



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 December 2011 to 8 May 2012.

FOREIGN AFFAIRS, DEFENCE AND DEVELOPMENT POLICY

(SUB-COMMITTEE C)

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AFGHANISTAN: PARTNERSHIP AND DEVELOPMENT AGREEMENT

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

I am writing to inform your Committee that the November Foreign Affairs Council approved a negotiating mandate for a Cooperation Agreement on Partnership and Development (CAPD) between the EU, its Member States and Afghanistan. While the negotiating mandate stage of such an agreement does not require parliamentary scrutiny, I would nonetheless like to ensure that your Committee is informed of current policy and status of negotiations, and to set out the expected next steps.

The EU Foreign Affairs Council in July last year instructed the EEAS and Commission to draw up a negotiating mandate for an EU-Afghanistan long term partnership agreement. The UK strongly supported this approach. We believe the EU should have a lead role on civilian development in Afghanistan beyond 2014 and a long term partnership agreement would create a strong institutional framework to facilitate this, focus EU resources, help deliver UK objectives and help secure other Member States commitment to Afghanistan beyond 2014. The negotiating mandate for the CAPD was approved at the November FAC.

The negotiating mandate sets out the scope and extent of the EU's support to Afghanistan beyond the military drawdown in 2014. It covers a range of areas which are important to UK interests in Afghanistan and which draw on expertise in the EU and Member States. These include political and development cooperation, trade and investment, human rights and the rule of law sector.

The negotiating mandate envisages that the agreement will be a mixed agreement involving both EU and Member State competence and will, when negotiated, require signature by the EU and the Member States. The proposed mandate envisages that the agreement will address matters falling under Title V of the Treaty on the Functioning of the European Union (TFEU), concerning justice and home affairs, to which the UK opt-in applies. In line with our consistent practice in relation to negotiating mandates for Partnership and Cooperation Agreements, the UK will not opt-in at this stage but have secured language in the mandate which takes account of the special position of the UK and Ireland under Title V of the TFEU. This provides cover for the UK to determine whether to opt-in to the agreement once it is negotiated and when the Commission brings forward the proposals for the signature and conclusion of the agreement.

The negotiating mandate sets the parameters for detailed negotiations on the substance of the CAPD which will begin early this year. We are yet to receive the indicative timetable for negotiations. However, we believe it likely that negotiations will last approximately two years with the aim of concluding before the end of 2014. The Council Decisions to sign and conclude will, of course, require parliamentary scrutiny. When we reach this stage in the process we will provide you with all necessary information in good time. In the meantime I am happy to answer any further questions you might have, based on the information currently available.

2 February 2012

ATHENA: EU OPERATIONS HAVING MILITARY OF DEFENCE IMPLICATIONS

Letter from the Chairman to Gerald Howarth MP, Minister for International Security Strategy, Ministry of Defence

The House of Lords EU Sub-Committee on Foreign Affairs, Defence and Development Policy considered the above document at its meeting on 15 December 2011 and cleared it from scrutiny.

The Sub-Committee was puzzled by the statement in your paragraph 10 that "increased common costing would ... duplicate investment already made by many" and that the UK would end up paying twice. We could not see how the logic worked on this. From our own work it seems that a large number of Member States avoid any defence commitment and have very low defence budgets, a matter that is criticised by the UK. A forced contribution to such missions by these states would force their defence contributions to rise. Additionally, as the UK is one of only two EU Member States that can provide certain capabilities it would mean that we were at least reimbursed for the many times that we have to contribute to such missions. We do not necessarily disagree with the Government's view, but we cannot understand its logic.

We would like to understand the rationale which lies behind the policy. I look forward to your reply by Friday 6 January 2011.

19 December 2011

Letter from Gerald Howarth MP to the Chairman

Thank you for your letter of 19 December 2011 in which you sought clarification on the points raised in the Explanatory Memorandum regarding the widening of the scope of EU military common funding made available through the ATHENA mechanism.

As you rightly observe, we would like to see other Member States increase their spending on defence. We regard it as axiomatic that nations bear the responsibility for equipping their Armed Forces and maintaining them at suitable readiness. In recognition of this, the UK has invested significant sums in transport and logistic support, capabilities that are proving their worth in Afghanistan. Broadening the scope of common funding would transfer some of this responsibility to the EU which, quite reasonably, would only be prepared to invest in EU operations.

We cannot consider the EU in isolation: nations like the UK that wish to retain the option of working in other alliances (whether NATO or other multinational groupings) would be obliged to increase

their contribution to the EU budget while at the same time maintaining the national capability they need in order to operate independently. We should therefore continue to encourage Member States to increase their defence spending; ideally to meet a similar target of 2% of Gross Domestic Product that has been agreed by NATO Allies. I should stress that we have no difficulty with the idea of groups of nations joining together to acquire capability on a multinational basis: the 12-nation acquisition of 3 C-17 strategic lift aircraft through the NATO Airlift Management Agency provides a particularly good example of what can be achieved in this way.

I should also add that common funding for the movement of EU Battlegroups would kick in only if a military mission was launched and would therefore do little for the sustained investment in defence capability that we wish to promote. And since reimbursement would be made only to nations that participate in the on-call EU Battlegroup, there could be no guarantee that the extra cost to Defence would be offset by receipts from the EU.

6 January 2012

BELARUS: RESTRICTIVE MEASURES

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

I am writing with regard to a Council Decision concerning restrictive measures against Belarus. I regret that due to the pace of events in the EU I find myself in the position of having to agree to the adoption of these documents before your Committee has been able to provide parliamentary scrutiny.

Since the measures were renewed in October 2011 we have been negotiating with EU partners to expand the listing criteria so that is not explicitly tied into events that took place around the elections of December 2010. The purpose of broadening the criteria is to ensure that the targeted measures remain relevant to the current situation on the ground in Belarus. In this respect the listing criteria will be amended to include “serious violations of human rights or the repression of civil society and democratic opposition” and “persons or entities benefitting from or supporting the regime”. The agreement of all Member States to expand the criteria was secured on 12 January.

There is a Foreign Affairs Council on 23 January and Belarus is on the agenda. The aim is to make an announcement that the criteria under which individuals or entities can be targeted has been expanded. In order to achieve this aim, unfortunately on this occasion it has been necessary for me to override parliamentary scrutiny.

16 January 2012

Letter from the Rt. Hon David Lidington MP to the Chairman

I am writing with regard to a Council Implementing Decision and Council Implementing Regulation concerning restrictive measures against Belarus. I regret that due to the length of negotiations between Member States on these measures I have had to agree to the adoption of these documents before your Committee has been able to provide parliamentary scrutiny.

In January the listing criteria under which individuals and entities could be targeted were expanded to include targeting those that commit “serious violations of human rights or the repression of civil society and democratic opposition” as well as “persons or entities benefitting from or supporting the regime”. Negotiations on which new individuals and entities should be targeted have been taking place in Brussels for a number of months. EU Heads of Mission proposed a list of individuals and there was broad agreement on which persons from these proposals would be targeted. Late into the negotiations some Member States raised new concerns over some of the individual listings. This resulted in delayed agreement on which individuals would be added in this latest round of measures.

The plan had been to announce the additional sanctions at the Foreign Affairs Council on 27 February, however due to the additional negotiations that were required this was not possible and final agreement was reached in time for the measures to be adopted by the General Affairs Council on 28 February. Unfortunately, due to these extenuating circumstances, on this occasion it has been necessary for me to override parliamentary scrutiny.

We will be pushing for further sanctions to be adopted at the March Foreign Affairs Council. My officials will continue to keep your committee updated as much as possible on this matter.

5 March 2012

Letter from the Rt. Hon David Lidington MP to the Chairman

I am writing with regard to a Council Implementing Decision and Council Implementing Regulation concerning restrictive measures against Belarus, which were adopted at the March Foreign Affairs Council (FAC). I regret that as highlighted in my pre-recess letter of 20 March I have had to agree to the adoption of these documents before your Committee has been able to provide parliamentary scrutiny.

Following the expansion of the restrictive measures package at the February FAC a commitment was made to further strengthen the measures should there continue to be no change in the Lukashenko regime's position. Negotiations on further measures concluded on 21 March with an EU wide agreement to target two businessmen and a number of entities connected to them who were judged to be supporting or benefiting from the Lukashenko regime. In order to be able to announce this at the FAC on 23 March I regret that I found myself in the position of agreeing to adopt the Decision and Regulation before your Committee had the opportunity to scrutinise.

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

10 April 2012

Letter from the Chairman to the Rt. Hon David Lidington MP

Thank you for your letter of 10 April about the restrictive measures imposed on Belarus.

At its meeting on 26 April 2012 the EU Sub-Committee on Foreign Affairs, Defence and Development Policy noted the contents of your letter. In previous letters you have explained to the Committee why the Government cannot provide the Committee with the details of those targeted by restrictive measures before they are adopted by the Council.

Whilst we understand that it is not possible for you to provide us with the information on the individuals and entities concerned during the pre-decision period, the Committee would expect any such decision to be communicated to us at the earliest possible time once agreed by the Council. In the case of the restrictive measures adopted by the Council on 23 March (Council Implementing Decision 2012/171/CFSP of 23 March 2012 implementing Decision 2010/639/CFSP and Council Implementing Regulation (EU) No. 265/2012 of 23 March 2012 implementing Article 8a(1) of Regulation (EC) No. 765/2006) your letter was dated 10 April. We were grateful that you wrote to us on 20 March indicating that it would not be possible for you to submit an Explanatory Memorandum prior to the Easter recess. However, we would have hoped to have been sent the 10 April letter and the Explanatory Memorandum sooner after the decision in Brussels.

