



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 31 March 2015 – 10 July 2015

## EXTERNAL AFFAIRS

### (EU EXTERNAL AFFAIRS SUB-COMMITTEE)

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APPLICATION OF SPECIFIC MEASURES TO COMBAT TERRORISM, AND REPEALING  
DECISION 2014/72/CFSP (UNNUMBERED)

**Letter from the Minister for Europe, Foreign and Commonwealth Office, to the  
Chairman**

I am writing with regard to the aforementioned instruments, which you cleared from scrutiny whilst requesting further information. The documents relate to the EU's counter terrorism asset freezing regime or 'CP 931.'

The EU General Court judgment was to annul the CP 931 listings of Liberation Tigers of Tamil Eelam (LTTE) and Hamas on procedural rather than substantive grounds. As you are aware, the Council has agreed to appeal both decisions. You asked on what grounds the Council was appealing. In the LTTE case, the grounds for appeal are outlined in the EU Official Journal, a copy of which you can find via the following link:

<http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1427730262589&uri=CELEX:62014CN0599>

The Council's grounds for appealing the Hamas judgment have not yet been published in the Official Journal.

In parallel to the appeals, and as part of the six-monthly review process, the Council decided that it would seek to remedy the procedural points made in the two General Court judgments within the CP 931 review process. The European External Action Service and the Council created a template for Statements of Reasons for listings under the regime. Using this template, all the Statements of Reasons for the entire regime were updated during the review period. The template ensures that the Council addresses the key findings of the Courts in the LTTE and Hamas cases. This includes an explanation of why the relevant national competent authority decision meets the CP 931 listing criteria, and provides for an examination of legal rights to defence and right to effective judicial protection under the legislation of non-EU member states upon which any listings are based.

*7 April 2015*

APPOINTING A NEW EUROPEAN UNION SPECIAL REPRESENTATIVE FOR CENTRAL  
ASIA (UNNUMBERED)

**Letter from the Minister for Europe, Foreign and Commonwealth Office, to the  
Chairman**

I am writing with regard to the EU Council Decision appointing Peter Burian as the European Union Special Representative for Central Asia, and agreeing an associated mandate and budget.

As detailed in the attached [not printed] Explanatory Memorandum, the position of European Union Special Representative for Central Asia is currently vacant, following the departure of the previous incumbent early in 2014, and the subsequent interim appointment of a European Union Special Envoy. In my letter to you of 27 March on the Commission/EEAS Joint Staff Working Document "Progress Report on the implementation of the EU Central Asia strategy", I updated on further preparatory work in Brussels on the draft mandate and budget for the position of European Union Special Representative for Central Asia.

On 16 March, HR Federica Mogherini announced her proposed appointment of Peter Burian as new European Union Special Representative on Central Asia for a period of 1 year, which has been endorsed by EU Member States in the Political and Security Committee, pending final Council decision. A draft mandate and budget have subsequently been prepared and passed through discussions in relevant Council Working Groups. It is important that there should be no substantial gap in EU high level representation in the region. So on this occasion, I regret it is necessary for the UK to agree to the adoption of a Council Decision on the budget and mandate for this position during the period when Parliament is dissolved.

*7 April 2015*

## BORDER ASSISTANCE MISSION FOR THE RAFAH CROSSING POINT (UNNUMBERED)

### **Letter from David Lidington MP, Minister for Europe, Foreign and Commonwealth Office, to the Chairman**

I am writing with regard to EU Council Decision 2005/389/CFSP.

The current mandate and budget for EUBAM Rafah expire on 30 June 2015. The draft Council Decision amends and extends the mission for the period 1 July 2015 to 30 June 2016.

I wrote in my letter to you of 11 March that I might have to override scrutiny on this and other missions. Given the tight timescales between document publication and agreement, I regret that I find myself in the position of having to override this item as I'm conscious that the document will not reach your Committee agenda until after adoption at the Foreign Affairs Council on 22 June. Delaying the mission extension would mean that certain mission staff would have to temporarily leave the country, pending mandate renewal. This would be costly and disruptive to the mission.

As you know, the responsibility to keep your Committee informed is something I take seriously and the need for the override of scrutiny on this occasion is regrettably unavoidable.

*18 June 2015*

## DETERMINING THE COMPOSITION OF THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE (EESC)

### **Letter from David Lidington MP, Minister for Europe, Foreign and Commonwealth Office, to the Chairman**

I thought it useful to provide you with an update on the status of negotiations in Brussels on the composition of the EESC which, like the Committee of the Regions (CoR), has temporarily had more members than the Treaties allow, following the accession of Croatia to the EU.

With its mandate due to expire in mid-September 2015, pressure has been building in Brussels for a similar solution to that found in January 2015 by the CoR – essentially for three small Member States (Luxembourg, Cyprus and Estonia) to lose one seat, with a commitment for a review of composition to be carried out on the basis of a Commission proposal before the end of the next mandate or ahead of the next enlargement. UK seats (at 24) remain unaffected.

You may recall that a joint Explanatory Memorandum (36136 & 36137 of 25 July 2014), covering the composition of both the CoR and EESC was cleared at the sift in the House of Lords on 12 August 2014 and by the House of Commons as “not legally or politically important” on 3 September 2014.

Since then, there have been no substantive developments until now. A proposal on the composition of the EESC was last discussed in COREPER in late March. On 26 June, the March proposal was added to the COREPER II agenda for adoption as an I point (without formal discussion) at short notice.

The March proposal is very similar in substance and format to the earlier proposal relating to both the CoR and EESC and we therefore consider that there is nothing which should bring into question your Committee’s previous decision to clear it from scrutiny, and therefore do not consider it necessary to be resubmitted for scrutiny. Based upon indications in Brussels, we now believe that the three affected Member States (Luxembourg, Cyprus and Estonia) are ready to agree to this option.

At this stage, the item has been provisionally listed for adoption at the ECOFIN Council on 14 July. Unless I am advised of any subsequent substantive changes to the draft decision (which are not expected), on the basis of your earlier scrutiny clearance, I am minded to agree to its adoption. Of course, should there be any substantive changes, I would seek to submit a revised version for clearance by your Committee.

*6 July 2015*

## EU AND BOSNIA AND HERZEGOVINA: STABILISATION AND ASSOCIATION AGREEMENT (UNNUMBERED)

### **Letter from the Minister for Europe, Foreign and Commonwealth Office, to the**

On 12 February, I sent the European Scrutiny Committee an Explanatory Memorandum on the UK position on a proposal for a Council and Commission Decision on the conclusion of the Stabilisation and Association Agreement (SAA) with Bosnia and Herzegovina (BiH). In my Explanatory Memorandum I stated that I was minded to advise that the UK opt in to the Mode IV provisions within the BiH SAA following the publication on 20 January of a EU Council Decision on Conclusion which we considered to trigger Protocol 21 (UK's JHA opt-in).

I am now writing to inform the Committee that the Council Secretariat has subsequently confirmed that this (latest) version of the Council Decision is not a new proposal but a revised version of the original pre-Lisbon Treaty Council Decision text of 2008. Accordingly, since this is not a new Council Decision text, the UK is unable to assert the opt-in.

Political stagnation in BiH meant that adoption of the original measure in 2008 had been postponed until now in light of progress on the EU's new initiative on BiH. However, as the content of the current Council Decision does not differ substantively from the original version it is unlikely that the Council Secretariat would agree to issue a new proposal.

Given that it is the Mode IV provisions of the agreement that trigger the JHA opt-in, and our proposal was in any case to opt in to these provisions, the fact that we have not been able to formally assert the opt-in in regard to the Council Decision on Conclusion, has no practical implications as far as the UK's commitment to this agreement is concerned.

Thank you for your understanding given the exceptional circumstances outlined above.

