices already in place, acts at all stages and levels of conflicts, and engages all of the key players necessary for resolution. This integrated approach has already been implemented in some cases, for instance through supporting the establishment of the G5 Sahel Joint Military Force while also investing in the Sahel's development – from job creation to health services.

The UK is on the provisional roster to provide a Framework Battalion for EUBG in the second half of 2019, after we will have left the EU. Our participation in EUBGs will be a topic of future negotiations. At the October European Council, the EU27 will make an assessment of whether sufficient progress has been made on the separation negotiations. There cannot be a timetable for future phases of negotiations until we reach a positive outcome on this assessment.



I will update separately on the EU-Canada Security of Information Agreement and specifically how it will facilitate military to military co-operation substantively.

*29 September 2017*

## COUNCIL DECISION APPOINTING THE EUROPEAN UNION SPECIAL REPRESENTATIVE FOR THE SOUTH CAUCASUS AND THE CRISIS IN GEORGIA

### **Letter from the Rt Hon Sir Alan Duncan MP, Minister for Europe and the Americas, Foreign and Commonwealth Office**

I am writing to give you advance notice, before the House rises on 14 September, that we have received a draft Council Decision paper relating to the European Union Special Representative (EUSR) for the South Caucasus and the Crisis in Georgia.

The draft decision relates to a change of mandate holder in the role of EUSR as the previous EUSR has recently resigned. This proposal is of a technical nature. The details of the current mandate still stand and there are no fundamental changes of policy, nor to the previously agreed budget for the duration of the EUSR mandate. However, the new EUSR is not expected to be selected until 15 September 2017, after which, his/her name will be inserted into the draft Council Decision which will then be put forward for adoption by 1 October.

Once it has been confirmed who the new EUSR will be, we will send an Explanatory Memorandum. However, as the European Union Committee will not re-form until October, clearance will not be possible before the 1 October deadline. I therefore wished to inform you that, on this occasion, it will be necessary to agree to the adoption of this Council Decision before your Committee have an opportunity to scrutinise the document.

*14 September 2017*

## BREXIT: TRADE IN GOODS REPORT

### **Letter from the Rt Hon Baroness Anelay of St Johns DBE, Minister of State for Exiting the European Union, Department for Exiting the European Union**

I would like firstly to thank you for the report "Brexit: trade in goods" and for the continued valuable contribution of the EU External Affairs Sub-Committee to the work of the Department.

As you will be aware, the Government was subject to purdah restrictions meaning we were unable to publish select committee responses within the usual timeframe. I would nevertheless like to update you on the department's upcoming publications which will likely be of interest to the Committee.

Yesterday the Government published the first in a series of papers on the new, deep and special partnership the UK wants to build with the EU. This first paper was on future customs arrangements. A further paper was published today, on Northern Ireland and Ireland. (Both these papers are attached.) As the negotiations proceed towards the autumn, the case for a more detailed discussion on that future relationship grows in importance. The Secretary of State for Exiting the European Union has written to all parliamentary colleagues about this.

It is our intention that the Committee should receive the most up-to-date and comprehensive information possible and we intend to send you a response to the Committee's report once all the policy papers have been published. The policy papers will address many aspects of your report and you may find them to be helpful in setting out the Government's position in the meantime.

We will of course continue to engage with Parliament throughout the negotiations. The Secretary of State will make an oral statement to the House of Commons after each negotiation round, which I will repeat in the House of Lords, and he fully intends to appear before the European Union Committee in the Autumn.

16 August 2017

**Letter from Baroness Verma to the Rt Hon Baroness Anelay of St Johns, Minister of State for Exiting the European Union**

Thank you for your letter of 16 August, enclosing the Government's position papers on customs arrangements and on Northern Ireland and Ireland. The letter was considered by the EU External Affairs Sub-Committee on 14 September.

We are disappointed that the Government continues to delay its formal response to the Committee's report, *Brexit: trade in goods*. This response is now four months late.

You stated to the House on 17 July, and in your letter of 16 August, that the purdah period was the reason for the delay. We draw to your attention that there have now been several months since the end of purdah. During the debate on the report, on 17 July, you stated you had seen a draft response to the report and you gave "a commitment to the House to get that draft into final form as soon as is humanly possible". However, we are still yet to receive the response a further two months on.

While the Committee will indeed consider the Government's position papers with interest, these are not a substitute for a formal written response to our report. Your letter states that "we intend to send you a response to the Committee's report once all the policy papers have been published". We do not believe that the Government's response to *Brexit: trade in goods* should be delayed by your schedule of publication of these position papers. However, given that this is the approach you have taken, please provide us with the date on which the final position paper will be published, which we will take to be the date on which we will receive the response to *Brexit: trade in goods*.

14 September 2017

**HMG RESPONSE TO OP SOPHIA: A FAILED MISSION**

**Letter from the Rt Hon Sir Alan Duncan MP, Minister for Europe and the Americas, Foreign and Commonwealth Office**

In my letter of 4 August, I undertook to provide a formal response to your Committee's report, *Op Sophia: a failed mission*.

I begin by acknowledging that Operation SOPHIA has not delivered all that we had hoped. Nonetheless, our contribution to the Operation, and our continuing efforts to ensure its effectiveness, remain an important part of a whole-of-government approach to addressing the migration challenge, including humanitarian assistance and action to tackle smugglers. Although we are leaving the EU, we continue to cooperate with European partners, including through Op SOPHIA, on these shared challenges. I now turn to the specific concerns of the Committee.