I note that your letter only mentions that two businessmen were targeted. However 12 individuals were added by the Council to the restrictive measures list. Could you please explain why your letter highlighted the two businessmen and not the other ten individuals?

We look forward to hearing from you within the standard ten working days.

30 April 2012

BURMA: RESTRICTIVE MEASURES

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

I am writing to inform you that it has been necessary to override Parliamentary scrutiny in order for me to agree to the adoption of an amending Council Decision concerning the restrictive measures imposed on Burma.

On 23 January the European Council welcomed the programme of political reform undertaken by the Government of Burma, together with its commitment to economic and social development. Agreement was reached by Ministers to respond to these positive developments by suspending the visa ban of certain members of the Government.

Negotiations between officials then took place to agree which members of the Government the suspension of the travel ban should apply to. Agreement was reached on 8 February and the amending Council Decision will be adopted on 17 February. Due to this timetable and Parliamentary recess I am afraid that I have been left with no alternative on this occasion but to authorise a scrutiny over-ride.

The Council Decision is due for renewal in April. Given that your committee will be in recess for Easter at that time, my officials would be happy to discuss our approach to the renewal with you in advance of our negotiations.

15 February 2012

Letter from the Rt. Hon David Lidington MP to the Chairman

I am writing with regard to EU restrictive measures against Burma.

During his recent visit to Burma, the Prime Minister publicly supported suspending all sanctions on Burma, apart from the arms embargo. This approach will recognise both the remarkable progress we have witnessed in Burma over the past 12 months, as well as the serious concerns that remain. Suspending sanctions will provide leverage to Aung San Suu Kyi, and to the international community, to ensure that the reform process will continue. This approach will also support Burmese President Thein Sein's position with hard-liners by allowing him to argue that the reforms he has embarked upon have delivered a significant easing of international sanctions, and that continuing reforms will bring further reward.

At the Foreign Affairs Council today, our EU partners agreed to support the UK's call to suspend sanctions against Burma. Negotiations on the Council Decision to bring this decision into effect will now begin, and as a result I do not have a Council Decision to share with your Committee at this time. Your Committee will of course be aware that if consensus cannot be achieved by 30 April, when the Council Decision expires, the sanctions will fall away in their entirety.

Given the uncertainty about the outcome of these negotiations, and the upcoming Parliamentary programme, I regret that as highlighted in my pre-recess letter of 20 March I will have to agree to the adoption of these documents before your Committee has been able to provide parliamentary scrutiny. However, my officials would be prepared to provide more in-depth briefing on the situation and the underlying policy driving our approach.

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

23 April 2012

BUSAN: AID EFFECTIVENESS FORUM (13927/11)

Letter from Stephen O'Brien MP, Parliamentary Under-Secretary of State, Department for International Development, to the Chairman

Your committee asked to be informed of the outcome of the 4th High Level Forum on Aid Effectiveness, held in Busan, Republic of Korea, from 29 November to 1 December 2011.

The Busan Forum was attended by over 2,500 delegates, including over 100 Ministers from donor and developing countries, parliamentarians, civil society organisations and private sector representatives. The Secretary of State for International Development represented the UK. I attach the Outcome Document: 'Busan Partnership for Effective Development Cooperation' for your reference and would also draw your attention to the Written Ministerial Statement of 7 December informing Parliament of the Busan outcome. In this statement, the Secretary of State noted that a major achievement of the forum was the establishment of a new global partnership for effective development cooperation; for

the first time emerging economies like China and Brazil are included as participants in a development partnership.

The UK's three priority areas for Busan – results, transparency and fragile states – are central to the Outcome Document, and our goal of getting an agreement that the emerging economies could support was also met. We particularly welcome the new shared principles on results and transparency, and the 'New Deal' for engaging in fragile states, which was endorsed by a wide range of actors in Busan, including the UK.

The EU Common Position for Busan is also well reflected in the Outcome Document, with EU priorities for an inclusive partnership, reaffirmation of aid effectiveness commitments from previous High Level Fora, and a focus on results, ownership and transparency all included. There was also clear agreement in Busan that future implementation should be primarily at the country-level, led by partner countries and reflecting their development priorities. Transparency will be an important area of follow-up for the EU, with the proposal to establish an EU Transparency Guarantee. We welcome this proposal and will work to ensure it is consistent the UK-led International Aid Transparency Initiative (IATI). This will further increase the amount of aid information available to citizens, which will help them to hold their governments to account.

As mentioned in the previous letter to your Committee, the EU was also keen that Busan would address the issue of aid fragmentation. This is covered by the Busan Outcome Document, reflecting the importance of better coordination among development partners to reduce transaction costs for developing countries. EU Joint Programming could play a role in addressing fragmentation. The UK Government's position from the outset has been that such work should not be led from Brussels, and the Busan Outcome Document makes it clear that such processes should be led by developing countries.

The agreement in Busan to form a new Global Partnership for Effective Development Cooperation is a major achievement. In particular the inclusion of emerging economies for the first time as providers of development cooperation, not just aid recipients, on the basis of common goals and shared principles is an important step forward. However, there remains significant work to do in the coming months to agree the details of the partnership, including the future governance and monitoring arrangements. We will remain closely engaged in this process, and expect the EU to play an important role in determining future arrangements. The UK will work with EU partners to ensure that the new Global Partnership maintains the clear focus on results needed to improve the lives of millions of poor people around the world, and to ensure value for money.

22 December 2011

BUSINESS DURING RECESS

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

FOREIGN AND COMMONWEALTH OFFICE: EU BUSINESS DURING CHRISTMAS RECESS 20/21 DECEMBER 2011 – 10 JANUARY 2012

I would like to take this opportunity to alert you to EU activities that might take place during recess when your Committee is not sitting.

As we have seen this year, there have been a number of regional crisis leading to policy being agreed through the EU at pace. Whilst my officials have endeavoured to keep you as up to date as possible concerning developments, there have been occasions where an override was operationally necessary. I expect that events will remain unpredictable, this is likely to continue. My officials will continue to submit Explanatory Memorandums on appropriate documents, and if there are any significant policy developments we will ensure you are alerted. My officials will also continue to work closely with your clerks to avoid unnecessary overrides during the recess period.

We expect progress on the following **before Recess**:

CSDP in Palestine: Following a strategic review of the EU's Common Security and Defence Policy (CSDP) Missions in the Palestinian Territories, the EEAS recommended the merger of the border assistance Mission, EUBAM Rafah and the policing Mission EUPOL COPPS. Both Missions' mandates and budgets are due to end on 31 December 2011. There will follow a period of phased merger,

which is due to be completed by 1 July 2012. Negotiations on the budgets for the two Missions in this interim period are ongoing. My officials hope to have final figures soon and I will submit an Explanatory Memorandum which I hope can be considered before recess in order to allow this important Mission to continue.

Given the continued unrest in certain regions, dossiers that might make progress **during Recess include:**

Sanctions: Syria Given the growing seriousness of the situation, my officials are currently discussing further sanctions targeted at the Syrian financial sector, the oil sector and against persons and entities involved in the brutal crackdown against protestors. Once negotiations are complete, my officials will send a copy of the Council Decision and/or Council Regulation to the Committees.

Sanctions: DPRK DPRK continues to proliferate. As such, my officials have been working to update the lists of those persons and entities involved in proliferation related activities. They have also been identifying other areas where DPRK has been known to generate funds for its WMD programmes. Once negotiations are complete, my officials will send a copy of the Council Decision and/or Council Regulation to the Committees.

I thought it would also be useful to flag up some issues that we expect to emerge **once Parliament has returned in January.**

EU-Jordan Action Plan Political agreement on a new Action Plan was reached between the EU and Jordan in October 2010. The proposed Action Plan sets out possible areas for deeper cooperation between the EU and Jordan. These range from human rights and trade, to migration and social reform, and build on the existing EU-Jordan Association Agreement. The Action Plan does not contain any legally binding obligations or create any new financial obligations. It sets out a broad framework for future work aimed at further enhancing the EU-Jordan relationship.

The Action Plan covers a broad range of issues falling within both EU and Member States competence and will thus require endorsement by both the EU and the Member States before the Recommendation to implement it can be formally adopted by the EU-Jordan Association Council. Discussions are on-going with the EU Institutions as to the appropriate mechanism to take this forward. My officials will keep the Scrutiny Committees informed of developments on this matter.

Turkmenistan PCA There have been a series of discussions in Brussels on the content of the draft Council and Commission Decision relating to the conclusion of the 1998 Partnership and Co-operation Agreement with Turkmenistan. It is as yet unclear when this will be taken forward. A scrutiny reserve has been placed on the Decision to allow us to fully consider its impact on a separate review of the UK's approach to the ratification of the PCA. An EM will be submitted for consideration by the Committees as soon as discussions have been concluded.