*13 April 2015*

## EU ANNUAL HUMAN RIGHTS REPORT 2015 (UNNUMBERED)

### **Letter from David Lidington MP, Minister for Europe, Foreign and Commonwealth Office, to the Chairman**

I am writing to inform the Committee that the EU Foreign Affairs Council approved the "EU Annual Report on Human Rights and Democracy in the World in 2014" at the Council's meeting on 22 June. I know that the Committee considers human rights to be an important subject and that you will therefore wish to be aware of this report, which details EU activity to promote and protect human rights around the world.

The report details the EU's work country by country and thematically. In 2014, the EU held formal human rights dialogues and consultation with 37 partner countries including, for the first time, a human rights dialogue with Burma. The EU also focused on promoting a number of key human rights themes, including freedom of expression offline and online, women's rights, work against torture, abolition of the death penalty, LGBT rights, support to human rights defenders, freedom of association and peaceful assembly, children's rights, and support to democratic reforms and values. In doing so, the report demonstrates how that EU can amplify and reinforce the UK's work on human rights overseas. Although the report is authored by the EU, the EU Member States commented on the report in draft.

I would be happy to provide the Committee with any additional information you may require about the report or the EU's work on human rights more generally. A new EU Action Plan on Human Rights and Democracy for 2015-19 is currently being negotiated to replace a previous Action Plan that was adopted in 2012.

We expect that the Foreign Affairs Council will be asked to approve the Action Plan by means of Council Conclusions at its meeting on 20 July. I will write to the Committees about the Action Plan when the negotiations have been completed.

*29 June 2015*

## EU-CELAC (COMMUNITY OF LATIN AMERICAN AND CARIBBEAN STATES) ACTION PLAN (UNNUMBERED)

### **Letter from David Lidington MP, Minister for Europe, Foreign and Commonwealth Office, to the Chairman**

I am writing with regard to the EU Council Conclusion on the adoption of the EU-CELAC (Community of Latin American and Caribbean States) Action Plan at the EU-CELAC Summit, in Brussels, 10-11 June 2015.

The draft Council Conclusion was received by my officials on 2 June. As the Committee had not yet been reconstituted and it was necessary to adopt the Action Plan ahead of the CELAC Summit, I found myself in the position of having to agree the adoption of the Council Conclusion before your Committee had an opportunity to scrutinise it. It was adopted at the Transport, Telecoms and Energy Council on 8 June 2015.

*23 June 2015*

## EU CENTRAL ASIA STRATEGY (UNNUMBERED)

### **Letter from David Lidington MP, Minister for Europe, Foreign and Commonwealth Office, to the Chairman**

I am writing to update on the progress of the EU Central Asia Strategy further to my letters of 11 March to the Chairman of the Commons European Scrutiny Committee and of 27 March to you, in both cases, copied to both Committees and their Clerks.

During the dissolution of Parliament, discussions took place in Brussels working groups. At the end of last week the attached [not printed] draft Council Conclusions passed through consideration by the Committee of Permanent Representatives prior to being put to the Foreign Affairs Council for final agreement. We are sharing the document in confidence at this stage as it is marked *limité*, but we expect this marking to be removed following adoption: my officials will send over an unclassified version as soon as it is available.

As far as the substance of discussions and the resulting Council Conclusions is concerned, you will see that the underlying strategy both in text and substance will not change at all as a result of the Conclusions. This matches our original assessment, as set out in my letter of 27 March, that top level substantive strategy review should not be the goal at this stage, just two years since the previous review in 2012. Rather the Council Conclusions form a narrative assessment that provides guidance on implementation of the underlying strategy, reaffirming its core validity, while adjusting where needed emphasis on specific areas.

Overall, we continue to believe that the EU Central Asia Strategy provides a useful framework for EU engagement in the region. The Conclusions update the position on a number of recent developments such as the appointment of a new EU Special Representative for Central Asia, Peter Burian, on which the Committee has already been briefed, and the conclusion of negotiations and initialling of the Enhanced Partnership and Cooperation Agreement with Kazakhstan, discussions on which continue in Brussels working groups. Once these are concluded I will be writing to the Committee to seek clearance for the Council Decision on signature.

The Conclusions additionally highlight the importance of assessing approaches in the region and tailoring these to suit specific national circumstances, given the significant political, economic and broader differentiation between the states in the region. This should not however come at the expense of continued work on established and useful regional initiatives where common approaches are required (for example cross-border security challenges such as migration, border management, water management and action against drugs trafficking).

A core focus remains on promoting good governance and respect for the Rule of Law, as well as promoting educational links and addressing continuing serious challenges to human rights in the region. Work on promoting further integration of markets and an improved investment climate is also highlighted, with the potential to play a significant role in gradually embedding the region more firmly into international rules-based systems.

As the existing Strategy based on the Council Conclusions is implemented, and the EEAS and Commission put forward proposals on this basis, we will continue to encourage greater focus on what concrete outcomes can be achieved by proposed projects and programmes and how this can best be evaluated.

In conclusion, the 2007 EU Central Asia strategy itself remains unchanged and there are no specific new policy proposals within the Council Conclusions. In accordance with standard scrutiny procedures, this document has not been deposited for formal scrutiny as the content and method of adoption do not fall within depositable categories.

I would however be glad to provide any further information you may require on UK or EU engagement in Central Asia.

22 June 2015

#### **Letter from the Chairman to David Lidington MP**

Thank you for your Explanatory Memorandums and letters of 7 April regarding the above documents, which had already been cleared from scrutiny. The documents were considered by the External Affairs Sub-Committee at its meeting on 25 June.

We are grateful to you for explaining the reasons for the overrides and, given the documents were agreed while Parliament was dissolved, we regard the overrides as reasonable.

There is no need to respond to this letter.

25 June 2015

#### **EU FOREIGN AFFAIRS COUNCIL (TRADE) 7 MAY (UNNUMBERED)**

##### **Letter from Francis Maude MP, Minister of State for Trade and Investment, Department for Business, Innovation and Skills, to the Chairman**

The Foreign Affairs Council (Trade) took place in Brussels on 7 May 2015. The UK was represented at official level by Chris Barton, Director, International Affairs, Trade Policy and Export Control, BIS. A summary of the discussions follows.

##### **EU-US FREE TRADE AGREEMENT AND INVESTOR-STATE DISPUTE SETTLEMENT (ISDS) – STATE OF PLAY**

Trade Commissioner Malmström gave a brief update on the EU-US Free Trade Agreement negotiations and sought reactions to initial suggestions for ISDS reform in four areas: the right to regulate, the appointment of arbitrators, an appeals mechanism, and the relationship between domestic law and ISDS. Member States were broadly supportive of the ISDS discussion paper that had been circulated in advance of the meeting. I attach [not printed] a copy to this letter. A number of Member States also called on the Council to remain focused on the big EU-US Free Trade Agreement picture and to empower the Commission to conclude the negotiations swiftly.

##### **PREPARATIONS FOR THE 10TH WORLD TRADE ORGANISATION MINISTERIAL CONFERENCE (MC10, DECEMBER 2015): THE DOHA DEVELOPMENT AGENDA (DDA) AND ENVIRONMENTAL GOODS AGREEMENT (EGA)**

Commissioner Malmström presented an overview of the DDA negotiations in Geneva. WTO negotiators need to agree a work programme by July in order that negotiations stay on track for political conclusion at MC10 in Nairobi in December. The Commissioner was looking for a balanced outcome across the different dossiers in the negotiation. A WTO mini-ministerial in the margins of the OECD ministerial in Paris in June presented the next opportunity to make significant headway. It is also possible that other negotiations – on the Information Technology Agreement (ITA) and Environmental Goods Agreement (EGA) – may conclude by December and be delivered at MC10. The Commissioner also asked Member States to encourage other WTO Members to ratify the Trade Facilitation Agreement so that this can enter into force as soon as possible.