There have been successes since Op SOPHIA was established. The smuggling networks can no longer operate with impunity in International Waters. The Operation has put over 475 smuggling vessels beyond use, apprehended 110 suspected smugglers, and rescued over 39,000 migrants (over 12,000 by UK assets).

Notwithstanding these successes, the presence of EU vessels in the southern Mediterranean has not prevented the flow of migrants or eradicated the people smuggling networks because the gangs have adapted to the presence of Op SOPHIA vessels by using smaller boats. This increases the risk of incident and loss of lives of vulnerable migrants with the responsibility for those deaths lying squarely with the criminal smuggling and trafficking networks that operate out of Libya.

Due to the political and security conditions in Libya, Op SOPHIA has not been able to move to its planned later phases (in Libyan Territorial Waters or on Libyan soil) that would have the greatest impact against the smugglers' business model. The UK continues to work with the EU and our European partners to improve the Operation's impact on smuggling, noting that it is just one part of the EU's overall approach to tackling the migration crisis.

Op SOPHIA's primary purpose is not search-and-rescue, but its vessels do rescue migrants at sea. The UK contributes to that task through the provision of a Border Force 'cutter' to FRONTEX Op Triton.

Military assets are deployed to gather intelligence and conduct the surveillance needed to develop an understanding of smuggling networks and patterns of operation. We have considered replacing Op SOPHIA's military assets with commercial vessels, but they would not be able to deter smuggling gangs from operating in International Waters in the same way. Military assets are also better able to confiscate and destroy unsafe boats and outboard engines used by smugglers.

In June 2016, the EU expanded the Operation's mandate to include counter arms smuggling (that would otherwise further destabilise Libya) and training of the Libyan Coastguard and Navy (LNCG).

We are aware of reports of Libyan Coastguards (naval and civilian) allegedly mistreating migrants. The LNCG must be equipped with the skills required to manage search-and-rescue activities properly, which includes respecting human rights. The training package being delivered therefore embeds knowledge of Human Rights and International Humanitarian Law. We have made clear to the LNCG senior leadership that Human Rights violations are unacceptable. During the current mandate, which on 25 July 2017 was extended until 31 December 2018, Op SOPHIA will establish a monitoring mechanism for greater assurance regarding the LNCG's conduct.

Overall it remains our view that all elements of Op SOPHIA can contribute to addressing the migration crisis and arms smuggling, and help to build sustainable Libyan structures.

The UK has been at the forefront of international support to Libya, including through co-ordination with EU partners, promoting political participation, strengthening security, and supporting economic growth. The UK continues to provide support to bring about peace, stability, and prosperity in Libya, which includes technical assistance to the Libyan Government, stabilisation activity across the country, and support to a freer media. The Foreign Secretary's visit in August to Tripoli, Misrata, and Benghazi included meetings with Prime Minister Serraj, Foreign Minister Siala, Field Marshall Heftar, and Misratan and Benghazi MPs. The Foreign Secretary also visited the LNCG's naval base to meet staff.

There is a growing consensus on the need to amend the Libyan Political Agreement (LPA). We continue to work in support of the LPA framework through our discussions with Libyan parties and by working with our international partners and the UN. The appointment of Ghassan Salamé as the new UN envoy is an opportunity to reinvigorate a UN-led process. A political settlement would help create greater security and the governance that is needed if we are to successfully tackle illegal migration.

I agree with the report's conclusion that action concerning Libya's southern land border should be explored, and I note this is a priority for the Libyan Government. The EU Border Assistance Mission in Libya has been tasked with looking at this during the current mandate and this issue featured in the EU Action Plan for the Central Mediterranean Route, which was published on 6 July 2017. The EU funds the UN migration agency (IOM)'s "Together we rebuild!" programme in southern Libya, which aims to promote peace and stability between migrants, internally displaced people, and host communities through initiatives such as rehabilitation of water wells and vocational training. We are exploring further options with EU partners.

Your Committee's report also highlights the UK's work in source and transit countries, as well our efforts to alleviate some of the dangerous conditions facing migrants in Libya. Since October 2015, the UK has provided more than £12 million for migration and humanitarian related projects in Libya. This includes £3.2 million in Libya for direct assistance in detention centres. We are also providing Assisted Voluntary Returns from Libya through IOM: this programme has supported the return of more than 1,200 migrants to their home countries.

Ultimately, we need to prioritise interventions upstream in countries of origin and transit. Doing so should reduce the need of individuals and families to leave their home country or move on from a safe third country in their region. In the Horn of Africa, the UK works closely with EU and African partners through the Khartoum Process. For example, the UK is supporting the creation of a Regional Operations Centre in Khartoum to assist the sharing of intelligence related to organised immigration crime. The UK is providing £80 million for the building of two industrial parks in Ethiopia: supporting both refugees and their host communities by creating new jobs. In the Sahel, the UK has provided funding for an IOM transit centre in Agadez, Niger, which provides migrants with food and medical support, skills training, and assistance to return home voluntarily. In June the Prime Minister announced a new three-year £75m migration programme along the Central Mediterranean route. This programme will provide urgent humanitarian assistance to refugees and migrants, help those wishing to return home and build the capacity of transit countries to manage migration so that it is safe.

In conclusion, I welcome the Committee's report, which highlights several issues that the UK has been, and remains, committed to resolving. Contrary to the Committee's recommendation, we do support the extension of the Op SOPHIA mandate, and we will work hard to make it more effective. That will be done as part of a Comprehensive Approach towards Libya, and I can assure you that our national programmes are designed to operate in concert with EU and other international efforts.

