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Christopher Johnson - Principal Clerk
European Union Select Committee
House of Lords
London
SW1A 0PW

25 February 2019

Dear Chris,

Thank you for the correspondence of 8 February 2019 regarding the scrutiny of Brexit-related international agreements by the House of Lords EU Select Committee. I welcome the opportunity to feed into the committee's scrutiny of the recently signed Economic Partnership Agreement between the Eastern and Southern African States (ESA States) and the UK and an agreement establishing an Association between the UK and Chile.

The Scottish Government has consistently made the case for a guaranteed role for both the Scottish Government and Scottish Parliament in all stages of the formulation, negotiation, agreement and implementation of future trade deals. This case was outlined in full in our discussion paper *Scotland's Role in the Development of Future UK Trade Arrangements*, published in August 2018.

The diffuse nature of modern trade deals means that they inevitably touch on a wide range of devolved interests such as agriculture: implementing international obligations in these areas will be the responsibility of the devolved administrations. Therefore we believe that this formal role is vital to ensuring that Scottish interests are protected and promoted, particularly where they might diverge from wider UK priorities.

The Scottish Government welcomes the Department of International Trade's efforts to engage with us to date: in particular we appreciate the steps being taken towards formalising the future working relationship between DIT and the devolved administrations on trade matters through the drafting of a Concordat, which is currently underway. I also welcome recent opportunities to engage directly with Minister for Trade Policy, George Hollingbery and the other devolved administrations, most recently on Monday 18 February.

With regard to Trade Agreement Continuity specifically, at an official level contact between DIT and the Scottish Government is regularly maintained through weekly email updates and through more detailed telephone updates every three weeks. However, it is important to note that we have had no role in the process of negotiating any of the agreements that have been

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signed so far (including the two you ask about in your correspondence, with Chile and the ESA). We have not been given sight of any draft texts, nor given any opportunity to input on Scottish interests before signing. In addition, whilst we were given texts of the Parliamentary reports on these agreements before they were laid in Parliament, we were given only a very short time to consider our response to them.

We recognise that these specific agreements are merely continuity agreements, and aim to replicate existing arrangements as closely as possible. However it is necessary to record that the level of involvement that the Scottish Government has had in the process to date is, in our view, insufficient; we certainly would not wish to see this process as precedent-setting for the handling of new agreements in the future.

A handwritten signature in black ink, appearing to read 'Ivan McKee', with a long horizontal flourish extending to the right.

IVAN MCKEE

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