European Security and Defence College (ESDC) We are expecting a review of the College's functioning shortly, as foreseen in the amended Joint Action of June 2008. The ESDC coordinates strategic level training in the field of Common Security and Defence Policy. The courses are run by Member States. Many CSDP operations and missions have real importance for the UK, and with the number of them due to increase there is a genuine need for EU decision makers in capitals to receive strategic level training on CSDP. The Joint Action of 2008 stipulates that revisions must be completed before the end of 2011, but we have yet to receive the review report. We expect to return to the issue in January 2012.

CSDP missions On Friday 18 November, I wrote to the Committees to update them on progress being made towards implementation of EEAS Strategy for Security and Development in the Sahel, including through a small CSDP mission to the region. The Danish Presidency, at UK instigation, will be taking forward a similar strategy for Pakistan that will bring together specific counter-terrorism capacity building, countering violent extremism and broader supportive development work. We also support the work of the EU-lead Integrated Border Management (IBM) Post Conflict Needs Assessment exercise in Libya and possible civilian CSDP support to the UN-led process in Libya during 2012. Other CSDP missions at the concept stage of their development are in South Sudan (strengthen security at Juba airport) and Somalia and the Horn of Africa (regional maritime capacity building and strengthening the Somali Coastal Police). I will update the Committees as appropriate.

I'd like to take this opportunity to thank your Committee for its support and flexibility during what has been a busy start to the new Session. I hope that you, your Committee, and your Clerks have an enjoyable break, and look forward to continuing my work with you in the New Year.

13 December 2011

Letter from the Rt. Hon David Lidington MP to the Chairman

FOREIGN AND COMMONWEALTH OFFICE: EU BUSINESS DURING HALF TERM RECESS 16 – 27 FEBRUARY 2012

I would like to take this opportunity to alert you to EU activities that might take place during the forthcoming recess when your Committee is not sitting.

Last year there were a number of regional crisis leading to policy being agreed through the EU at pace. Whilst my officials have endeavoured to keep you as up to date as possible concerning developments, there have been occasions where an override was operationally necessary. As certain regions remain unpredictable, this is likely to continue. However, my officials will continue to submit Explanatory Memorandum's on appropriate documents, and if there are any significant policy developments we will ensure you are alerted. My officials will also continue to work closely with your clerks to avoid unnecessary overrides during the recess period.

Dossiers that might make progress **during Recess include:**

Targeted Measures: Zimbabwe

Negotiations are underway in advance of the rollover of the Restrictive (CFSP) and Appropriate (ACP-EP) Measures on Zimbabwe. The decisions are likely to be announced during recess. My recent letter to committees set out the context for these discussions and the priorities of the coalition government. Once negotiations are complete, my officials will send a copy of the Council Decision and/or Council Regulation to the Committees.

I thought it would also be useful to flag up the following that we expect to emerge **once Parliament has returned in February.**

EU-Jordan Action Plan

We wrote to Committees on 16 January updating them of the situation regarding this EM. Discussions are still on-going with the EU Institutions. My officials will keep the Scrutiny Committees informed of developments on this matter.

Euro-Mediterranean Agreement- Israel

There is a proposal for a Council Decision amending annexes to the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States and the State of Israel. This will add chemically pure lactose and glucose to the list of products which can enter the EU from Israel, duty free. Not listing chemically pure lactose and glucose in the initial agreement was an oversight and this proposal is a necessary and non-controversial technical modification. On 4 November 2009 the European Commission agreed to re-open the Agreement and look into the issue. An EM will be submitted for consideration by the Committees as soon as Whitehall discussions have been concluded.

7 February 2012

Letter from the Rt. Hon David Lidington MP to the Chairman

FOREIGN AND COMMONWEALTH OFFICE: EU BUSINESS DURING EASTER RECESS 29 MARCH – 15 APRIL 2012

I would like to take this opportunity to alert you to EU activities that might take place during the forthcoming recess when your Committee is not sitting.

We expect progress on the following before Recess:

CSDP: EU Operations Centre – I wrote to the Committees on 11 January on upcoming CSDP business, including on the EU Operations Centre. To help engender the comprehensive approach we wish to see, we have agreed that the existing Operations Centre in Brussels will be used to provide military expertise support to the Civilian Operation Commander of the regional maritime capacity building mission and to enhance coordination with the other CSDP missions in the Horn of Africa (EU Training Mission Somalia and EUNAVFOR Atalanta). The activation of the Operations Centre is subject to a Council Decision. An Explanatory Memorandum defining staffing, funding and the role of the Ops Centre will be submitted shortly for consideration by the Committees.

Restrictive Measures Belarus – Discussions are ongoing about possible further measures to be agreed at the Foreign Affairs Council on 26th March. As these amendments are complex and still being negotiated it is unlikely that officials will be able to submit an Explanatory Memorandum on this issue prior to the Easter Recess.

Restrictive Measures Moldova – Agreement has been reached at official level in Brussels to renew the suspension of the travel ban in respect of persons targeted under the restrictive measures imposed against Moldova from 31 March 2012. An Explanatory Memorandum has recently been submitted for consideration by the Committees.

During recess it is possible that urgent decisions will need to be taken, and unfortunately an override will therefore be necessary for operational reasons. However, my officials will continue to submit Explanatory Memorandums on appropriate documents, and if there are any significant policy developments we will ensure you are alerted. My officials will also continue to work closely with your clerks to avoid unnecessary overrides during the recess period.

I thought it would also be useful to flag up some issues that we expect to emerge once Parliament has returned in April:

CSDP: Regional Maritime Capacity Building for the Horn of Africa and the Western Indian Ocean – My letter of 11 January included an update on the proposed CSDP regional maritime capacity building (RMCB) mission. RMCBs objectives are to strengthen the maritime capacities of countries in the Horn of Africa and the Western Indian Ocean in response to the problem of piracy off the coast of Somalia. It will form an important part of wider capacity building work being undertaken by EU and other international partners and organisations. We will submit an Explanatory Memorandum as soon as papers are available and hope that the Committee will be able to consider it at their first meeting after recess, as we expect agreement to be sought at the FAC on Monday 23 April.

CSDP: South Sudan A CSDP mission to South Sudan has been proposed which will strengthen the capability of the South Sudanese authorities to provide security at Juba airport. Assessments confirm that there is a strong need for this mission due to the security vulnerabilities of Juba International Airport and its strategic role as the main gateway to this new nation. We are examining reports to ensure that a mission will achieve sustainable outcomes and provide value for money. We will submit an Explanatory Memorandum as soon as discussions have been finalised and hope that the Committee will be able to consider it at their first meeting after recess, as we expect agreement to be sought at the FAC on Monday 23 April.

Restrictive Measures Burma The EU restrictive measures imposed on Burma are due to expire on 30 April. Formal negotiations will begin following by-elections in Burma on 1 April as their conduct is factor which will determine the nature of the EU's sanctions response. We will submit an Explanatory Memorandum as soon as discussions have been finalised and hope that the Committee will be able to consider it at their first meeting after recess, as we expect agreement to be sought at the FAC on Monday 23 April.

20 March 2012

Letter from the Chairman to the Rt. Hon David Lidington MP

Thank you for your letter of 20 March 2012 in which you outlined EU activities within the remit of the Foreign and Commonwealth Office on which progress might be made during the Easter recess.

The EU Foreign Affairs, Defence and Development Sub-Committee noted this letter at its meeting on 22 March 2012. The Sub-Committee was particularly interested by the Regional Maritime Capacity Building (RMCB) mission for the Horn of Africa and the Western Indian Ocean, due for agreement at the Foreign Affairs Council on 23 April. The Sub-Committee regretted that it had not previously received much information about this proposed CSDP mission. Whilst we appreciate your having sent us a copy of your letter to William Cash of 11 January in which you included an update on the proposed RMCB mission, the Sub-Committee would like routinely to be kept updated on proposals for CSDP missions from an early stage, such as the agreement of the concept of mission and preliminary scoping visits. This would better allow the Sub-Committee to carry out its scrutiny function, rather than only being given details of a proposed CSDP mission at the stage when a Council Decision is due to be agreed.

I look forward to a response to this letter in due course.

27 March 2012

CENTRAL AMERICA ASSOCIATION AGREEMENT (16316/11, 16394/11)

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

I am writing to inform the House of Lords European Scrutiny Committee of Council proposals on the Signature and provisional Application of the trade aspects of the proposed Association Agreement between the EU and Central America, and on Conclusion of the Agreement.

The Association Agreement covers all aspects of the bi-regional relationship: political dialogue, cooperation and trade. Its objectives are to strengthen political dialogue and cooperation on issues of common interest, and to boost respective trade flows and investments. It will lead to stronger relations between the EU and Central America, assisting us to work more effectively together on issues of mutual concern such as security, counter-narcotics, climate change, human rights, counter-terrorism and migration, as well as encouraging trade between the two regions.

Subject to Scrutiny Committee clearance, the Council Decision on Signature of the Association Agreement and provisional Application of the trade elements is expected to be adopted by the end of May 2012 and the Agreement signed by June 2012. The European Parliament is expected to give its consent for Conclusion of the Agreement approximately 2 to 3 months later.

1 December 2011

Letter from the Chairman to the Rt. Hon David Lidington MP

The EU Foreign Affairs, Defence and Development Sub-Committee considered the above documents at its meeting on 26 January, having consulted the EU Economic and Financial Affairs, and International Trade Sub-Committee on the international trade aspects of the Agreement. The documents were cleared from scrutiny.