HMG is clear on the need for an inclusive political deal to help stabilise Libya. We are working in support of the UN's efforts to make progress on the political track. The Foreign Secretary's recent visit to Libya reinforced that message.

*13 September 2017*

**COUNCIL DECISION (CFSP) 2017/1194 OF 4 JULY 2017 AMENDING DECISION 2013/354/CFSP ON THE EUROPEAN UNION POLICE MISSION FOR THE PALESTINIAN TERRITORIES (EUPOL COPPS) (UNNUMBERED)**

**COUNCIL DECISION (CFSP) 2017/1193 OF 4 JULY 2017 AMENDING JOINT ACTION 2005/889/CFSP ON ESTABLISHING A EUROPEAN UNION BORDER ASSISTANCE MISSION FOR THE RAFAH CROSSING POINT (EUBAM RAFAH) (UNNUMBERED)**

**Letter from the Rt Hon Sir Alan Duncan MP, Minister for Europe and the Americas, Foreign and Commonwealth Office**

I am writing with regard to the aforementioned EU Council Decision concerning renewal of the annual budget for EUPOL COPPS. Although my accompanying Explanatory Memorandum contains information about this, the purpose of this letter is to inform you about the need for a scrutiny override.

The draft Council Decision proposes a new one-year budget for EUPOL COPPS, effective from 30 June 2017. We believe the budget delivers value for money, and we will continue to closely monitor progress and expenditure.

The draft of this Council Decision was received by my officials on 17 May. Given that Parliament had already been dissolved at this time, I was unable to put the draft copy through the normal scrutiny process. I therefore regret that I found myself in the position of having to agree to the adoption of this Council document before your Committee had an opportunity to scrutinise it.

*5 July 2017*

**Letter from the Chairman to the Rt Hon Sir Alan Duncan MP, Minister for Europe and the Americas**

Thank you for your letters and Explanatory Memorandums of 5 July 2017 regarding the above documents. They were considered by the External Affairs Sub-Committee on 13 July 2017. We would like to request further information on the following issues.

First, we note that Interim Strategic Reviews (ISRs) were produced for both missions in April 2017. In our letter of 1 July 2016 we requested to be updated on the outcome of both reviews when they were published. We are disappointed that a letter was not provided, in order to give the Committee early sight of the principal issues relating to the missions before their mandates were due for renewal. As it stands, we were not updated on these ISRs until your Explanatory Memorandum of 5 July 2017. This is particularly regrettable given that decisions on both missions' mandates were then taken in advance of parliamentary scrutiny, although we note that dissolution made timely scrutiny of the Council Decisions by the Committee difficult to achieve. We reiterate the importance we attach to regular updates from the Government on Common Security and Defence Policy missions, and request that we are kept informed of the ISRs of all such missions before renewals are due.

Second, the Explanatory Memorandum provides disappointingly little political analysis of the context in which the two missions operate. Given that the two missions are part of the EU's commitment to support the development of Palestinian state capacity, and that the political context determines the

work that can be undertaken—particularly by EUBAM Rafah—we request that you provide us with an assessment of recent political developments in writing.

Third, with regard to EUPOL COPPS, your Explanatory Memorandum states that political will in the Palestinian Authority is an obstacle. Is this lack of political will only at a district level, or does it also affect the rule of law and criminal justice system activities of the mission in its engagement with the Ministry of the Interior? Is there a risk that the mission's effectiveness may be diluted by focusing only on the limited number of districts where it has had more traction?

Fourth, with regard to EUBAM Rafah, in your letter of 27 July 2016 you told the Committee that the April 2017 ISR would include “a full cost-benefit analysis” and “consider all options for the way ahead”. However, your Explanatory Memorandum makes no mention of the ISR having considered “a full cost-benefit analysis” or “all options”. We would be grateful for further information on the ISR's conclusions on these issues.

Fifth, in your letter of 27 July 2016, you stated that:

“The main objective of EUBAM Rafah is to improve conditions and reduce the risk of conflict in Gaza by ensuring effective operation of the border with Egypt ... we judge that there is no alternative way of supporting operation of the border crossing while it remains closed ... Other EU Member States share this view and have not indicated an appetite to consider alternatives to EUBAM Rafah. Consequently, we have not explored other options”.

Given the renewal of the mandate for a further year, with little prospect of the mission becoming fully operational, does this remain the position of the Government?

Sixth, your Explanatory Memorandum notes that the Council considered a request for eight additional staff, but agreed to a compromise of four. Please could you provide your assessment of the original proposal, and the implications of this compromise on additional staffing for the mission's work?

Seventh, and finally, we would be grateful for information on where EUBAM Rafah currently operates from, how often its staff travel to and operate from Gaza, and the principal ways in which the mission's work is undertaken.

In the meantime, we have decided to continue to hold the documents under scrutiny. We look forward to your reply within the usual 10 working days.

13 July 2017

#### **Letter from the Rt Hon Sir Alan Duncan MP, Minister for Europe and the Americas**

1. Thank you for your letter of 13 July regarding the above Council Decisions. You raised seven points, which I will address in turn.

2. First, the failure of the FCO to update the Committee following the Interim Strategic Review (SR) in April was due to an oversight by officials, for which I apologise. I take seriously the responsibility to keep your Committee informed of developments, particularly when you have requested information, and have taken steps to prevent a repetition, which in this case was caused by staff turnover.