GREEN GOODS

The Commissioner (Malmström) highlighted good progress being made on the EGA, with negotiations on a consolidated product list ongoing and political agreement by December in time for both the UN Framework on Climate Change December 2015 Conference in Paris (COP21) and MCI10 within reach. Malmström underlined the economic importance of including services and NTBs, and stated that a review mechanism whereby products could be added to the list on a rolling basis should be an integral part of the agreement. Member States welcomed the progress made.

A copy of this letter will be placed in the libraries of both Houses.

*26 May 2015*

## EU MILITARY OPERATION IN THE SOUTHERN CENTRAL MEDITERRANEAN (UNNUMBERED)

### **Letter from the Chairman to David Lidington MP, Minister for Europe, Foreign and Commonwealth Office**

Thank you for your Explanatory Memorandum of 15 May on the above document. The document was considered by the External Affairs Sub-Committee at its meeting of 16 June.

We understand that the Foreign Affairs Council agreed to establish the mission on 18 May, and that this will therefore count as an override. In the circumstances, we judge the override to have been reasonable, and we have now decided to formally clear the document from scrutiny.

We would, however, welcome an opportunity to consider fully the concrete details of the mission, and hope that the Council Decision launching the mission will be submitted in due course with sufficient time for parliamentary scrutiny.

There is no need to reply to this letter unless, of course, you wish to do so.

*16 June 2015*

### **Letter from David Lidington MP to the Chairman**

I am writing with regard to the aforementioned EU Council Decision on a military operation in the Southern Central Mediterranean.

On 20 April 2015, the Foreign Affairs Council first considered the drastic loss of life in the Mediterranean and welcomed a 10 point plan by the Commission as a basis of future work. This included possible CSDP options, drawing on experience and lessons learned from the counter piracy Operation Atalanta. On 23 April an extraordinary European Council met to consider future actions and invited the High Representative of the European Union for Foreign Affairs and Security Policy Federica Mogherini to propose options in line with international law and respect for human rights to capture and destroy smugglers vessels before they can be used and to “immediately begin preparations for a possible CSDP operation to this effect”. A CSDP operation was established at the 18 May Foreign Affairs Council.

The draft Council Decision to launch the operation was received by my officials on 16 June. It will be adopted at the Foreign Affairs Council on 22 June 2015.

I therefore did not receive the draft copy in time to pass through the normal scrutiny process. The Committee will be aware of the need to implement the extraordinary European Council’s commitment promptly. I therefore regret that I find myself in the position of having to agree the adoption of this Council document before your Committee will have an opportunity to scrutinise it.

*19 June 2015*

## EULEX RULE OF LAW MISSION IN KOSOVO (UNNUMBERED)

### **Letter from the Chairman to David Lidington MP, Minister for Europe, Foreign and Commonwealth Office**

Thank you for your Explanatory Memorandum and letter of 8 June on the above document, which has already been cleared from scrutiny. The document was considered by the EU External Affairs Sub-Committee at its meeting on 25 June.

We understand that the mandate for EULEX Kosovo was due to expire in June 2015 and that the budget covered the period up to 14 June 2015. However, since Parliament reconvened, there were two siftings of documents (27 May and 3 June) before you sent your letter and deposited your Explanatory Memorandum on 8 June. Could you explain why it was not possible to submit the document earlier, in order to enable proper parliamentary scrutiny? Could you also please explain the reason for the override in this case? We would also be grateful to know the date on which the Council Decision was adopted.

We look forward to your response within ten working days.

*25 June 2015*

## EU-MOLDOVA SECURITY OF CLASSIFIED INFORMATION AGREEMENT (UNNUMBERED)

### **Letter from David Lidington MP, Minister for Europe, Foreign and Commonwealth Office, to the Chairman**

I am writing to let your Committee know that on 26 May, a Council Decision was agreed authorising the opening of negotiations for the conclusion of an Agreement between the European Union and the Republic of Moldova on the security of classified information. We expect the necessary processes for signature and conclusion of this Agreement will begin later this year, at which point we will submit the draft Council Decisions for Parliamentary scrutiny.

I have attached [not printed] the current Council Decision for information which is classified as *limité*. The attached document is being provided to the Committee under the Government's authority and arrangements agreed between the Government and the Committee for the sharing of EU documents carrying a *limité* marking. It cannot be published, nor can it be reported on in any way which would bring detail contained in the document into the public domain. UK Representation in Brussels are continuing to press strongly for the *limité* marking to be removed for when we submit for Parliamentary scrutiny.

The agreement will establish a legal framework for the exchange of classified information. The EU completed negotiations on similar agreements with Georgia and Albania in 2014.

The UK remains a strong supporter of Moldova's progression towards closer ties with the EU as part of our long-standing support for strengthened ties in the Eastern Neighbourhood region. The UK ratified an Association Agreement with Deep and Comprehensive Free Trade Area earlier this year, and Moldova has strong policy aims to move closer to EU norms and standards.

Programmes within the Association Agreement require the sharing of sensitive information particularly CSDP missions and Horizon 2020. The Security of Information Agreement will be important in providing a framework to allow Moldova to participate fully in these programmes.

*17 June 2015*

## EU PRE-ACCESSION ASSISTANCE TO SERBIA (UNNUMBERED)

### **Letter from the Minister for Europe, Foreign and Commonwealth Office, to the Chairman**

I am writing to you to provide the Committee with a copy of the General Affairs Council's conclusions on the ECA Special report on EU Pre-accession Assistance to Serbia, and to respond to

your request to illustrate how the wider lessons of this Special Report have been noted and endorsed in them.

In my Explanatory Memorandum of 9 February, I noted the Government's expectation that conclusions on the Special Report would welcome it as a useful tool for improving the effectiveness of EU pre-accession assistance to Serbia under IPA II. I am satisfied that the conclusions adopted by the Council on 17 March do this, and that they endorse the recommendations made in the report. While the audit focused specifically on Serbia, the Committee rightly noted in its report of 25 February that the findings have wider implications. I am also satisfied that this is reflected in the conclusions which specifically cite relevance to the wider EU Enlargement process in the first paragraph. The conclusions also invite the Commission to inform the IPA Management Committee, which my department attends, regularly on the issues raised by the Special Report and to ensure they are addressed systematically. This will provide an ongoing mechanism to ensure that wider lessons are followed up on.

*7 April 2015*

## EU REGIONAL ACTION PLAN FOR THE SAHEL (UNNUMBERED)

### **Letter from the Minister for Europe, Foreign and Commonwealth Office, to the Chairman**

I am writing with regard to the document named above, which will be the subject of Foreign Affairs Council Conclusions on 20 April 2014.

The Action Plan has been drafted by the EU institutions and the most recent draft was discussed in COAFR on 15 April 2015. Its purpose is to be an implementation mechanism for the EU's Strategy for Security and Development in the Sahel, agreed in 2011. It is not the subject of a Council Decision, however the Committees have deemed the Action Plan "politically important" and have requested an Explanatory Memorandum.

Given that the document is still evolving, it will not be in final form in order to pass through the normal scrutiny process before it is approved by the FAC. I therefore regret that I will find myself in the position of having to agree to the adoption of the Council document before your Committee will have an opportunity to scrutinise it.

*20 April 2015*

## EU SPECIAL REPRESENTATIVE FOR THE MIDDLE EAST PEACE PROCESS (UNNUMBERED)

### **Letter from the Minister for Europe, Foreign and Commonwealth Office, to the Chairman**

I am writing with regard to the EU Council Decision on the proposal of the High Representative of the Union for Security Policy and Foreign on the appointment of a European Union Special Representative for the Middle East Peace Process (EUSR MEPP). The Council Decision sets out the mandate for the new EUSR for 2015/16.

As detailed in the attached [not printed] Explanatory Memorandum, the previous EUSR MEPP, Andreas Reinicke, stepped down from the role in December 2013. The roles and responsibilities were then transferred to the EEAS in the interim, with Helga Schmidt (EEAS Deputy Secretary General) acting as envoy to the HR. The UK welcomed HR Mogherini's decision to re-establish the position of EUSR MEPP, as it was viewed as a visible demonstration of EU and Member States' commitment to making progress on the peace process and enhancing the EU's engagement.