With regard to the opt-in, the EU Committee has taken the consistent view that the UK is an automatic participant in a proposal, and that the opt-in under Protocol 21 does not arise, unless that proposal expressly cites a legal basis found in Title V of Part Three TFEU.

However, given transparency in the relevant recital to the Agreement (which we welcome), your intention to insist on a suitable recital in each proposed Decision (which we support) and the fact that this is, in any event, a mixed agreement we do not consider that this issue has significant practical effect.

We support these proposals but believe that it is important that the Agreement should be monitored as it is taken forward. We would be grateful if you would keep us informed of developments.

26 January 2012

CONSULAR PROTECTION FOR CITIZENS OF THE UNION ABROAD (18821/11)

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

The EU Sub-Committee C on Foreign Affairs, Defence and Development Policy considered the above document at its meeting on 2 February 2012, before it was also considered by the Sub-Committee on Justice and Institutions. We will be commenting further in due course, but we would like to raise a specific question on the UK's experience of consular protection of EU citizens.

Could you let us know how many cases have occurred in the past year when EU citizens have requested the assistance of UK consular offices in third countries? It occurs to us that the UK may receive a disproportionate number, as citizens of EU Member States are likely to turn to British representation, given that their second language will frequently be English.

Could you also let us know whether any costs are reimbursed for consular assistance undertaken by a consular office other than that of the Member State to which that citizen belongs.

We look forward to hearing from you within the standard ten working days.

3 February 2012

Letter from the Rt. Hon David Lidington MP to the Chairman

Thank you for your letter of 3 February 2012 following the Committee's discussion of the above document.

You asked how many cases have occurred in the past year when nationals of other EU Member States have requested assistance from British consular offices in third countries. British consular staff may provide consular assistance to nationals of other EU Member States in third countries where they have no embassy or consulate of their own. This is explained in our publication Support for British nationals abroad: A guide.

While the Foreign and Commonwealth Office records all cases where consular assistance is provided by UK consular staff, it is not possible to extract from the consular database the number of cases involving assistance provided to non-British nationals. However, during the Arab Spring crises in 2011, the FCO assisted in the evacuation of approximately 230 nationals of other EU member states, mostly from Libya.

Our records also show that consular staff issued UK Emergency Travel Documents to 51 people from 14 other EU Member States during 2011. The majority were Irish citizens, or citizens of countries in the Baltic and Central Europe. We provided this service in a variety of countries, mostly in Africa, South-East Asia, the Caribbean and South America, with a few cases closer to home in non-EU European countries. The attached table provides further detail.

On the basis that the FCO's overseas network of embassies, high commissions and consulates is more extensive than many of our EU partners, we share the Committee's assessment that British consular offices are likely to receive a disproportionate number of requests for assistance from unrepresented EU nationals.

The FCO does not recover any costs for assistance provided to unrepresented EU nationals, except in those cases where a UK Emergency Travel Document is issued to an EU national with the approval of their own authorities. In such cases, the applicant would be asked to pay the normal fee levied under the Consular Fees Order (currently £95).

20 February 2012

CROATIA AND SERBIA: EU ACCESSION

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

Thank you for coming to brief the EU Foreign Affairs, Defence and Development Sub-Committee on 1 December on developments on the status of Croatia and Serbia in the EU accession process.

The Sub-Committee subsequently considered the "Draft Decision of the Council of the European Union on the admission of the Republic of Croatia to the European Union" and cleared it from scrutiny.

The Sub-Committee also considered the documents on "Enlargement strategy and Main challenges 2011-2012, 15608/11 and other related documents", which it initially considered at its meeting on 24 November and held under scrutiny. The Sub-Committee cleared the documents from scrutiny, but expressed a number of serious concerns and reservations on the proposal for Serbia to be granted candidate status and believe that the assessment of its readiness for this step to be too optimistic. The Sub-Committee believes firmly that:

- a) before candidate status is agreed, the conditions listed by the Commission must be fulfilled, for example the agreements with Kosovo on such subjects as driving licences etc must be implemented;
- b) no negotiations should be opened until there has been a higher level of commitment on Serbia's part to resolve outstanding issues contained in Chapter 23 and a real demonstration of genuine willingness to reform, and reforms have been in place, embedded and sustained for a considerable time;
- d) recognition of Kosovo should be a condition of Serbia's eventual accession;

The Sub-Committee also expressed considerable doubts that the above could be achieved in the timetable envisaged.

We look forward to hearing from you within the standard ten working days.

5 December 2011

Letter from Rt. Hon. David Lidington MP to the Chairman

Thank you for your letter of 5 December setting out the Sub-Committee's concerns following my informal hearing with them on 1 December. I will address each in turn.

First, I appreciate the concern of the Sub-Committee that before candidate status for Serbia is agreed, the conditions set out by the Commission as regards Kosovo must be met. This is something I agree with entirely and which I was keen to emphasise during my meeting with them. Indeed, in my discussion and prior correspondence with the Sub-Committee and Committee, I noted that we were looking to Serbia to deliver more than the bare minimum in meeting the Commission's conditions to re-engage in the dialogue with Kosovo and implement existing agreements.

The Committee will now know that the decision at the European Council was not to grant candidate status. Ultimately, the UK decided that the progress we had seen up to 9 December had been promising but was not enough for us to grant candidate status at that time, and other Member States agreed. Implementation in particular, though it had progressed, had been left too late to provide credible reassurance that it would in all cases be successful – several of the necessary decrees which ordered implementation were passed on 8 December which simply left no time to monitor results.

However, taking into account the progress shown so far and that on the current trajectory we could see additional positive results in the coming months, it was decided that, with a view to granting Serbia the status of Candidate country, the EU will consider the matter again at the February General Affairs Council with formal adoption of any decision at the March European Council.

This process provides additional time for Serbia to build on progress to date and make further credible moves to convince us and other Member States that it is serious about improving its relationship and cooperation with Kosovo.

I will of course be monitoring developments closely ahead of the February Council before coming to a decision at that time on whether Serbia has achieved sufficient progress. My officials would be happy to brief you nearer the time should you wish.

The Sub-Committee's second concern was that accession negotiations should not be opened with Serbia until there has been a higher level of commitment on Serbia's part to resolve outstanding issues contained in Chapter 23 (Judiciary and Fundamental Rights), a real demonstration of genuine willingness to reform, and that reforms should have been in place, embedded and sustained over a considerable period of time.

Serbia has made good progress in this regard since it applied to join the EU two years ago. As the Commission noted in its report this October, Serbia has begun an ambitious reform of its judiciary which has already seen improvements to its impartiality, independence, efficiency and accountability. The legal and institutional frameworks for tackling corruption and organised crime and protecting fundamental rights are also now largely in place. Of course, there is more to do. As the report notes, these reforms need to be further embedded and fully implemented. The Commission's overall conclusion is that Serbia will need to undertake considerable and sustained efforts to align with the requirements of Chapter 23 in the medium term, which is defined as a period of five years (and which does not pre-judge any future date of accession). So Serbia will need to continue the reforms it has begun and up its efforts to meet the requirements before it joins the EU.

The period before accession negotiations are opened is intended for applicant countries to develop the legislative and institutional framework and demonstrate commitment to implementation through initial results. It is not expected that applicants will be near to or have fully met and delivered substantial track records against all the acquis criteria until accession negotiations are closed. It is during the detailed chapter-by-chapter negotiations that stringent screening takes place and tailored, robust benchmarks are set, with chapters only closed once the conditions have been met and track records demonstrated. While Serbia has made progress in respect of Chapter 23 to warrant a move towards opening negotiations, they have more to do on regional cooperation with Kosovo before that can take place.

As regards Chapter 23 specifically, you can be assured that the Government gives this genuine priority. Indeed, it is because of our close work with the Commission to ensure lessons were learnt from the Croatian experience and earlier accessions that we will now see Chapters 23 and 24 addressed early – this will allow maximum time to establish the necessary legislation, institutions and

solid track records of implementation before the negotiations are closed. And this is not a process we stand back from – the UK is closely involved in assisting Serbia, including through EU-funded twinning programmes.

Finally, let me turn to the Sub-Committee's third point – that recognition of Kosovo should be a condition of Serbia's eventual accession.

The Government is clear that by the time Serbia joins the EU it must have normalised relations with Kosovo. This is important not only for the benefit of Serbia and Kosovo, but also for the security of the region as a whole. Our policy is to seek to move forward as much as possible on this point at each stage of the accession process. The key is to ensure that Serbia and Kosovo get to a point where they enjoy genuinely good relations and cooperation, avoiding further upheaval in the region, and benefitting the citizens of each country. A crucial vehicle for this is the EU-facilitated dialogue which is already yielding results. We continue to be strong supporters of the dialogue and urge both sides to continue to take constructive and early steps towards further progress.

Furthermore, the accession process, and the need to align fully with the acquis, will require Serbia to take further steps to address its relationship with Kosovo on a range of issues, such as energy.

Importantly, Serbia must guarantee it will not block Kosovo's own eventual EU accession. The EU is agreed that Kosovo's future lies within the EU.

I hope this addresses the Sub-Committee's concerns, but if I or my officials can be of any further assistance, please do not hesitate to contact me.