3. Secondly, you requested an update on the political context in which the missions operate. The situation in the Israeli-Palestinian conflict remains bleak. As I write, the situation in Jerusalem relating to the Temple Mount/Haram al Sharif remains volatile. The recent tension demonstrates the lack of trust on all sides, and threatens to harm the goal of achieving peace. We welcome steps to de-escalate the situation, and encourage all parties to continue their efforts to do so. However, in the longer term, it is important to stress the opportunities as well as risks. The converging interests across the region between Arab moderate states and Israel regarding Islamist extremism and regional threats presents an opportunity to build new incentives into the Middle East Peace Process. Renewed US leadership on the topic is also a further cause for optimism. The UK stands ready to support renewed efforts and is actively engaging with parties on the ground.

4. The situation in Gaza remains dire as a consequence of the conflict in 2014. While a renewed major conflict is currently not expected, isolated incidents in both Gaza and the West Bank continue sporadically and could trigger an escalation of violence, given the high level of tension among the militant groups in the Gaza Strip and the north of Sinai.

5. On 11 June, following a request from the Palestinian Authority (PA), Israel's Security Cabinet reduced electricity supplies to Gaza. Electricity provision in Gaza is currently little more than 4 hours per day. According to the UN Office for the Coordination of Humanitarian Affairs, most homes in Gaza are only getting water for a few hours every 3-5 days. The availability of safe drinking water has become worse because of fuel and electricity shortages. The energy situation and the PA's decision to cut the salaries of 70,000 Gazan civil servants by 30-70% have led to a further deterioration in the relationship between Hamas and Fatah.

6. Thirdly, you asked about the extent of the PA's lack of political will with regard to EUPOL COPPS and whether there is a risk that the mission's effectiveness could be diluted if it focuses on the limited number of districts where it has had more traction. The issue extends to legislative and structural reform, in relation to the Ministry of Interior and security services, as well as to the criminal justice institutions. The review argues that this approach would make these districts more service-minded with the current resources in a reasonable timeframe. Furthermore, it would be possible for the Palestinian Civil Police, once the desired objectives have been met, to replicate the model of the fully developed districts.

7. Fourthly, you asked for further information on the 2017 Strategic Review (SR), in particular a cost benefit analysis of the options for the future of EUBAM Rafah. The first option set out in the SR was closure of the mission, savings for which could generate approximately €1.5million per year. However, given the current political and security situation this would have been a significant reversal of policy. The Rafah Crossing Point (RCP) is a key enabler to improving conditions in the Gaza Strip. Palestinian and Israeli interlocutors have repeatedly praised the EU's willingness to assist the PA in controlling the RCP and it is used as a lever by the PA against Hamas.

8. The second option was to extend the mandate with the same level of resources. The PA Preparedness Project would continue and elements of it finalised, taking into account that a return to the RCP was not expected to be imminent. This would contribute to ensuring that the PA would be able to return to the RCP and operate the border crossing in a more professional manner. It would also encourage both Israel and Egypt that the PA could meet some of their security concerns. However, the mission would not have the capacity to address some of its structural gaps.

9. The third option was to extend the mandate and increase staffing to address structural reforms. In addition to implementing the PA Preparedness Project, the mission could also support the General Authority on Border and Crossings in additional areas, such as structural and legislative reform and implementing relevant training. This option would underpin the efforts within the Preparedness Project on the more technical aspects and would help make EUBAM's achievements more sustainable. This option would carry some risks, as an expansion of the mission's activities would likely be opposed by Israel.

10. Fifth, you asked if the Government's position remains as it did in our letter of 27 July 2016. We continue to judge that there is no alternative way of supporting the operation of the Rafah border crossing while it remains closed. We have not therefore explored other options to EUBAM Rafah.

11. Sixth, you asked for our assessment of the original proposal for eight additional staff at EUBAM Rafah. The UK had supported option two from the SR: to extend the mandate with the same level of resources. At the beginning of negotiations, we had reservations as to the justification for some of the proposed eight additional staff, given the mission's mandate was essentially remaining the same. However, following further explanation we were satisfied that some additional staff was justifiable. The four additions included a full time mission security officer to provide security support including on movements to Jerusalem, the West Bank and Jericho. The Communication and Information Systems Officer is another important addition as they will overhaul the vulnerable IT systems which were attacked last year.

12. Seventh, you asked for information on how EUBAM Rafah operates. The mission has its headquarters in the Tel Aviv district of Israel and also has a field office in Gaza. The mission recently went through a recruitment transition for the role of Regional Security Officer, during which time visits to the Gaza Strip could not be conducted. These have now resumed and visits took place in February and March.

*4 August 2017*

**Letter from Baroness Verma, on behalf of the Chairman, to the Rt Hon Sir Alan Duncan MP, Minister for Europe and the Americas**

Thank you for your letter of 4 August 2017, which was considered by the Committee at its meeting on 14 September 2017.

Thank you for explaining the reason why the Committee was not provided with information on the Interim Strategic Reviews for both missions. We are pleased to hear that you have taken steps to ensure that this situation is not repeated, and hope that future Explanatory Memorandums provide the necessary context and information.

We note that your letter of 4 August did not meet the deadline of 10 working days agreed by the Government for correspondence with Committees, and hope that the timeliness of correspondence will also be addressed.

Thank you for your answers to our questions on the missions, and your assessment of the political context in which they operate. Following up on your letter, we request that you provide us with further information on your assessment that “new incentives” for the Middle East Peace Process may arise from the greater convergence of interests between Israel and moderate Arab states, and how this might have an impact on prospects of further talks. Second, in the context of your statement that “renewed US leadership on the topic is also a further cause for optimism”, we note that the US Ambassador to Israel opposes a two-state solution. Is your assessment that the US administration and the EU are aligned in their objectives for the Middle East Peace Process?