On 16 March, HR Federica Mogherini announced her proposed appointment of Fernando Gentillini as new European Union Special Representative on Middle East Peace Process for a period of 1 year, which has been endorsed by EU Member States in the Political and Security Committee, pending final Council decision. A draft mandate and budget have subsequently been prepared and passed through discussions in relevant Council Working Groups. It is important that there should be no substantial gap in EU high level representation in the region.

So on this occasion, it is necessary for the UK to agree to the adoption of a Council Decision on the budget and mandate for this position before your Committee has had an opportunity to scrutinise the documents.

The mandate is based primarily on the previous EUSR's mandate. The main additions to the mandate, as agreed by EU Member States, are aimed at bringing out the importance of engaging with Arab partners, that the contribution to crisis management and prevention includes Gaza. This mandate also includes a specific reference that the EUSR should report regularly to PSC in addition to the minimum requirements for reporting and objective setting and that the EUSR should coordinate closely with Heads of EUPOL COPPS and EUBAM RAFAH as well as Heads of EU Del in Tel Aviv and EU Representation in Jerusalem.

The total budget is €1,980,000. We cannot make a direct comparison with the previous EUSR budget as the newly appointed EUSR will be based, for the majority of his time, in Jerusalem rather than Brussels. Therefore, the allowances are different to those for EUSRs based in Brussels; the budget has taken this into account. There is a large contingency in the budget compared with others EUSRs as a result of the new nature of the regional based position, this will allow for minor changes (both up and down) to the individual budget lines on office accommodation etc, but within the agreed overall figure. We judge that other elements of the budget are in line with other EUSRs and within the 2014 Guidelines and that it is value for money for the mandate the EUSR will have.

As you know, the responsibility to keep your Committee informed on issues concerning EU Special Representatives is something I take seriously and the need for the override of scrutiny on this occasion is regrettably unavoidable.

7 April 2015

**Letter from the Chairman to David Lidington MP, Minister for Europe, Foreign and Commonwealth Office**

Thank you for your Explanatory Memorandums and letters of 7 April regarding the above documents, which had already been cleared from scrutiny. The documents were considered by the External Affairs Sub-Committee at its meeting on 25 June.

We are grateful to you for explaining the reasons for the overrides and, given the documents were agreed while Parliament was dissolved, we regard the overrides as reasonable.

There is no need to respond to this letter.

25 June 2015

**FOREIGN AFFAIRS COUNCIL AND GENERAL AFFAIRS COUNCIL: 20 – 21 APRIL**

**Letter from the Minister for Europe, Foreign and Commonwealth Office, to the Chairman**

I am writing to inform you about the Foreign Affairs Council on 20 April and the General Affairs Council on 21 April. The Secretary of State for Foreign and Commonwealth Affairs attended the Foreign Affairs Council and Ivan Rogers, UK Permanent Representative to the European Union, attended the General Affairs Council on 21 April. The Foreign Affairs Council was chaired by the High Representative of the European Union for Foreign Affairs and Security Policy, Federica Mogherini, and the General Affairs Council was chaired by the Latvian Presidency. The meetings were held in Luxembourg.

The Secretary of State for the Home Department was also in attendance at the Foreign Affairs Council for a special session between Foreign and Home Affairs Ministers on the Mediterranean migrant crisis, which was chaired by Ms. Mogherini and the Latvian Minister for the Interior, Richards Kozlovskis.

FOREIGN AFFAIRS COUNCIL

A provisional report of the meeting and Conclusions adopted can be found at:

<http://www.consilium.europa.eu/en/meetings/fac/2015/04/20/>

## LIBYA

The Council took stock of the situation in Libya and the UN-brokered talks between Libyan parties. Ministers also discussed possible further EU support to Libya, once an agreement on a Government of National Unity and related security arrangements have been achieved. Work on these options including but not limited to options under the Common Security and Defence Policy, will continue.

## LATIN AMERICA AND THE CARIBBEAN

The Council held an in-depth strategic debate on EU relations with Latin America and the Caribbean. Ministers highlighted the strategic nature of the partnership with Latin America and the Caribbean, as well as the solid economic relations. Ms. Mogherini said the EU was keen to develop new, innovative ways of cooperating with the states of the region, key allies in the search for multilateral solutions to common global challenges. The Foreign Secretary agreed, welcoming revitalised EU relations with the region, and called for progress on the EU/Mercosur Free Trade Agreement (FTA) negotiations and modernisation of the EU/Mexico FTA. The Foreign Secretary also raised Argentina, in particular the Argentine government's recent decision to launch legal action against international oil and gas companies from several Member States legitimately operating in the Falkland Islands. Ms Mogherini agreed that this was a matter of concern to the EU.

## EUROPEAN SECURITY STRATEGY

Ms. Mogherini briefed the Council on the ongoing work on the review of the European Security Strategy, and the preparation of a report to the European Council on 25/26 June. A more substantial debate is expected during a joint session of Foreign and Defence Ministers at the Foreign Affairs Council on 18 May.

## IRAN

Ms. Mogherini briefed Ministers on the comprehensive agreement on the Iranian nuclear programme over lunch. The Foreign Secretary welcomed the substantial progress that had been made, and noted the important further work that would be needed.

## YEMEN

Ministers took stock of the situation in Yemen. There was unanimous support for a political solution to the crisis in Yemen, and greater humanitarian access. The Foreign Secretary noted that Saudi Arabia had a major regional role and we needed to bear in mind their equities engaged in the Yemen crisis. Council Conclusions were approved.

## MIGRATION

In a joint session with Justice and Home Affairs Ministers, the Council discussed migration issues, in particular the situation in the Mediterranean. Ministers confirmed a strong commitment to act so as to prevent tragedies like the recent events in the Mediterranean. They agreed work would be taken forward along three strands:

- The fight against organised crime networks and human traffickers. Several options were discussed, including stepping up work on the routes used by migrants and enhanced action against smugglers;
- More efficient efforts to save lives at sea by reinforcing Frontex activities, in particular the Triton and Poseidon operations in the Mediterranean. A sustainable and more long-term approach should be taken to search and rescue obligations;
- A fairer sharing of responsibilities regarding resettlement and relocation projects. The Commission proposed an initiative for an EU-wide voluntary pilot project on resettlement offering a number of places to persons in need of protection.

## OTHER ITEMS

Ministers agreed a number of other measures:

- The Council adopted a new directive setting out how EU member states will work together to ensure that EU citizens who are diplomatically represented in a third country can receive consular protection from other Member States;
- The Council approved the EU position for the sixth EU-Chile Association Council, take place on 21 April 2015 in Brussels. One of the items on the agenda will be the preparation of the EU-CELAC summit on 10-11 June 2015 in Brussels;
- The Council amended legislation implementing EU sanctions against Zimbabwe (regulation 314/2004) to take account of changes in the relevant Council decision adopted on 19 February 2014;
- The Council removed one person from the list of those subject to an EU travel ban and asset freeze in view of the situation in Cote d'Ivoire. It also adjusted the restrictions to changes made at UN level to the international restrictive measures;
- The Council amended the EU restrictive measures against the Democratic Republic of the Congo to take account of UN Security Council resolution 2198 (2015);
- The Council approved the exercise specifications for the EU crisis management military exercise in 2015 (MILEX 15);
- The Council approved the crisis management concept for EUSEC RD Congo micro-mission;
- The Council adopted Conclusions on Yemen;
- The Council adopted Conclusions on the Sahel Regional Action Plan;
- The Council adopted Conclusions on the Review of the European Neighbourhood Policy;
- The Council adopted Conclusions on the ninth Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons;

## GENERAL AFFAIRS COUNCIL

A provisional report of the meeting and Conclusions adopted can be found at:

<http://www.consilium.europa.eu/en/meetings/gac/2015/04/21/>

The General Affairs Council (GAC) on 21 April focused on preparation of the Extraordinary European Council on 23 April and inter-institutional relations.