20 December 2011

Letter from the Rt. Hon David Lidington MP to the Chairman

I am writing to inform you that a statement will be laid before the House on 2 February, pursuant to section 5 of the European Union Act 2011 as to whether the Treaty concerning the accession of the Republic of Croatia to the European Union falls within section 4 of the EU Act. I will also lay a Written Ministerial Statement in Parliament.

The Statement makes clear that in my opinion, the Treaty concerning the accession of the Republic of Croatia to the European Union of 9 December 2011 does not fall within section 4 of the Act and no referendum is required in the UK.

The referendum on Croatian accession returned a vote in favour of accession in Croatia at the end of January. Before Croatia can accede to the EU, all 27 members of the EU will have to ratify the Croatia Accession Treaty. Under the European Union Act 2011, primary legislation to approve the Treaty is necessary before the UK can ratify. As well as noting the safeguard clauses written into the Accession Treaty, I have previously undertaken to ensure that Parliament has access to the sequence of pre-accession monitoring reports from the Commission when taking its decision on whether to ratify the Accession Treaty.

1 February 2012

Letter from the Chairman to the Rt. Hon David Lidington MP

At its meeting on 1 March, the EU Foreign Affairs, Defence and Development Sub-Committee took note of the recommendation by the General Affairs Council on 28 February to grant Serbia EU candidate status. The Sub-Committee would like further background information on this decision.

You wrote to me on 20 December 2011 following the decision taken at the European Council of 8/9 December 2011 not to grant Serbia candidate status. You explained in your letter that the UK's position at that time was that Serbia had not made sufficient progress on implementing existing agreement with Kosovo, and that further time was necessary to monitor the implementation of several decrees which Serbia had only passed on 8 December. The Sub-Committee would therefore welcome an update on the specific progress that Serbia has made since December in normalising its relations with Kosovo and implementing the agreements.

The Sub-Committee was also concerned that Serbia's relations with Republika Srpska could be disruptive to the stability of Bosnia and Herzegovina. The Sub-Committee wishes to highlight that this issue, as well as Serbia's relations with Kosovo, needs to be monitored closely as Serbia progresses towards accession. We would welcome your views on this matter.

I would be grateful to receive a reply to this letter within the standard deadline of ten working days.

6 March 2012

Letter from the Rt. Hon David Lidington MP to the Chairman

Thank you for your letter of 6 March.

Following the GAC and 1-2 March European Council last week, I now write to update you further on Serbia's progress ahead of the GAC, the decisions made, and the next steps for Serbia following this decision.

As you are aware, the December European Council specified that progress needed to be made in the areas of: (i) showing credible commitment and achieving further progress in implementing agreements reached in the dialogue including on Integrated Border Management; (2) reaching agreement on inclusive regional cooperation; and (3) actively cooperating with the EU Rule of Law mission (EULEX) and NATO peace-keeping force (KFOR) in Kosovo.

I set out in my letter of 16 February to Bill Cash MP, copied to you (attached), the UK's position on EU candidate status for Serbia ahead of the General Affairs Council and gave my assessment of Serbia's progress, at that time, on meeting the December European Council's conditions on Kosovo. After this letter, a further meeting of the EU-facilitated dialogue took place on 22-24 February at which agreement was secured on Kosovo's participation in regional fora (the agreement on inclusive regional cooperation) and a technical protocol concluded on the implementation of the agreement on Integrated Border Management. In addition to these agreements, the EULEX Head of Mission De Marnhac visited Belgrade on 22 February where he and President Tadic had a substantive exchange on combating organised crime and trafficking in the north of Kosovo. Following this visit, there was also action to remove the two remaining barricades on the Serbian side of the border.

In light of this additional progress, and taking into account the progress we had already seen, the UK assessed that Serbia had met the required conditions and we supported candidate status. Member States shared this assessment and candidate status was recommended at the 28 February GAC. This was endorsed by the March European Council and candidate status was granted – the Prime Minister's subsequent statement to parliament welcomed this decision.

The next stage of Serbia's EU accession path will be the decision to open accession negotiations. This decision was not taken at the European Council. This will only be considered by the European Council when the Commission assesses that Serbia has achieved the necessary degree of compliance with the membership criteria, in particular the key priority of taking further steps towards a visible and sustainable improvement of relations with Kosovo. In addition, the GAC conclusions specified that both Serbia and Kosovo should continue to take forward the implementation of all agreements reached to date, and the UK shall continue to emphasise the importance of this in our bilateral dealings with both countries.

When a decision on accession negotiations is taken, we will need to be satisfied that Serbia has continued to normalise relations with Kosovo, as well as maintaining momentum in making progress with domestic reforms.

It is also worth noting that the GAC, endorsed by the European Council, delivered benefits for Kosovo too. It was noted that the Commission intends to launch a feasibility study for a Stabilisation and Association Agreement between the EU and Kosovo - this signifies a significant and positive step for Kosovo's EU perspective. So too did the dialogue agreement on regional fora. Not only does it allow for Kosovo to participate effectively in the region, but it also has the potential to unlock a contractual relationship between Kosovo and the EU – if Serbia and Kosovo can agree a mutually acceptable formula that allows them to put status aside to work together, then we believe this should also be acceptable for the EU Member States who do not recognise Kosovo.

These positive outcomes for both Serbia and Kosovo are to be welcomed. The UK is committed to an EU future for all Western Balkan countries when the membership conditions have been met. Serbia is making steady progress along her EU path and the UK will continue to encourage further domestic reform efforts and the building of a sustainable and productive relationship with Kosovo. The upcoming Serbian elections will create a natural slow, but we will keep up the pressure and continue to offer our support.

You also asked about Serbia's relationship with the Republika Srpska. I fully agree with the comment that we need to monitor this relationship carefully, and can assure the Committee that we will continue to do so, in particular following elections in Serbia.

As a Dayton signatory and EU aspirant country, Serbia has a responsibility to encourage both words and deeds in support of Bosnia and Herzegovina's (BiH) territorial integrity and ability to function as a state. Under the Dayton Agreement, the Entities in BiH do have the right to establish special parallel relationships with neighbouring states, but these must be consistent with the sovereignty and territorial integrity of Bosnia and Herzegovina. President Tadic has made clear publicly Serbia's opposition to any change in the status of the RS entity or BiH. Nevertheless, we believe that Serbia could do more to use this relationship to encourage progress in BiH, in particular, by openly challenging divisive political rhetoric and actions from politicians in the RS against the state.

We continue to make clear to Belgrade that it is important that Serbia engages with Sarajevo and not just Banja Luka. The current Serbian Government has helpfully prioritised regional cooperation and good neighbourly relations. President Tadic's recent visits to Sarajevo, Vukovar and Srebrenica, as well as the 2010 declaration on Srebrenica have been positive steps towards reconciliation. We will press Serbia to continue to develop this engagement.

Regional co-operation is a crucial EU requirement and one which the European Commission and whole Council should take seriously in their considerations of Serbia's ongoing progress towards the EU. We continue to underline this point with Serbian interlocutors and in our discussions on EU conditionality.

The Commission's next progress reports on enlargement are expected in October, and I shall be happy to write to you again then with a further update. If in the meantime I, or my officials, can be of further assistance, please do not hesitate to contact me.

12 March 2012

Letter from the Rt. Hon David Lidington MP to the Chairman

Thank you for your letter of 6 March 2012 requesting further information regarding the above document following the meeting of the EU Foreign Affairs, Defence and Development Sub-Committee on 1 March.

You asked why the Implementing Regulations could not have been enacted under the previous comitology regulations, and the explanation for the further year's delay since then in presenting the proposed Implementing Regulations for scrutiny.

The Interim Agreement entered into force after the Lisbon Treaty and therefore in principle new comitology rules would have had to be applied. Unfortunately due to lengthy negotiations between the Council and the European Parliament the regulations implementing the comitology rules were not adopted as quickly as originally expected. The Commission could have proposed the Implementing Regulations with reference to the previous comitology rules, but the proposal would have needed to be amended to adapt to the new comitology rules once they were adopted. With hindsight, it might have been a better option for the Commission to have proposed this Implementing Regulation immediately after the entry into force of the Interim Agreement, but this was not the Commission's decision at the time. Since the safeguard clauses foreseen in the Implementing Regulation were unlikely to be used in practice and would in any case only apply to a very small share of EU/Serbia trade, the Commission judged that the impact of delaying its application was on balance acceptable.

You also asked about the possible implications of the retrospective application of the Implementing Regulation back to 1 February 2010, including the possibility that rebates would become payable if customs duties were lowered under the Implementing Regulation.

The retrospective application of the Implementing Regulation would likely have only minor consequences, if any at all. There is a possibility that, under Article 2, importers of fish from Serbia could request a refund on import duties paid from the entry into force of the Interim Agreement, on 01 February 2010, until the adoption of the Implementing Regulation in excess over the tariff concessions agreed in the Interim Agreement. The potential sums involved are very small indeed as the vast majority of Serbian fish products are consumed locally. All other provisions of the Implementing Regulation, in view of their content, can only be applied in the future.

I hope this adequately responds to the queries raised in your letter. If I, or my officials, can be of any further assistance, please do not hesitate to contact me.