We have decided to continue to hold the documents under scrutiny. We look forward to your reply within the usual 10 working days.

*15 September 2017*

**Letter from Sir Alan Duncan MP, Minister for Europe and the Americas**

Thank you for your letter of 15 September in response to my letter of 4 August. You have raised two points about the Middle East Peace Process, which I will respond to below.

You noted that my letter did not meet the deadline of 10 working days for correspondence with committees. I apologise for this error, caused due to the deadline falling during recess. I hope you will note the timeliness of this further correspondence.

You have requested that I provide you with further information on my assessment that “new incentives” for the Middle East Peace Process may arise from the greater convergence of interests between Israel and moderate Arab states, and how this might have an impact on prospects of further talks. Secondly, in the context of my statement that “renewed US leadership on this topic is also a further cause for optimism” you note that the US Ambassador to Israel opposes a two-state solution. You ask if my assessment is that the US administration and the EU are aligned in their objectives for MEPP. I will answer your questions in turn.

We welcome President Trump’s interest in working for a Middle East peace agreement which meets the requirement of both parties. This has been underscored by his recent meetings with President Abbas and President Netanyahu at the UN General Assembly, as well as his visit to the region in May. Jason Greenblatt, Trump’s Special Representative for International Negotiations, has also made a significant number of visits to the region, underlining the US commitment to this file.

Helping to deliver a just and lasting peace could be transformational in Israel’s relationships in the region. Arab governments have largely moved away from the rejectionist stances of the Cold War period and today take a more pragmatic approach to a peace settlement. The Arab Peace Initiative was welcomed by the UK at the time of its 2002 foundation, offering the chance of a regionally backed process under which Israel would be granted recognition and normalisation of relations as part of an overall settlement. We continue to think this remains an important contribution to the peace process. Indeed, converging interests between Arab states and Israel regarding regional threats including Islamic extremism presents an even more pronounced opportunity for progress.

Such a regionally-backed deal could be attractive to Israel given the significant economic and political opportunities it could unlock (e.g. exploitation of offshore gas). With our close relationships with

important states in the region, we work to encourage such a regional approach to peace when the conditions are right.

The G7 April 2017 Communiqué stated unequivocally that MEPP remains a key priority and is instrumental to regional stability and security. The G7 reiterated their support for the resumption of substantive peace talks, and emphasised that regional stakeholders can play a pivotal role in the pursuit of peace. They also cited UNSC Resolutions 242, 338 and 1515 as providing an important framework for achieving a negotiated solution, reaffirming the cornerstones of UK and EU MEPP policy and showing that the G7 is aligned in their objectives on MEPP.

The UK's view remains that the two-state solution is the best option to achieve a lasting Israeli-Palestinian peace. We stand ready to support US efforts, and continue to engage on the ground, including through aid and support to help Palestinian state-building efforts. We continue to believe that negotiations will only succeed when they are conducted between the two parties, but international action, involving regional players, the EU and Quartet, can play a role in supporting progress.

29 September 2017

**COUNCIL DECISION (CFSP) 2017/1342 OF 17 JULY 2017 AMENDING AND  
EXTENDING DECISION 2013/233/CFSP ON THE EUROPEAN UNION INTEGRATED  
BORDER MANAGEMENT ASSISTANCE MISSION IN LIBYA (EUBAM LIBYA)  
(UNNUMBERED)**

**Letter from the Rt Hon Sir Alan Duncan MP, Minister for Europe and the Americas,  
Foreign and Commonwealth Office**

As described in the Explanatory Memorandum, the above Council Decision extends the mandate of EUBAM Libya until 31 December 2018. The current mandate will end on 21 August 2017.

I regret that, with the need for timely adoption of the legal act to ensure the continued operation of the mission, I found myself in the position of having to agree to the adoption of this document before your Committee had an opportunity to scrutinise it.

20 July 2017

**Letter from Baroness Verma, on behalf of the Chairman, to the Rt Hon Sir Alan Duncan  
MP, Minister for Europe and the Americas**

Thank you for your Explanatory Memorandum and letter of 20 July 2017 regarding the above document. The document was considered by the External Affairs Sub-Committee on 14 September 2017. We were disappointed that no information about the upcoming renewal was sent to the Committee before EUBAM Libya's mandate was renewed. Further, the EM does not provide us with all the information we consider necessary in order to assess the extension of the Mission's mandate. We therefore request further information on the following issues.

First, your EM explains that the current focus of EUBAM Libya has shifted to "inform options for a possible civilian CSDP mission to support Libyan efforts on policing and criminal justice, including on counter-terrorism, border management, and irregular migration". In your response to the Committee's report *Operation Sophia: a failed mission*, dated 13 September, you write about Libya's southern land border that EUBAM Libya "has been tasked with looking at this during the current mandate". Does this refer to the development of a possible civilian CSDP mission? Could you elaborate on what progress has been made in planning such a mission to date?

Second, your EM states that "The UK Government judges that this sixteen-month extension will allow the EU to engage with the Libyan authorities, the UN Support Mission in Libya, and other international assistance missions, in order to inform EU planning and progress comprehensive thinking on appropriate action to support Libya." This appears to be a long period for such a task. What is your assessment of the value for money EUBAM Libya is providing, given that Libya's security situation only allows for minimal engagement and planning?



Third, your EM mentions that the EEAS has identified the quality of reporting and patchy logistics for training as shortfalls of the Mission. Could you please elaborate on how these shortfalls will be addressed? Does the UK agree with the EEAS's view?