## PREPARATION OF EXTRAORDINARY EUROPEAN COUNCIL ON 23 APRIL

Following the joint meeting of Foreign and Interior ministers at the FAC on Monday 20 April, the GAC discussed the EU's response to the Mediterranean migrant tragedy in preparation for the Extraordinary European Council on Thursday 23 April, which the Prime Minister attended.

## INTER-INSTITUTIONAL RELATIONS

GAC ministers discussed priorities for the proposed new Inter-Institutional Agreement (IIA) on Better Lawmaking. The Inter-Institutional Agreement establishes general principles of cooperation between the Council, the European Parliament and the European Commission, during the legislative process. The current Agreement dates from 2003.

The UK highlighted the key role of national parliaments in ensuring democratic accountability and protecting subsidiarity under the Treaties, and pressed for improvements in dialogue with national parliaments to be included in any new IIA.

The UK also emphasised the importance of making improvements on legislative programming, trilogues, Delegated and Implementing Acts, as well as better regulation, by using a rigorous and independent impact assessment process which included competitiveness and SME tests, and review clauses.

*1 May 2015*

## GUINEA-BISSAU: CONCLUSION OF CONSULTATIONS UNDER ARTICLE 96 (6690/15)

### **Letter from the Minister for Europe, Foreign and Commonwealth Office, to the Chairman**

I am writing with regard to the European Commission proposal to repeal Council Decision 2011/492/EU four months early, thereby enabling the EU to finalise its 11<sup>th</sup> EDF programme and sign the seven-year National Indicative Programme with the new authorities of Guinea-Bissau. Repealing the Decision also allowed the EU to co-host the Guinea-Bissau Roundtable on 25 March which, I am pleased to announce, exceeded all expectations by securing pledges of over €1.3 billion.

I would like to update the Committee regarding where matters presently stand on the EU restrictive measures initiated in 2012 following the military coup in Guinea-Bissau. Article 96 measures were lifted on 24 March, the day before the Roundtable. The travel bans and asset freezes outlined in Council Regulation 377/2012 and expanded in Council Decision 2012/285/CFSP targeting senior military leaders of the 2012 coup remain in place. These will be reviewed in May this year.

In light of the late submission of this latest proposal by the European Commission, I would also like to update The Committee on my representations to Baroness Ashton, the previous EU High Representative for Foreign Affairs and Security Policy, as outlined in the attached [not printed] letter from July 2014.

*7 April 2015*

## IMPLEMENTATION OF THE EUROPEAN NEIGHBOURHOOD POLICY IN 2014 (8129/15)

### **Letter from the Chairman to David Lidington MP, Minister for Europe, Foreign and Commonwealth Office**

At its meeting on 2 July the EU External Affairs Sub-Committee considered the above document and cleared it from scrutiny.

We do though have some questions regarding the process of assessing the implementation of the European Neighbourhood Policy (ENP). Are you satisfied with the current structure and process of annual assessment? Would it be useful to assess the implementation of the ENP at regular intervals throughout the year? Given the rapid changes that are occurring within the European Neighbourhood, do you agree that more frequent assessment might allow the EU to respond more nimbly to such changes? If so, is this an issue that might be considered in the review of the ENP?

Furthermore, we found the country reports to be more descriptive than rigorous assessments of the efficacy of EU action in the particular country. Are you satisfied with their analysis and are there steps that the UK could take to make the reporting a more useful measure of outcomes of EU action?

We look forward to your reply in the usual ten working days.

*3 July 2015*

INTEGRATED BORDER ASSISTANCE MISSION IN LIBYA (EUBAM LIBYA)  
(UNNUMBERED)

**Letter from David Lidington MP, Minister for Europe, Foreign and Commonwealth  
Office, to the Chairman**

Further to the Explanatory Memorandum issued on 1 May I am writing with regard to the aforementioned EU Council Decision.

On 22 May 2013, the Council adopted Decision 2013/233/CFSP which established EUBAM Libya. The mandate for this mission and a one-year budget expire on 21 May 2015. The draft Council Decision seeks to extend the mandate by six months to 21 November 2015.

In my letter to you of 4 March I informed your Committee that the renewal of the mandate would occur during dissolution. Were I to wait for the Scrutiny Committees to reconvene, the mandate would lapse and the mission would close. Such an event would not be in the interest of UK foreign policy. I therefore regret that I find myself in the position of having to agree to the adoption of this Council document before your Committee will have an opportunity to scrutinise it.

I am also including the 11 May draft Council Decision referring to the hold status of the Mission and I will issue a copy of the final version and a substantive Explanatory Memorandum once the Committee reconvenes.

*12 May 2015*

RESTRICTIVE MEASURES AGAINST THE DEMOCRATIC REPUBLIC OF CONGO  
(UNNUMBERED)

**Letter from the Minister for Europe, Foreign and Commonwealth Office, to the  
Chairman**

I am writing with regard to the aforementioned EU Council Decision, Council Regulation and Council Implementing Regulation concerning restrictive measures against the Democratic Republic of Congo.

On 29 January 2015, the United Nations Security Council adopted Resolution 2198 (2015) which extends the existing arms embargo, travel ban and asset freeze measures until 1 July 2016. Furthermore, the Resolution amends the existing sanctions listing criteria. The aforementioned Council Decision and Council Regulation allow for the transposition of these amendments from the UN to the EU accordingly.

The Council Implementing Regulation updates the information regarding several individuals and entities on the DRC sanctions list. This reflects the updates made to several entries on the sanctions list by the UN Sanctions Committee on 5 February 2015.

These measures will be adopted at the Council on 20 April 2015 and I did not receive the draft copies in time to pass through the normal scrutiny process before parliament went into dissolution. The Committee will be aware of the importance of transposing UN resolutions expeditiously. I therefore regret that I will find myself in the position of having to agree to the adoption of these Council documents before your Committee will have an opportunity to scrutinise them.

*14 April 2015*

**Letter from David Lidington MP, Minister for Europe, Foreign and Commonwealth  
Office, to the Chairman**

I am writing with regard to EU Council Decision (2010/565/CFSP).

The current mandate and budget for the EUSEC RD Congo expire on 30 June 2015. The draft Council Decision amends and extends the mission for the period 1 July 2015 to 30 June 2016.

I flagged in my letter to you of 4 March that I might have to override scrutiny on this and other missions. As Council is scheduled to adopt the mandate renewal on 8 June, I am afraid that I will need to override scrutiny to meet that timing. Delaying the mission extension would mean that certain mission staff would have to temporarily leave the DRC, pending mandate renewal. This would be costly and disruptive to the mission.

29 May 2015

**Letter from the Chairman to David Lidington MP**

Thank you for your Explanatory Memorandum and letter of 29 May regarding the above document, which has already been cleared from scrutiny.

The document was considered by the External Affairs Sub-Committee at its meeting on 16 June. We are grateful to you for explaining the reasons for the override and, due to the fact that this was agreed while Parliament was dissolved, we regard the override as reasonable in the circumstances.

There is no need to respond to this letter unless, of course, you wish to do so.

16 June 2015

**RESTRICTIVE MEASURES AGAINST MYANMAR/BURMA (UNNUMBERED)**

**Letter from Lord Livingston of Parkhead, Minister of State for Trade and Investment, Department for Business, Innovation and Skills, to the Chairman**

I am writing to inform you that the UK is intending to support the European Commission decision on the EU joining the 'Initiative to Promote Fundamental Labour Rights and Practices in Myanmar', which was launched in November 2014.