22 March 2012

DANISH PRESIDENCY DEVELOPMENT PRIORITIES

Letter from Stephen O'Brien MP, Parliamentary Under-Secretary of State, Department for International Development, to the Chairman

Denmark's EU Presidency began on 1 January 2012 and will end on 30 June, to be succeeded by Cyprus. I am taking this opportunity to update the Committees on the Danish Presidency's development priorities and outline the UK's objectives in relation to these, set out below:

MULTI ANNUAL FINANCIAL FRAMEWORK 2014-2020

The Commission's draft regulations for the External Actions budget instruments for the Multi Annual Financial Framework (MFF) 2014-2020, published in December, will be negotiated in detail during the Danish Presidency. The UK's top priority for the overall MFF negotiations is budgetary restraint, ensuring that the EU budget contributes to domestic fiscal consolidation. However, the UK sees the EU's External Spending (Heading 4) as a relative priority and will be arguing for a strong development outcome in the negotiations with a focus on protecting or increasing the proportion of Official Development Assistance (ODA) within a reduced overall post-2013 EU budget.

The Commission has not proposed that the European Development Fund (EDF) should become part of the Budget; under the current proposals, it would maintain its position as a Member States' voluntary fund. The Department for International Development's (DFID) Multilateral Aid Review confirmed that the EDF demonstrated strong value for money and effectiveness and the UK will therefore negotiate to ensure these strengths are protected in the post 2013 arrangements.

AID EFFECTIVENESS AND TRANSPARENCY

Following the successful 4th High Level Forum on Aid Effectiveness, held in Busan, Republic of Korea, the UK will push for concrete implementation of international aid effectiveness commitments and a reduction in the international aid bureaucracy. I have written a separate letter to your Committee on the outcomes of Busan and the UK priorities post Busan.

COMMUNICATIONS ON 'INCREASING THE IMPACT OF EU DEVELOPMENT POLICY: AN AGENDA FOR CHANGE' AND 'THE FUTURE APPROACH TO EU BUDGET SUPPORT TO THIRD COUNTRIES'

We submitted Explanatory Memoranda 15560-II and 15561-II on the respective Communications above on the 28 October, in which I set out the UK's position.

Over the next six months the priorities on EU Development Policy will be:

- To work with the EU, alongside like-minded Member States such as Sweden, Denmark and the Netherlands, to make sure EU development programmes are country-owned, accountable and transparent.
- To continue engaging with the Commission and like-minded Member States to ensure that the new EU emphasis on increasing aid impact leads to clear results on the ground.

On EU Budget Support to Third Countries the UK priorities will be:

- To work closely with the Commission to make general and sector budget support more effective, in particular by increasing the focus on transparency, performance, results and value for money. We will aim for stronger assessments and risk mitigation in the new budget support guidelines and through case-by-case discussions at the country level.

The Council Conclusions for both these Communications are expected to be drafted and approved during the Danish Presidency, in the first half of 2012.

HUMANITARIAN AID

As was recommended in Lord Ashdown's Humanitarian Emergency Response Review (HERR), the UK will continue to strengthen its strategic relationship with the Commission / DG ECHO in order to deliver a more joined-up EU response to humanitarian emergencies. This includes through the

upcoming legislative proposals on EU civil protection. Work to establish how the humanitarian and development arms of the Commission can work together more closely is also a key objective.

TRADE

Through the upcoming Commission Communication on "Trade, Growth and Development" the UK will push to ensure greater coordination and coherence between the EU's aid programme and its trade policies, in line with the aims of HMG's Trade and Investment for Growth White Paper.

MIGRATION

The UK will ensure the upcoming Communication on Migration and Mobility for Development is coordinated with our overall EU priorities on development, including our continued commitment to aid effectiveness principles.

GENDER

We welcome the publication of the first annual report on the EU Plan of Action on Gender Equality in Development (2010-2015). We will work with the Commission and Member States under the Danish Presidency to make real progress in increasing EU support for girls and women.

18 January 2012

DEVELOPMENT: AGREEMENT ESTABLISHING THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT (EBRD) AND THE EXTENSION OF ITS SCOPE TO THE SOUTHERN AND EASTERN MEDITERRANEAN (5093/12)

Letter from the Chairman to Mark Hoban MP, Financial Secretary, HM Treasury

The above item was cleared at the sift. The EU Foreign Affairs, Defence and Development Sub-Committee considered it at its meeting on 1 March and would like to clarify several points.

Firstly, the Sub-Committee would like confirmation of which countries EBRD operations will be extended to. The Commission notes in its explanatory memorandum that the EBRD Board of Directors' report defined the Southern and Eastern Mediterranean region as "the countries that have a shoreline on the Mediterranean as well as Jordan which is closely integrated into this region". The Commission's explanatory memorandum also points out that Israel is not expected to become an EBRD country of operations. However, the Joint Communication "A new response to a changing Neighbourhood" (COM(2011)303 of 25 May 2011, which reviewed the European Neighbourhood Policy (ENP) in the wake of the Arab Spring, recommended an extension of the EBRD's mandate to "selected Southern partners" (emphasis added). We would therefore be grateful for clarification of precisely which countries are involved.

We would also welcome any more specific details of how EBRD operations will support the ENP in the countries of the Southern and Eastern Mediterranean, building on the recommendations of the Joint Communication. Given that there is now an increased focus on conditionality in the ENP, will there be any element of conditionality attached to the EBRD's operations in the Southern and Eastern Mediterranean?

Finally, what guarantees will be offered to the EBRD for operations in the Southern and Eastern Mediterranean, which may carry a greater element of risk than those in Central and Eastern Europe?

I would be grateful to receive a reply to this letter within the standard deadline of ten working days.

6 March 2012

Letter from Mark Hoban MP to the Chairman

Thank you for your letter on the 6th March in which you asked about the details of the EBRD's expansion to the Southern and Eastern Mediterranean region.

WHICH COUNTRIES ARE INCLUDED IN THE SOUTHERN EASTERN MEDITERRANEAN REGION?

There is no definitive list of countries accompanying this region described as comprising “the countries that have a shoreline on the Mediterranean as well as Jordan which is closely integrated into this region”. However it is worth mentioning that in the short term the Bank only has plans to operate in Egypt, Morocco, Tunisia and Jordan.

WILL THERE BE ANY ELEMENT OF CONDITIONALITY ATTACHED TO THE EBRD’S OPERATIONS IN THE SOUTHERN AND EASTERN MEDITERRANEAN?

Prior to initiating activities funded from cooperation funds the Bank’s management will prepare a detailed review of political and economic developments. The Board of Directors will consider whether the country’s general trajectory is consistent with meeting the political aspects of the Bank’s purpose at the present or the not too distant future.

Before a country is entitled to receive any money under the special fund, which is currently in the process of being ratified, the management of the Bank will prepare a comprehensive political and economic assessment. The Board of Directors at the Bank will determine whether the relevant country is committed to and applying the principles of multiparty democracy, pluralism and market economies as set out in Article I of the Articles Establishing the Bank (AEB).

Prior to a country gaining country of operation status and gaining full access to the Bank’s ordinary capital resources an updated comprehensive political and economic assessment will be carried out. The Board of Directors and the Board of Governors will make a decision based upon this update as to whether the country is committed to and applying the principles of Article I of the AEB. This decision will be reviewed periodically by the Board of Directors.

WHAT GUARANTEES WILL BE OFFERED TO THE EBRD FOR OPERATIONS IN THE SOUTHERN AND EASTERN MEDITERRANEAN, WHICH MAY CARRY A GREATER ELEMENT OF RISK THAN THOSE IN CENTRAL AND EASTERN EUROPE?

The levels of activity planned for the region set out in the EBRD’s business plan are consistent with the Bank’s financial and risk indicators. The decision for the EBRD to extend its activities to the new areas of operation was taken recognising the extremely strong capital position of the Bank which means that it is financially able to assume the risk entailed without further guarantees or injection of capital. Once the Bank is able to work fully in its new countries of operation its projects will be subject to the same rigorous scrutiny, including risk assessment and management that is applied within the current region. In addition, the Bank has had experience of beginning operations in new countries of operation throughout its history which will provide valuable lessons. There will inevitably be a period of learning for the Bank as it becomes more familiar with the new countries, but the Government judges that the EBRD has the financial and technical skills to manage that process without additional guarantees.

15 March 2012

DEVELOPMENT: EU REPORT ON POLICY COHERENCE FOR DEVELOPMENT (18787/11)

Letter from the Chairman to Stephen O’Brien MP, Parliamentary Under-Secretary of State, Department for International Development

The EU Foreign Affairs, Defence and Development Sub-Committee has considered the above document and decided to hold it under scrutiny.

The Sub-Committee would like to know why the Department for International Development did not consult other government departments in preparing the Explanatory Memorandum on the Commission Staff Working Paper. Given that the aim of Policy Coherence for Development (PCD) is to ensure better coordination of all EU policies that might have an impact on developing countries, the Sub-Committee imagines that other government departments might have views to contribute on the progress of PCD.

In addition, and to get down to practical points, the Sub-Committee would also welcome the Government’s view as to what are the five most important specific issues in terms of the EU achieving

its PCD challenge. We want to identify individual areas of policy rather than just broad definitions such as 'agriculture' or the 'Common Fisheries Policy'.

I would be grateful to receive a reply to this letter within the standard deadline of ten working days.