Fourth, your EM states that the UK supported the renewal of EUBAM's mandate and the Mission. What level of support is the UK considering to offer EUBAM Libya after it has left the EU?

In the meantime, we have decided to continue to hold the document under scrutiny. We look forward to your reply within the usual 10 working days.

*15 September 2017*

**Letter from Sir Alan Duncan MP, Minister for Europe and the Americas**

Thank you for your letter of 15 September 2017 regarding the above document you hold under scrutiny, which asked for further information in order to assess the extension of the Mission's mandate.

I would like to say again that it was regretful that I found myself in a position – in order to make the timely adoption of the legal acts – of having to agree to the adoption of the extension before your Committee had had an opportunity to scrutinise it. I will respond to the Committee's requests for further information in turn.

In line with EUBAM's previous mandate, the core task of EUBAM remains continued planning for a possible future civilian CSDP mission while gaining a better understanding of the priorities for future support. Alongside this, EUBAM will focus on assisting the Libyan authorities in the fields of law enforcement, broader criminal justice systems and border management, with a particular emphasis on the South of Libya.

Across all missions, the UK works to ensure value for money. For example, the UK along with other member states ensures that we have sight of all proposed activities and associated costs, in order to assess them ahead of deployment. The security situation in Tripoli has previously made it challenging for EUBAM planners to gather information, and has been one of the factors that has meant progress was slower than anticipated. However, we are optimistic that the move to a light presence in Tripoli will allow for increased engagement by EUBAM.

I understand that there has been progress on this front with a site being secured, and that EUBAM expect to move to the site very shortly. Until then, regular visits to Tripoli will continue.

We agree with the EEAS's assessment of the quality of EUBAM's reporting and the logistical challenges they have faced. As EUBAM establish a light presence in Tripoli, we will press – including through our contacts in-country for more focused and consistent reporting on progress against the mandated objectives.

The UK will continue to support CSDP missions and operations in the lead up to leaving the European Union. The 'Foreign policy, defence and development – a future partnership paper', published 12 September 2017, sets out the UK's commitment to European security and values. The precise level of the UK's future support to EUBAM after the UK has left the EU will be subject to negotiations on the UK's future relationship with CSDP as a whole.

*29 September 2017*

**COUNCIL DECISION (CFSP) 2017/1253 OF 11 JULY 2017 AMENDING DECISION 2012/392/CFSP ON THE EUROPEAN UNION CSDP MISSION IN NIGER (EUCAP SAHEL NIGER) (UNNUMBERED)**

**Letter from the Rt Hon Sir Alan Duncan MP, Minister for Europe and the Americas,  
Foreign and Commonwealth Office**

I am writing with regard to the above Council Decision. It authorised a financial reference amount of €31,000,000 to cover the expenditure related to EUCAP Sahel Niger from 16 July 2017 to 15 July 2018.

As detailed in the attached Explanatory Memorandum, the Government supports EUCAP Sahel Niger and in particular welcomes its focus on trafficking and organised crime.

The Council Decision was adopted on 11 July, before the the previous budget expired on 15 July. Unfortunately the final draft of the Council Decision and Budget Impact Statement were shared with us too late to follow the normal scrutiny process. On this occasion it was therefore necessary to agree to the adoption of this Council Decision before your Committee had an opportunity to scrutinise the document.

*26 July 2017*

**Letter from Baroness Verma, on behalf of the Chairman, to the Rt Hon Sir Alan Duncan MP, Minister for Europe and the Americas**

Thank you for your letter and Explanatory Memorandum of 26 July 2017 regarding the above document. The document was cleared at the Chairman's sift, and then considered by the External Affairs Sub-Committee on 14 September 2017.

We acknowledge your reason for the override of scrutiny on the Council Decision. We do note, however, that as the renewal of the budget of such missions happens on a regularised timescale, it should be possible for information to be provided in a timely manner; we hope that you will do your utmost in future to press the External Action Service for the timely provision of such documents and avoid any delay in providing these to Parliament.

Following our exchange of letters on 21 July 2016 and 4 August 2016, we remain interested in the office in Agadez. Your Explanatory Memorandum states that: "The Mission recognises the difficulties of operating in Agadez and has succeeded in building good relations with the local authorities". However, your Explanatory Memorandum does not address how this can be achieved or the likelihood of success. We request that you write to us to explain how, in practice, the mission is overcoming the difficulties that it "recognises" in relation to operating in Agadez, how it has built "good relations" with the local authorities, how far they now support the activities of EUCAP Sahel Niger (your previous letter referred to the possible challenge of "vested interests" within the authorities), and the impact that this has had on operations in Agadez.

We look forward to your reply within the usual 10 working days.

*15 September 2017*

**Letter from the Rt Hon Sir Alan Duncan MP, Minister for Europe and the Americas**

Thank you for your letter of 15 September regarding the council decision on the European Union CSDP mission in Niger.

It is unfortunate that, on this occasion, the budget renewal details were submitted too late to undergo the usual scrutiny process. FCO officials have raised this with the External Action Service and will strive to ensure that this does not happen again.

Your letter sought clarity on how the EUCAP Sahel Niger mission is overcoming difficulties in operating in Agadez.