The Initiative seeks to improve Burma's system of labour administration through a multi-year labour law reform and capacity building plan, building on Burma's existing labour reform efforts. The plan is intended to serve as a blueprint to prioritise legal changes, coordinate donor assistance, and strengthen government capacity to implement reforms. This will involve improved engagement and cooperation with businesses, workers and civil society representatives via consultative mechanisms. The initiative will help the Burmese Government to promote international labour standards and responsible business practices, protect Burma's workers and support its businesses, advancing Burma's overall sustainable growth and development.

The initiative is being led primarily by Burma and the United States of America, in conjunction with the International Labour Organization (ILO), though Japan and Denmark have also subsequently joined. There are no financial or contractual implications for the EU or the UK.

Burma is at a pivotal stage of its political and economic development, with the country's future depending upon its ability to encourage economic growth, create decent work, and re-integrate into the global economy. Therefore, participating governments and the ILO welcome the engagement of other interested governments, stakeholders, and institutions in support of the initiative. Since the initiative will help to make Burma an attractive sourcing and investment destination, it also has the potential to improve the business environment in Burma in the longer-term for British businesses.

Commission Decision (2015) 1939 of 26 March has indicated the intention for the EU to join the initiative and to seek the endorsement of the Council to do so. A final decision on EU participation in the initiative will be taken at the Foreign Affairs Council (FAC) on 7<sup>th</sup> May 2015 and given the dissolution of Parliament it is not possible for your committee to consider this proposal beforehand. BIS will follow up with an Explanatory Memorandum after the State Opening of Parliament. I hope the committees will understand the importance of supporting this initiative.

6 May 2015

**Letter from the Minister for Europe, Foreign and Commonwealth Office, to the Chairman**

I am writing with regard to the aforementioned EU Council Decision concerning restrictive measures against Burma.

On 22 April 2013, the Council of the European Union adopted Decision 2013/184/CFSP which imposed an arms embargo on Burma. On 14 April 2014, the Council adopted Decision 2014/214/CFSP renewing the arms embargo until 30 April 2015. The draft Council Decision contained in document HR (2015) 50 seeks to renew the arms embargo for a further year, until 30 April 2016. The Council Implementing Regulation does not expire so a renewal is not required.

The draft of this Council Decision renewing the arms embargo was received by my officials on Wednesday 15 April 2015. Given that Parliament had already been dissolved at this time, I was unable to put the draft copy through the normal scrutiny process. The Committee will be aware of the importance of renewing the arms embargo before its expiry on 30 April 2015. 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.

*7 May 2015*

**Letter from David Lidington MP, Minister for Europe, Foreign and Commonwealth Office, to the Chairman**

Further to my letter on 7 May, I am writing with regard to the aforementioned EU Council Decision concerning restrictive measures against Burma. My previous letter accompanied a 'dissolution' Explanatory Memorandum, rather than the EM I am now submitting, which contains further policy detail. I am also submitting the adopted Council Decision.

On 22 April 2013, the Council of the European Union adopted Decision 2013/184/CFSP which imposed an arms embargo on Burma. On 14 April 2014, the Council adopted Decision 2014/214/CFSP renewing the arms embargo until 30 April 2015. Council Decision 2015/666/CFSP, which was adopted by written procedure on 28 April 2015, renews the arms embargo for a further year, until 30 April 2016. The Council Implementing Regulation does not expire so a renewal is not required.

The draft Council Decision was received by my officials on Wednesday 15 April 2015. Given that Parliament had already been dissolved at this time, I was unable to put the draft copy through the normal scrutiny process. The Committee will be aware of the importance of renewing the arms embargo before it expired on 30 April 2015. I therefore regret that I found myself in the position of having had to agree to the adoption of this Council Decision before your Committee had an opportunity to scrutinise it.

*9 June 2015*

**RESTRICTIVE MEASURES AGAINST SOUTH SUDAN (UNNUMBERED)**

**Letter from the Minister for Europe, Foreign and Commonwealth Office, to the Chairman**

I am writing with regard to the aforementioned EU Council Decision and Regulation concerning restrictive measures against South Sudan.

On 3 March the United Nations Security Council adopted Security Council Resolution (UNSCR) 2206 (2015) providing for an asset freeze and travel ban for certain individuals in South Sudan. The resolution provides a framework for the UN to impose sanctions although currently no individuals or entities have been designated at UN level.

The draft EU Council Decision and Regulation transpose the UN measures and repeal previous EU sanctions legislation in force prior to the adoption of Resolution 2206, allowing for single EU legal instruments. The draft EU measures retain the arms embargo and the designation of two individuals which were previously agreed by the EU. The draft EU legislation also retains the EU's capacity to designate individuals and entities separately from the UN.

The draft Council Decision and Regulation were received by my officials on 13 April. An amended version of the Council Regulation was received later on 24 April. The documents were then agreed in Brussels on 27 April.

I therefore did not receive the draft copies in time to pass through the normal scrutiny process before parliament went into dissolution. The Committee will be aware of the need to implement UN restrictive measures promptly. I therefore regret that I will find myself in the position of having to agree to the adoption of these Council documents before your Committee will have an opportunity to scrutinise them.

*1 May 2015*

**Letter from David Lidington MP, Minister for Europe, Foreign and Commonwealth  
Office, to the Chairman**

Further to my letter of 1 May, I am writing to update the Committee with regard to the aforementioned EU Council Decision and Regulation concerning restrictive measures against South Sudan. My previous letter accompanied a 'dissolution' Explanatory Memorandum, rather than the EM I am now submitting, which contains further policy detail.

On 3 March the United Nations Security Council adopted Resolution (UNSCR) 2206 (2015) providing for an asset freeze and travel ban for certain individuals who threaten the peace, security and stability of South Sudan.

The EU Council Decision and Regulation which I am submitting for Parliamentary Scrutiny transpose UN measures and reintroduces previous EU sanctions legislation in force prior to the adoption of Resolution 2206, allowing for single EU legal instruments.

In addition to transposing the UNSCR, the EU legislation retains the arms embargo and the designation of two individuals which were agreed by the EU prior to the adoption of Resolution 2206 (2015). The legislation also retains the EU's capacity to designate individuals and entities separately from the UN.

The draft Council Decision and Regulation were received by my officials on 13 April. An amended version of the Council Regulation was then received later on 24 April. The documents were then agreed in Brussels on 27 April and formally adopted on 7 May 2015. I therefore did not receive the draft copies in time to pass through the normal scrutiny process before the dissolution of parliament. The Committee will be aware of the need to implement UN restrictive measures promptly. I therefore regret that I found myself in the position of having to agree to the adoption of these Council documents before your Committee will have an opportunity to scrutinise them.

*29 May 2015*

**RESTRICTIVE MEASURES IN VIEW OF RUSSIA'S ACTIONS DESTABILISING THE  
SITUATION IN UKRAINE (UNNUMBERED)**

**Letter from David Lidington MP, Minister for Europe, Foreign and Commonwealth  
Office, to the Chairman**

I am writing with regard to the aforementioned EU Council Decision concerning the restrictive measures against Russia. This Decision renews the sectoral sanctions against Russian entities, including an arms embargo, ban on the supply of equipment and services to Russian deep water, Arctic and shale oil exploration and production projects, and a ban on Russian access to certain EU financial instruments and services. These documents were published in the Official Journal of the European Union on 23 June 2015, having been subject to a Ministerial override of scrutiny. I attach [not printed] the Explanatory Memorandum.

The UK viewed the March European Council Conclusions as a firm commitment to renewing the measures outlined in Council Decision 2014/512/CFSP before they expired on 31 July 2015. The Conclusions stated that the "duration of the restrictive measures" should be "clearly linked to the complete implementation of the Minsk Agreements". Council Decision 2015/971/CFSP provides for this.

Whilst I had hoped that this item would have been adopted soon after the March European Council, in order to ensure the consensus of Member States, the political agreement to renew the measures was only secured at the EU Committee of Permanent Representatives on 17 June. The Committee will be aware of the importance of renewing these measures to maintain the pressure on Russia for its actions in Ukraine. To ensure that this issue did not complicate an already heavily loaded European Council, renewal of the measures was put forward for adoption to the Foreign Affairs Council on 22 June.