9 March 2012

Letter from Stephen O'Brien MP to the Chairman

The European Affairs, Defence and Development Sub-committee considered the above mentioned EM on the 9 March 2012 and held it under scrutiny. The Committee asked to be informed "why officials in DFID did not consult with other Government Departments in preparing the EM and what in the Government's view are the five most important specific issues in terms of the EU achieving its PCD challenge".

The Coalition Government takes the issue of PCD very seriously - it is a top UK priority – and our development work requires the commitment of the whole of Government. For example, to improve coordination and the impact of UK policy on developing countries, there is a joint DFID-BIS Trade Policy Unit (TPU) to ensure a strong focus on developing countries in all trade issues. Likewise, there is a joint DFID-MOD-FCO stabilisation unit to respond to the complex humanitarian challenges in fragile and conflict-afflicted states.

Similarly, the UK's work to improve the coordination of EU policies to work better for developing countries is also a cross-Whitehall process. This is one of the reasons why the Cabinet Office set-up the European Affairs Committee (EAC) and also the European Affairs sub-Committee (EASC) – both of which DFID Ministers regularly attend. Policy teams within DFID are regularly in touch with colleagues across Whitehall on a range of EU issues including trade and finance; climate change; food security; migration; and security. This is a continual process and the Explanatory Memorandum on the Commission Staff Working Paper has been considered across Whitehall in that context, as part of a suite of work. The reference in paragraph 25 of the EM remains accurate and the paper, separately and singly, was not specifically consulted upon.

In terms of the most important issues for the EU achieving its PCD challenge - the UK will continue to press for significant improvements in internal coordination between EU institutions as a general rule. On trade and finance, we will continue to press the Commission to focus on trade liberalisation, to negotiate a new Generalised System of Preferences for developing countries and also Economic Partnership Agreements with African, Caribbean and Pacific countries. We will also push for greater coordination and coherence between DG CLIMA and DG EuropeAid and a clearer EU position on climate finance in the next Multi-Annual Financial Framework.

The UK Department for Environment, Food and Rural Affairs (DEFRA) leads the UK's policy on agriculture and the Common Agriculture Policy (CAP) and works closely with DFID, in particular when continuing to press for the elimination of the most trade distorting elements of the CAP. In the area of migration and development, we will continue to ensure that new initiatives are in line with aid effectiveness principles and are strategically coherent with local poverty reduction or national development strategies. For issues concerning security, we will continue to push for more clarity on the structure and responsibilities of the External Action Service (EAS) and ensure that development is high on the agenda and that these issues are joined up with trade, climate change and conflict.

23 March 2012

EGYPT: RESTRICTIVE MEASURES

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

I am writing with regard to the adoption of an extension of the EU restrictive measures on members of the former regime in Egypt.

These measures were imposed in March 2011 for 12 months in order to freeze the funds and economic resources of 19 members of the former regime in Egypt who are believed to be responsible for the misappropriation of Egyptian State funds. There are ongoing Egyptian investigations regarding these individuals.

The EU has agreed to extend these measures for a further 12 months. If agreement had not been reached, then these measures would expire on 22 March 2012 and restrictions would no longer apply

to the frozen funds. Were any of the 19 individuals currently subject to the measures to move their assets elsewhere, it would become impossible for the EU to assist the Egyptian government in repatriating the misappropriated State funds once the Egyptian investigations had been completed. This would open the EU, and the UK, to grave reputational damage.

Unfortunately, the text regarding these measures has emerged so late that I find myself in the position of having to agree to its adoption before your Committee has had an opportunity to scrutinise it. Given the risk of reputational damage involved were the aforementioned assets to leave the EU while the measures did not have legal effect, it is imperative to adopt the text with utmost speed.

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

14 March 2012

EU CENTRAL ASIA STRATEGY

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

I promised in my Explanatory Memorandum of 22 June about the renewal of the mandate for the EU Special Representative for Central Asia to write to the Committees about the EU Strategy for Central Asia which is due for review during 2012. We are still at an early stage of the review process, but you may welcome a general orientation at this stage on the current UK and EU approach to Central Asia, and on the areas covered by the 2007 -12 EU Strategy for Central Asia. I will write again as the review process becomes clearer.

Central Asia is a region of strategic importance to the UK and the EU. The UK's main interests in Central Asia broadly fall under three strands: energy/commerce; regional stability; and governance. The first two relate directly to the Government's foreign policy priorities on prosperity and national security, and the third to the Government's commitment to a foreign policy that has the practical promotion of human rights at its core:

- Energy/commerce: Kazakhstan and Turkmenistan have the potential to become significant suppliers of energy to European markets. The development of a Southern Corridor, bringing oil and gas from the Caspian region via Turkey to the EU, is a key objective for the EU. As they grow richer, Kazakhstan, Turkmenistan and, to a lesser extent, Uzbekistan hold considerable commercial potential. UK companies, particularly in the oil and gas sector, enjoy a high profile in the region.
- Regional stability: the region is important to Allied efforts in Afghanistan and in combating international terrorism and narcotics. The upheaval in Kyrgyzstan during 2010, and the unrest in Zhanaozen in western Kazakhstan in December 2011, provided stark indicators of how quickly events can change in the region. Disagreements over water resources, a vulnerability to religious extremism and inter-ethnic tensions all pose a risk to stability. An unstable Central Asia is not in our interest.
- Governance: there are serious deficiencies in the region, and more progress is needed on human rights reform.

The EU Strategy for Central Asia, adopted in 2007, serves as the general framework for enhancing EU co-operation with the Central Asian states over a 5 to 10 year period. It is not a legislative document. It sits alongside the European Commission's 2007-2013 Assistance Strategy for Central Asia, which provides the resources to support the strengthening of political dialogue with the Central Asian states.

The Strategy calls for the development and consolidation in Central Asia of stable, just and open societies that adhere to international norms. It identifies good governance, the rule of law, human rights, democratisation, education and training, and regional security and energy issues as key areas for co-operation. In particular, the Strategy establishes a regular regional political dialogue at Foreign Minister level; a regular Human Rights Dialogue with each of the Central Asia states; and Education

and Rule of Law Initiatives. **The Strategy's work streams, on which more detail follows below, are consistent with the UK's objectives in and for the region.**

Progress on implementing the Strategy – driven by the EU Special Representative for Central Asia, Pierre Morel – has been steady.

Work continues on the **Rule of Law Initiative**, which aims to promote legal and administrative reform and thereby safeguard both economic interests and human rights and fundamental freedoms. This is being achieved through the provision of technical training and the exchange of international expertise, including facilitating contacts with the Council of Europe's legal experts on the Venice Commission and seconding international experts to work directly with their Central Asian counterparts.

The **Educational Initiative** sets up a coordination mechanism among EU donors to support the further modernisation of the education and vocational training sectors in Central Asia. This cooperation was making progress in the context of the education initiative and there had been a significant increase in resources for mobility programmes and an increasing engagement in the area of vocational training.

Human rights dialogues continue to take place with all five Central Asian countries. Our objective is to make these more results oriented.

The EU also continues to raise human rights issues in Cooperation Council and Committee meetings with the countries of the region, as well as in meetings in other formats where Partnership and Cooperation Agreements are not in place.

The Strategy highlights the importance to regional and global **energy security** of further diversification of export routes, demand and supply structures and energy sources. The INOGATE (Interstate Oil & Gas Transport to Europe) programme remains a key vehicle for EU work in this area, including an intensified dialogue under the November 2004 Baku Initiative on energy co-operation between the EU and the Littoral States of the Black and Caspian Seas and their neighbouring countries.

The Strategy notes the critical importance of an integrated **water management policy in Central Asia**. Cooperation is intensifying and all the Central Asian Countries have now agreed to engage on National Water Policy Dialogues (to improve domestic water management) in the framework of the EU Water Initiative.

Our attention has now turned to work on refreshing the Strategy, and the discussion on this has just started. The current proposed timetable is:-

March-April - discussion with Central Asian National Co-ordinators in Brussels;

April-May – Internal EU drafting process;

A subsequent European Council adopts revised EU Central Asia strategy.

We will look to work with our partners on ways to achieve greater impact from the Strategy and a clearer focus on the areas where it can produce most benefit for the region's people and for UK/EU interests. One important area to consider will be the need for a greater focus on security issues, given the significance of the ISAF drawdown and political transition process in Afghanistan over coming years.

As we take work forward, we will ensure that the **competence boundaries between the EU and its Member States are properly respected**. I will write to the Committee again as this process evolves.

2 April 2012

Letter from the Chairman to the Rt. Hon David Lidington MP

Thank you for your letter of 2 April about the EU Central Asia Strategy which was considered by the EU Sub-Committee on Foreign Affairs, Defence and Development Policy at its meeting on 26 April 2012. We are grateful for the update at this stage in the review process.

Your letter provides us with a helpful overview of the Government's priorities for Central Asia and the different work streams of the EU Central Asia Strategy. However, we would be grateful for the Government's assessment of the EU Central Asia Strategy, especially how do you assess the effectiveness of each work stream? What does the Government consider as the main weaknesses of

the present strategy? How does the Strategy fit in with the EU's conditionality requirements on human rights and democracy? We would also appreciate an explanation of how the Government intends to ensure that the EU Central Asia Strategy will become more focused and result orientated in the future.