In order to mitigate potential security threats senior mission leadership has worked hard to build substantive relations with key actors in the region, including the Governor, Mayor, Chief of Police and religious and cultural leaders, as well as the highly influential Sultan of Air. Our (non-resident) ambassador to Niger, Alice Walpole, saw on a recent visit to Agadez evidence that EUCAP personnel were mitigating potential risks through developing good relationships with senior local leaders. There is also evidence EUCAP have made progress in building security for local communities. Consequently, initially suspicious local leaders are now recognising the value of EU training of local law enforcement forces. This is particularly the case in the context of combating irregular migration and organised crime which are destabilising Agadez and the wider region.

In regard to building up local credibility, EUCAP Niger has focused on outreach to the Agadez population, including offering some employment. This in part has lead to a significant increase in local support for the mission.

There will, of course, remain some local protagonists in drugs, weapons and human-trafficking who do not welcome EUCAP Niger's programme to build law enforcement capability, and EUCAP Niger will need to remain vigilant in combating their negative narrative.

In order to mitigate against remoteness and inaccessibility of the post in Agadez there are regular flight connections to Niamey and staff are rotated regularly.

EUCAP Niger is a law enforcement training mission and the quality of law enforcement in the region is poor. However EUCAP Niger have had some successes in other parts of Niger which they are hoping to replicate in the north of the country.

*29 September 2017*

## COUNCIL DECISION (CFSP) 2017/1425 OF 4 AUGUST 2017 ON A EUROPEAN UNION STABILISATION ACTION IN MOPTI AND SEGOU (UNNUMBERED)

### **Letter from the Rt Hon Sir Alan Duncan MP, Minister for Europe and the Americas, Foreign and Commonwealth Office**

I am writing with regard to the above Council Decision, which was adopted on 4 August. It authorises the establishment of a European Union stabilisation mission in Mali.

As detailed in the attached Explanatory Memorandum, the UK Government supports the establishment of the stabilisation mission and in particular welcomes its focus on helping the Malian authorities to return civil administration to the Mopti area.

This proposal was discussed at length in the EU Working Groups and by the time an agreed mandate and budget emerged there was insufficient time to submit an EM for consideration before recess. Given the situation in Mali, it was therefore necessary to agree to the adoption of this Council Decision before your Committee had an opportunity to scrutinise the document.

*14 August 2017*

### **Letter from Baroness Verma, on behalf of the Chairman, to the Rt Hon Sir Alan Duncan MP, Minister for Europe and the Americas**

Thank you for your Explanatory Memorandum and letter of 14 August, which were considered by the External Affairs Sub-Committee on 14 September.

We were disappointed by the quality of the Explanatory Memorandum (EM). It provides no political context for the Committee on the challenges facing Mali, or detail on the sources of instability which the new Stabilisation Action is designed to address. The budgetary analysis section was incorrect, and we had to request an amended section from your officials.

We accept that it was not possible for Parliamentary scrutiny to be completed prior to adoption of the Council Decision, making an override of scrutiny necessary. However, we reiterate the value we attach to being kept informed by letter about items under discussion at the EU level, before decisions are taken, for example that the Malian authorities had requested further EU support (which your EM states was requested in June) and that options were under discussion in EU working groups. Keeping the Committee informed in this way would assist us to undertake our role of scrutinising EU documents.

We have a number of questions, as follows. First, your EM states that the Government "fully supports this Mission as an important tool to deliver UK objectives in the Sahel". Please set out what these objectives are, and how they will be met by the mission.

Second, your EM states that Mopti is a priority for the UK in Mali, but does not mention Segou. Do the same challenges exist in both areas, and are they of equal significance to the UK? How will the mission's activities be divided between these two areas and Bamako?

Third, by what date will the mission be operational?

Fourth, do you anticipate that any UK personnel will participate in the mission?

Fifth, how does planning for a CSDP Action under Article 28 differ from planning for a full CSDP mission, and what are the other principal differences between these two formats?

Finally, your EM states that “a full implementation report” will be produced by the end of the mandate. We request that, in due course, you provide information to the Committee on this report and your assessment of the Stabilisation Action.

We have decided to retain the document under scrutiny. We look forward to your response in the usual 10 working days.

*15 September 2017*

### **Letter from the Rt Hon Sir Alan Duncan MP, Minister for Europe and the Americas**

Thank you for your letter of 15 September regarding the council decision on the European Union Stabilisation Action in Mopti and Segou.

I am sorry about the quality of the Explanatory Memorandum. I understand that two different drafts of the Budget Impact Statement were issued in quick succession, which caused confusion around the budgetary analysis figures.

I have instructed officials to ensure that you are kept informed about items under discussion at the EU level. I apologise that this did not happen in this case.

Your letter sought clarity on UK objectives in the Sahel and how these would be met by the EU mission. Our primary objective is, working in conjunction with regional governments and key actors in the international community, to ensure a more secure and stable Sahel region that is increasingly able to tackle the significant threats it faces from terrorism, criminality, poor governance and violent extremism.

In recent months, these threats have migrated from north to south across Mali, with instability increasingly in the (central) Mopti region including as far south as the town of Segou. Terrorist groups, in particular, have taken advantage of the grievances of local populations (mostly from the Peul and Fulani ethnic groups) against the government to sow unrest. The town of Mopti is a key point on the north-south axis of the country, and re-establishing stability there is crucial if north-south commerce and communications are to be maintained. Segou, the former colonial administrative centre, is of some strategic importance. The challenges of unrest are very similar in both Mopti and Segou. However Mopti's challenges are currently deeper rooted than Segou. The activities proposed for Segou will prevent it disintegrating into the same position as Mopti. The proposed activities will be divided with similar unified efforts but the focus will be on Mopti as the challenge is currently affecting Mopti more than Segou.