I therefore regret that I found myself in the position of having had to agree to the adoption of these Council documents before your Committee had an opportunity to scrutinise them.

*2 July 2015*

## RESTRICTIVE MEASURES IN VIEW OF THE SITUATION IN LIBYA (UNNUMBERED)

### **Letter from David Lidington MP, Minister for Europe, Foreign and Commonwealth Office, to the Chairman**

I am writing regarding the EU Council Decision, Council Regulation and Council Implementing Regulation concerning restrictive measures in view of the situation in Libya. These documents were published in the Official Journal of the European Union on 27 May 2015. I attach [not printed] the Explanatory Memorandum.

The EU sanctions regime against Libya is subject to an annual review. Although these restrictive measures do not lapse (there is no hard deadline by which time the review must be completed), it is desirable that a timely and thorough review is undertaken.

While the EU's annual review process was ongoing, the UN Security Council passed a resolution which updates the sanctions regime against Libya. The changes introduced by UNSCR 2213 (2015), which include new listing criteria, have been incorporated into the EU's review. The need to ensure the timely transposition of UN measures into EU legislation has meant I have had to override scrutiny in this instance.

The annual review has considered not only the evidence supporting the listings of individuals and entities, but has also addressed the criteria against which these listings are made. The EU has introduced a new listing criterion which permits the designation of individuals or entities who own or control misappropriated Libyan state funds. These expanded criteria are intended to ensure the regime remains relevant and retains its utility as a foreign policy tool.

The UN has made several updates to the Libya sanctions regime, in addition to UNSCR 2213 (2015), since the last EU annual review. These are predominantly minor amendments to the identifying information of individuals and entities. These changes are reflected in the attached EU documents. One significant change is the creation of a new annex in the Council Decision and Regulation which provides identifying information for the Libyan Investment Authority and the Libyan Africa Investment Portfolio, which are both subject to a partial asset freeze. These two entities had previously been referred to only in the body text of the Decision and Regulation. Their inclusion in a separate annex should make consistent implementation of these sanctions easier.

The annual review process, which is still not complete, started in early March 2015. The documents to which this letter refers are the first tranche of EU legislation related to the annual review. Further documents, which reflect the review of individuals and entities autonomously listed by the EU, are expected in due course.

Given that the Committees have not yet formed, the UK would have been delaying the EU implementation of UN measures significantly by retaining these documents under a scrutiny reserve until such time as they could be subject to the normal Parliamentary scrutiny process. I regret that it was necessary to override scrutiny on this occasion.

*29 May 2015*

## RESTRICTIVE MEASURES IN VIEW OF THE SITUATION IN SYRIA (UNNUMBERED)

### **Letter from David Lidington MP, Minister for Europe, Foreign and Commonwealth Office, to the Chairman**

I am writing with regard to the EU Council Decision and Council Regulation concerning restrictive measures in view of the situation in Syria. These documents renew the measures, which include the designation of over 250 individuals and entities, for 12 months until 1 June 2016.

As detailed in the attached [not printed] Explanatory Memorandum, the situation in Syria continues to be of serious concern. It is therefore important that the UK continues to send a strong message to the Syrian regime that its continued intransigence is unacceptable by supporting the EU Council in its decision to renew these restrictive measures for another 12 months.

The measures will lapse if they are not renewed in advance of their renewal date of 1 June 2015. Unfortunately ongoing discussions between Members of the Council meant the draft Council Decision and Council Implementing Regulation were only circulated on 14 May, and given that Parliamentary Scrutiny Committees have not yet been formed, I regret that I find myself in the

position of having to agree to the adoption of this Council Decision and Implementing Regulation before your Committee has had an opportunity to scrutinise the documents.

*20 May 2015*

## RESTRICTIVE MEASURES IN VIEW OF THE SITUATION IN YEMEN (UNNUMBERED)

### **Letter from David Lidington MP, Minister for Europe, Foreign and Commonwealth Office, to the Chairman**

I am writing with regard to the aforementioned EU Council Decision and Regulation concerning restrictive measures on Yemen.

On 14 April the UN Security Council adopted resolution 2216 (2015) in view of the situation in Yemen. This introduced an arms embargo specifically targeting those who were previously listed under resolution 2140 (2014), (two Houthi rebel commanders and the former President, Ali Abdullah Saleh), as well as designating two further individuals, namely the leader of the Houthi rebel group, Abdulmalik al-Houthi, and the former President's son, Ahmed Ali Abdullah Saleh. These five individuals are all subject to an arms embargo restriction and asset freeze measures under the Yemen sanctions regime. They have been designated for engaging in or providing support for acts that threaten the peace, security or stability of Yemen.

The EU Council Decision and Regulation which I am submitting transpose the UN measures into EU law.

The draft EU Council Decision and Regulation were received by my officials on 11 May. I had expected this item to be adopted soon after. However, the item was delayed due to protracted negotiations in Brussels. The item was put forward for adoption at the Transport, Telecommunications and Energy Council on 8 June 2015.

I therefore regret that I found myself in the position of having had to agree to the adoption of these Council documents before your Committee had an opportunity to scrutinise them.

*19 June 2015*

### **Letter from the Chairman to David Lidington MP**

Thank you for your Explanatory Memorandum and letter of 19 June regarding the above documents which were considered by the EU External Affairs Sub-Committee at its meeting on 9 July.

We are grateful to you for explaining the reasons for the overrides and, given the documents were agreed while Parliament was dissolved, we regard the overrides as reasonable.

*9 July 2015*

## RESTRICTIONS ON THE IMPORT INTO THE UNION OF GOODS ORIGINATING IN CRIMEA OR SEVASTOPOL (UNNUMBERED)

### **Letter from David Lidington MP, Minister for Europe, Foreign and Commonwealth Office, to the Chairman**

I am writing with regard to the Council Decision amending the regulation concerning restrictions on trade and investment relating to Crimea and Sevastopol.

Lord Livingston wrote to you in January 2015 to inform you of an additional set of restrictive measures that had been implemented as a consequence of the illegal annexation of Crimea and Sevastopol. Both these measures and the original measures put in place in June 2014 were due to expire on 24<sup>th</sup> June 2015. Therefore, on 23<sup>rd</sup> June 2015 the Council of the European Union agreed to amend the date that the restrictions would expire until 23<sup>rd</sup> June 2016.

The measures are designed to make it more difficult for Russia to integrate the Crimean economy in to the Russian economy. The sector-based restrictions are targeted towards sectors through which Russia seeks to profit from the annexation and is trying to develop Crimea into a showcase for its continuing interventionist policies in Ukraine. By complying with the extended measures, UK

businesses can be certain that they are not inadvertently abetting Russia's policy of annexation. The exemptions are designed to ensure that they are not targeted at the general public in Crimea or Sevastopol.

The original measures were introduced swiftly following the illegal annexation of Crimea and Sevastopol. The introduction of extended measures followed growing concern about developments in eastern Ukraine and on the Crimean peninsula, particularly the continuing persecution and intimidation of the Crimean Tatar community. The Government and the EU's concerns on this matter remain strong. It has been important that we send a clear and immediate signal about the costs of Russia's interventionist policies, and are able to do so in concert with our international partners. As a result, the European Council needed to agree the above Council Decision and Council Regulation at very short notice. This meant that there was not an opportunity to seek scrutiny from the Parliamentary Committees.

Therefore, I felt that I needed to override scrutiny on this occasion. Decisions relating to the crisis in Ukraine continue to have to be made in response to the fast changing situation on the ground. As a result, override of scrutiny has again been regrettably unavoidable, and I would like to thank your Committee for their understanding on this matter to date.

