



HOUSE OF LORDS

European Union Committee

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Rt Hon Steve Barclay MP
Secretary of State for Exiting the European Union
9 Downing Street
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4 September 2019

Dear Secretary of State

UK participation in EU meetings

I am writing in response to your letter, dated 20 August 2019, notifying the House of Lords EU Committee that the Government will only participate in those EU meetings from 1 September where the UK has material interests. I also note the letter you provided in copy of the Permanent Representative of the UK to the EU, Sir Tim Barrow, to Jeppe Tranholm-Mikkelsen, Secretary-General, Council of the European Union. The Committee considered these documents at its meeting on 3 September 2019. The Committee would be grateful for clarification of a number of points, and our questions are set out in bold below.

Can you expand on the rationale behind the Government's decision? What practical impact will it have on UKRep and departmental ministers and officials? Can you also clarify what your definition of "EU meetings" includes? Does the decision extend to the participation of arm's length bodies such as Ofcom or the Food Standards Agency in EU meetings?

Sir Tim's letter states that the UK ministers and officials "will participate only in those EU meetings where the UK has significant national interests involved", and defines this as "those that directly affect UK sovereignty, international relations, security, and financial contributions." **Is this an exhaustive list?** To take some examples, this appears to exclude meetings discussing the EU internal market, agriculture or fisheries policy, food safety, data equivalence or financial services, notwithstanding the fact that EU policy in these areas could have significant implications for the UK. **Does the UK intend to participate in such meetings?**

Sir Tim states that the Government will make decisions regarding its attendance "on a case by case basis based on the agenda of the meetings". **How far in advance of meetings will such decisions be made? In the interests of transparency, can you commit to sharing on a weekly basis with the Committee, and publishing, an updated list of forthcoming meetings and those that the Government will or will not participate in?**

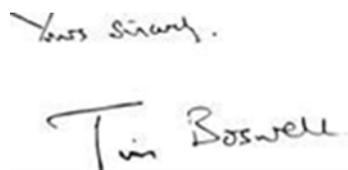
In making its decision on whether or not to participate, I would also be grateful to know how the Government will take into account the views of this Committee and our House of Commons counterpart on the legal and political importance of the documents in question. **Will the Government commit to attending meetings where legislative documents are held under scrutiny by this Committee under the scrutiny reserve resolution?**

Sir Tim's letter also reaffirms the UK's commitment to the duty of sincere cooperation and will not stand in the way of the conduct of EU business. He states that, in order to provide for this, the UK will if necessary "make appropriate arrangements regarding its vote so that EU business can continue smoothly." **Can you elaborate on this? Will you be making arrangements with the Finnish Presidency regarding the casting (or otherwise) of the UK's vote? What will determine whether the UK decides to vote in favour, against, or to abstain in each given case?**

Your letter acknowledges that the Prime Minister's decision "may have implications" for the work of the Committee. These implications appear to be far-reaching. **How in your view does this decision relate to the terms of the scrutiny reserve resolution? What precedent does this provide for any future scrutiny system post-Brexit, should it be deemed necessary or desirable to scrutinise EU legislation with implications for the UK? Can you also confirm that the Government will continue to deposit Explanatory Memoranda (EMs) and explain how the Government will respond to scrutiny correspondence on items already held under scrutiny, but where the Government no longer participates in EU meetings? Will you also commit to notifying us of whether, and how, the UK's vote has been carried out, of the outcome of such votes, and on the progress of legislative files?**

Finally, do you agree that any vote cast on the UK's behalf by the Finnish Presidency or by other means will engage the scrutiny reserve resolution, potentially leading to a scrutiny override?

In view of the impending prorogation of Parliament, we would be grateful for a response to this letter by 9 September 2019.

A handwritten signature in blue ink that reads "Tim Boswell". The signature is written in a cursive style with a large initial 'T'.

Lord Boswell of Aynho
Chairman of the European Union Committee