Under the umbrella of the Malian government's latest strategic plan, the proposed EU Stabilisation Action in Mopti and Segou is designed to deliver direct support to local authorities in Mopti and Segou in building administrative capacity and developing their capacity to deliver services in the region. Particular priorities will be strengthening local governance, democratisation, human rights and law enforcement, in order to promote greater community cohesion and stability. The mission will provide ten temporary expert staff on secondment to the offices of the governors of Mopti and Segou (for security reasons those working on Mopti will be based in Bamako, making regular visits north). The presence in Mopti will therefore be focused on delivering outcomes that are fully aligned with UK strategic objectives for the region.

Following a recent EU scoping team visit, the mission is expected to be in place by mid-November 2017. It is not likely that there will be British participants in the mission, given the difficulties of recruiting British candidates with the requisite level of French language .

You asked for further information on the differences between a CSDP Action under Article 28 and a full CSDP mission. The planning phase for Article 28 is more stream-lined than a CSDP mission, and therefore quicker to deploy. Action is underpinned by a Terms of Reference document and a Council Decision, whereas Civilian CSDP missions generally require a detailed Concept of Operations and an Operational Plan, along with separate Council Decisions to establish and launch missions. With regard to day to day management, the Civilian Planning and Conduct Capability of the EEAS is responsible for operational planning of Civilian CSDP missions. However, in the case of the Article 28 mission in Mopti

and Segou, The EEAS's Conflict prevention, Peace building and Mediation Instruments Division (PRISM) provides core support, monitoring action with DEVCO and relevant EEAS actors. The Head of the EU Delegation in Mali will be the Head of the Stabilisation Team and will be responsible for the operational and financial management of the action, reporting to MD Africa and PRISM. The PSC, supported by COAFR shall exercise strategic guidance and political direction of the EU Stabilisation Action within the framework of the mandate.

I will, of course, ensure that information obtained from the full information report and the FCO's assessment of the Stabilisation Action are communicated to you at the earliest opportunity.

*29 September 2017*

**COUNCIL DECISION (CFSP) 2017/1252 OF 11 JULY 2017 IN SUPPORT OF THE  
STRENGTHENING OF CHEMICAL SAFETY AND SECURITY IN UKRAINE IN LINE  
WITH THE IMPLEMENTATION OF UNITED NATIONS SECURITY COUNCIL  
RESOLUTION 1540 (2004) ON THE NON-PROLIFERATION OF WEAPONS OF MASS  
DESTRUCTION AND THEIR MEANS OF DELIVERY (UNNUMBERED)**

**Letter from the Rt Hon Sir Alan Duncan MP, Minister for Europe and the Americas,  
Foreign and Commonwealth Office**

I am writing with regard to the adopted EU Council Decision in support of the strengthening of chemical safety and security in Ukraine in line with the implementation of United Nations Security Council Resolution 1540 (2004) on the non-proliferation of weapons of mass destruction and their means of delivery.

As detailed in the attached Explanatory Memorandum, this Council Decision aims at reducing the threat posed by the illicit trade of controlled and toxic chemicals in the OSCE region, thus promoting peace and security in the Union's neighbourhood. UK support is in line with the UK National Security Strategy and Strategic Defence and Security Review (2015), the National Counter Proliferation Strategy (2016), and in support of our broad-ranging and productive relationship with Ukraine. The project will be funded by an EU financial contribution €1,431,156.90 over 36 months and contributions in kind by the United States of €236,808.

The final draft of this Council Decision was received after the dissolution of Parliament. Both the document and budget have been carefully examined by my officials.

As this is a project which aligns with the UK's policy to counter the proliferation of chemical weapons and related technology, to support Ukraine, and since the US has agreed to co-fund the project, we wanted to avoid blocking the agreement.

All other Member States were ready to adopt this Decision in June and as there was no opportunity for consideration by your Committee I agreed that the UK should support the proposal at Council. In the event, the proposal was not tabled until a Council on 11 July and I regret that we did not take the opportunity to submit an Explanatory Memorandum for your Committee's consideration. We are reviewing the department's processes to ensure that it does not happen again in the future.

As you know, the responsibility to keep your Committee informed on these issues is something I take seriously and I sincerely regret what happened on this occasion.

*28 July 2017*

**Letter from Baroness Verma, on behalf of the Chairman, to Sir Alan Duncan MP,  
Minister for Europe and the Americas**

Thank you for your letter and Explanatory Memorandum of 28 July 2017 regarding the above document. The document was cleared at the Chairman's sift, and then considered by the External Affairs Sub-Committee on 14 September 2017.

We acknowledge the reason you provide in your letter for the override of scrutiny. We are disappointed by this unnecessary delay in providing the document to the Committee for its consideration. Had it been deposited at the start of the new session, the override would not have been

necessary, as you acknowledge. We are reassured to hear that you are reviewing the department's processes to ensure that it does not happen again, and look forward to the prompt receipt of documents in the future.

It is not necessary to respond to this letter.

*15 September 2017*

**PROVISIONAL APPLICATION OF EU-CANADA COMPREHENSIVE ECONOMIC AND  
TRADE AGREEMENT (CETA) – WRITTEN MINISTERIAL STATEMENT**

**Letter from the Rt Hon Liam Fox MP, Secretary of State for International Trade,  
Department for International Trade**

In the most recent Trade Policy Committee, the European Commission confirmed that the Comprehensive Economic and Trade Agreement (CETA) between the EU and Canada will be provisionally applied on 21 September. Please see attached a Written Ministerial Statement, which Baroness Sugg has laid in the House of Lords today.

*14 September 2017*