*3 July 2015*

## STABILISATION AND ASSOCIATION AGREEMENT - BOSNIA AND HERZEGOVINA (UNNNUMBERED)

### **Letter from the Minister for Europe, Foreign and Commonwealth Office, to the Chairman**

On 12 February, I sent the European Scrutiny Committee an Explanatory Memorandum on the UK position on a proposal for a Council and Commission Decision on the conclusion of the Stabilisation and Association Agreement (SAA) with Bosnia and Herzegovina (BiH). In my Explanatory Memorandum I stated that I was minded to advise that the UK opt in to the Mode IV provisions within the BiH SAA following the publication on 20 January of a EU Council Decision on Conclusion which we considered to trigger Protocol 21 (UK's JHA opt-in).

I am now writing to inform the Committee that the Council Secretariat has subsequently confirmed that this (latest) version of the Council Decision is not a new proposal but a revised version of the original pre-Lisbon Treaty Council Decision text of 2008. Accordingly, since this is not a new Council Decision text, the UK is unable to assert the opt-in.

Political stagnation in BiH meant that adoption of the original measure in 2008 had been postponed until now in light of progress on the EU's new initiative on BiH. However, as the content of the current Council Decision does not differ substantively from the original version it is unlikely that the Council Secretariat would agree to issue a new proposal.

Given that it is the Mode IV provisions of the agreement that trigger the JHA opt-in, and our proposal was in any case to opt in to these provisions, the fact that we have not been able to formally assert the opt-in in regard to the Council Decision on Conclusion, has no practical implications as far as the UK's commitment to this agreement is concerned.

Thank you for your understanding given the exceptional circumstances outlined above.

*13 April 2015*

### **Letter from the Minister for Europe, Foreign and Commonwealth Office, to the Chairman**

In your response of 12 March to my Explanatory Memorandum about the EU-Bosnia and Herzegovina (BiH) Stabilisation and Association Agreement, you asked for an assessment of the degree of influence that Russia and Serbia have in BiH and the commitment of the Republika Srpska (RS) to the EU initiative.

Russia is a member of the Peace Implementation Council and continues publicly to support BiH's territorial integrity and the Dayton Peace Agreement. Russia's interest in the RS is mainly commercial, with acquisitions and investments mostly in the energy sector. In 2013, Russia accounted for just over 6% of BiH's total imports and exports compared to more than 84% for the EU. The six main RS

political parties (including RS President Dodik's SNSD party) signed the Written Commitment, which was also endorsed by the RS National Assembly.

Serbia and RS retain close political ties. There are frequent contacts between the senior leadership, including periodic joint government sessions. The Agreement on Special Parallel Relations between Serbia and RS, a provision in the Dayton Peace Agreement, forms the basis for much of this. PM Vucic made his first foreign visit to BiH (Sarajevo) in May 2014 after winning the elections in Serbia. At the same time, Serbia supports BiH's territorial integrity as well as BiH's European perspective.

Serbia fully supports the EU initiative on BiH. Serbia and BiH's other neighbours acknowledge that they have an important role to play in supporting BiH moving forwards on its reform agenda as well as in promoting good neighbourly relations and greater regional cooperation, including with dealing with the legacy of the past. This is a recurring message in our political dialogue with BiH's neighbours.

If you would find it useful, I would like to offer an off-the-record briefing from my officials on these issues once the Committee is reconstituted after the general election.

*14 April 2015*

## STABILISATION AND ASSOCIATION AGREEMENT - KOSOVO (8532/15, 8534/15, 8535/15)

### **Letter from the Chairman to David Lidington MP, Minister for Europe, Foreign and Commonwealth Office**

The External Affairs Sub-Committee considered the above documents and the accompanying Explanatory Memorandum at their meeting of 2 July. We have decided to retain it under scrutiny.

You say that the admission and Mode IV provisions fall under JHA policy, and so the JHA opt-in Protocol applies. The problem is that none of the other Member States agrees with this interpretation of the Protocol. This is why a JHA legal base, which triggers the application of the Protocol, does not appear in the draft Council Decisions.

The Justice Sub-Committee reported on this aspect of the Government's opt-in policy in March this year. None of the expert witnesses who gave evidence to its inquiry supported the Government's broad interpretation of the opt-in Protocol, or its approach to determining the legal base of international agreements with "JHA content". The Committee accordingly concluded that the approach was misconceived and risked creating legal uncertainty. It called on the incoming Government to abandon this interpretation of the Protocol. The Government's response to the Committee's report is overdue by several months; nonetheless, it appears from your Explanatory Memorandum that the Committee's recommendation has not been followed. We regret this decision.

We ask to be informed of whether the UK will vote in favour of the conclusion of the SAA—not to do so would send a very mixed message to Kosovo, in the light of the UK's enthusiasm for the negotiations—in time for us to consider lifting the scrutiny reserve before the date for adoption by the Council.

*3 July 2015*

## STRATEGIC PARTNERSHIP AGREEMENT BETWEEN THE EU AND CANADA (7906/15)

### **Letter from David Lidington MP, Minister for Europe, Foreign and Commonwealth Office, to the Chairman**

I am writing regarding the EU Council Decision and the Strategic Partnership Agreement (SPA) between the European Union and its Member States and Canada. These documents were published in the Official Journal of the European Union on Monday 13 April. The deadline for opting into the Justice and Home Affairs (JHA) provisions in this agreement is 13 July. I attach [not printed] a further Explanatory Memorandum, to follow up on the one I sent on 27 April during the dissolution of Parliament. Below is an update on the status of this proposal.

The European External Action Service (EEAS), supported by the Commission, would like to provisionally apply every article of the SPA except for Article 24 on Consular Protection.

Negotiations on provisional application have begun at EU Working Group level and will continue into the summer. In negotiations to date the UK has made clear that provisional application negotiations would be sensitive given the ambitious EEAS proposal for provisional application. Officials are working alongside likeminded Member States to agree compromise solutions which will satisfy our policy imperatives with regard to EU competence concerns.

The Government considers that Article 18(2) triggers the UK opt-in and I am minded to opt in to this Article. There are a number of other Articles related to JHA, and these are provisions that we intend to assume in our own right as a signatory to the Agreement.

These are: Article 6 (cooperation in combating terrorism); Article 18(1) (judicial cooperation in criminal matters); Article 19 (cooperation against illicit drugs); Article 20 (fight against organised crime); Article 21 (money laundering); Article 22 (cybercrime).

The deadline for the UK to confirm its opt-in position to the Presidency of the European Council is 13 July. While I hope the Committee is able to examine this item by 13 July, I appreciate that this is a short timeframe and there may be inadequate time available for the documents to be properly examined. If this is the case, I regret that it will be necessary to override scrutiny of the opt-in decision on this occasion in order for the UK to confirm its position to the European Commission.

The FCO will undertake to write again following the conclusion of the negotiations on provisional application to inform you of the outcome.

*30 June 2015*

## TOWARDS A NEW EUROPEAN NEIGHBOURHOOD POLICY (UNNUMBERED)

### **Letter from the Chairman to David Lidington MP, Minister for Europe, Foreign and Commonwealth Office**

Thank you for your Explanatory Memorandum of 19 March, regarding the above document. The document was considered by the External Affairs Sub-Committee at its meeting of 16 June.

The Committee expressed an interest in contributing to the review of the European Neighbourhood Policy in due course. Can you confirm whether you will be able to share the findings of the consultation with the Committee, and whether there will be a further and timely opportunity for us to comment on the concrete proposals of the Commission?

As you know, the Committee's recent report, *The EU and Russia: before and beyond the crisis in Ukraine*, drew conclusions and made recommendations on the Eastern Partnership, and the issues which should be addressed in the review of the ENP. The Committee would like to draw your attention to these recommendations, which I have enclosed [not printed] with this letter for information.

In the meantime, we have decided to retain the document under scrutiny. We would be grateful if you could provide a response in due course.

*16 June 2015*