I would be grateful to receive a reply to this letter within the standard deadline of ten working days.

30 April 2012

EUROPEAN DEFENCE AGENCY STEERING BOARD (30 NOVEMBER 2011)

Letter from Gerald Howarth MP, Minister for International Security Strategy, Ministry of Defence, to the Chairman

I attended the Foreign Affairs Council and the European Defence Agency (EDA) Steering Board on 30 November 2011. As the confirmed agenda was only released to Member States a few days before the meeting, there was insufficient time to provide the Committees with our policy position on the agenda items before the discussions took place. I apologise that this situation prevented me from giving your committee advance notice. I am now writing to inform you of the positions which I took on each of the items and the subsequent decisions which were made.

Out with the Steering Board, but for the benefit of the Committee's broader understanding of our wider engagement with the Agency, Baroness Ashton proposed a budget freeze for the EDA in 2012. At the Foreign Affairs Council France and other nations did not accept this proposal and suggested an increase in the budget of between 1-2%. In response, I pointed to the pressure on all national defence budgets and felt that we should show leadership in exacting the maximum value for money from existing budgets. In accordance with the procedures, our position in refusing to agree a budget increase for the second year running resulted in the budget being held at 2010 levels.

In more detail, the topics for discussion were as follows:

EDA Work Programme 2012 - Ministers were invited to approve the work programme for 2012, which I was content to approve.

EDA Work Plan 2012-14 - I agreed to note the Work Plan for 2012-2014. Whilst I acknowledge that the Work Plan has been put together on the basis of a bottom-up approach, I believe that a top-down approach informed by political and strategic priorities with a clear mandate could result in further savings to make the programme more affordable and therefore further prioritisation needs to take place.

Defence Data and Benchmarks - The Agency complies and publishes data on an annual basis covering basic statistics for the Agency and its Member States. The Steering Board will be asking Ministers to approve the work. I am content with the Defence Data work and I approved it during the meeting.

Helicopter Training Programme - Category B Project - Ministers were invited to approve the establishment of the Helicopter Training Programme - Category B Project (Member States opt-in to join). Since late 2008 the EDA has established a Helicopter Training Programme (HTP) which has thus far seen more than 140 crews from 18 different countries trained in the harsh environmental conditions found in Afghanistan and elsewhere in the world. So far, three exercises have been held (France 2009, Spain 2010 and Italy 2011) and the next two are planned in Portugal and Belgium, both in 2012. The overall number of trained helicopter crews is expected to swell beyond 200, which includes those scheduled for next year.

The aim of the Cat B programme will be to establish a planning team within the Agency that will sustain the HTP during the next three years and assist the host countries in each step of the exercise development. Given that this project meets our requirement for the EDA to be engaged in the delivery of real capability, and that we have been able to wield influence in the development of Helicopter Training, I agreed to sign up to this project.

Pooling and Sharing (P&S) - Ministers noted the Agency's analysis on Pooling and Sharing and endorsed the opportunities identified. All Ministers agreed to evaluate progress at the next Steering Board in Spring 2012. The UK is already participating in three Pooling and Sharing projects (Helicopter Training and Maritime Surveillance (MARSUR), the Helicopter Training Programme and the European Satellite Communication Procurement Cell (EUPC)). We continue to review the future

opportunities identified by our European partners to consider their merits on a case-by- case basis. In addition, I shall be consulting with industry and DSTL to see if there are suitable areas of R&D activity in which the UK could lead.

13 December 2011

Letter from the Chairman to Gerald Howarth MP

The House of Lords EU Sub-Committee on Foreign Affairs, Defence and Development cleared this document [*Head of the European Defence Agency's Report to Council – December 2011*] from scrutiny at its meeting on 8 March 2012.

The Sub-Committee had delayed considering this document since December 2011, in the hope that it would be possible to scrutinise the European Defence Agency (EDA) Budget and Guidelines at the same time. Your letter to me of 13 December 2011 indicated that these items were discussed at the 30 November Foreign Affairs Council and EDA Steering Board, but they have not yet been formally deposited for scrutiny. We understand that the delay is owing to the limité classification applied to the documents. We would welcome an update on when these documents will be released from the limité classification so that they can be scrutinised, particularly in light of the fact that the next EDA Steering Board takes place this month.

I would be grateful to receive a reply to this letter within the standard deadline of ten working days.

12 March 2012

Letter from Gerald Howarth MP to the Chairman

Thank you for your letter dated 12 March 2012 regarding the scrutiny of the European Defence Agency's (EDA) Budget and Guidelines. Unfortunately, the scrutiny of these documents is now very overdue which, as you correctly assert in your letter, is due to their limité classification.

As you are aware, limité documents cannot be submitted for scrutiny in the House of Commons and the House of Lords as this would put them in the public domain. Therefore, MOD officials have been working with their colleagues in the UK Permanent Representation to the EU over the last three months to ascertain when these documents will be downgraded and the reason for their limité classification. To date, they have not received an adequate response to either of these questions from the Council Secretariat and as such, I am currently unable to provide a realistic timeframe for the depositing and subsequent scrutiny of these documents.

However, I assure you that I take my scrutiny responsibilities very seriously and officials are currently in talks with the Council Transparency Service in order to resolve this problem. I will keep you abreast of developments as they occur and look forward to submitting both documents in due course.

26 March 2012

Letter from the Chairman to Gerald Howarth MP

Thank you for your letter of 26 March 2012 which the House of Lords EU Sub-Committee on Foreign Affairs, Defence and Development Policy considered at its meeting on 26 April.

The Sub-Committee shares your frustration that the limité distribution of EU documents prevents their deposit in Parliament, and that the lack of an adequate response to the questions of when the documents on the EDA budget and guidelines are to be downgraded and the reason for making them limité in the first place. We would like to support your efforts, and those of UKRep to find answers.

We would, however, point out that in the House of Lords, we are able to consider limité documents in the Sub-Committee if they are sent in confidence attached to a letter from you containing the information which you would normally send in an Explanatory Memorandum.

30 April 2012

Letter from the Chairman to Stephen O'Brien MP, Parliamentary Under-Secretary of State, Department for International Development

At its meeting on 8 December the EU Foreign Affairs, Defence and Development Policy Sub-Committee considered the EM on the above document which was cleared from scrutiny at the sift.

The Sub-Committee would like to raise two concerns. The first sentence of paragraph 5 of the EM states that a limited quality of audit data was found for three of the seven Delegations visited by the auditors in 2010. Could you explain why audit data was missing when the Delegations must have been aware of the need for providing them and had presumably also been obliged to provide them in the past? The Sub-Committee also commented on the note by the ECA that the Commission's supervisory and control systems were "only partially effective" in ensuring the regularity of payments (paragraph 2 of the EM).

Could you also explain what will be the "stronger language on results and monitoring" in the 2011 EDF Performance Review?

Given HMT's involvement in this issue, I am copying this letter to them and request a reply also from them.

We look forward to hearing from you within the standard ten working days.

12 December 2011

Letter from Stephen O'Brien MP to the Chairman

In clearing the EM above you wrote to both Her Majesty's Treasury and my Department in which you asked for our views on the following two concerns; 1) to explain why audit data was missing when the relevant Commission delegations must have been aware of the need for providing it and the European Court of Auditors (CoA) also noting that the Commission's supervisory and control systems were assessed as being only partially effective in ensuring the regularity of payments; and 2) an explanation of what is meant by stronger language on results and monitoring in the 2011 EDF Performance review. I am sending this joint reply on behalf of both Departments.

As I stated in the EM, the CoA's report concluded that overall there was no mismanagement of funds disbursed through the EDF in 2010 although, as your Committee highlighted, there were issues over transparency and accountability. In the report the ECA noted that EDF interventions were implemented in and by countries in which public financial management systems and capacity are generally weak, which means there is an inherent risk for the regularity of transactions. The majority of the errors were data inputting mistakes through human error due to lack of capacity and training both within implementing agencies in partner countries and in the Commission's own Delegation offices. There is no evidence in the report of misuse or misappropriation of funds.

To mitigate this risk of lack of capacity, the Commission launched an "Action Plan for a Strengthened EuropeAid Management and Control Pyramid" at the end of 2010. The plan addressed many observations and recommendations from the ECA's previous and current Annual Reports and once it has an opportunity to filter through, the Commission think it will bring significant improvements to the design and implementation of EuropeAid's supervisory and control systems. As part of this process the Commission finalised and disseminated the Financial Toolkit in late 2010 and this was then made available online in February 2011.

To help mitigate these risks, while these systems are being implemented, the Commission have set up a substantial early detection and correction interventions and substantial training to both Commission staff in country and partner countries national audit offices that goes "well beyond the financial safeguards required by legislation". The Commission is also looking to step up its specific training on contractual procedures for both the offices of National Authorisation Officers and Commission departments.

These actions by the Commission have still to take full effect and we are confident that this will lead to improvements as evidenced in subsequent ECA reports. We will raise the Committee's concerns with the Commission, through the EDF Management Committee and the EU Council's Africa, Caribbean and Pacific (ACP) Working Group, to make sure that these new systems deliver the desired improvements in next year's report.

As far as the second point raised by the Committee on “stronger language on results”, this refers to our engagement with the Commission for them to focus more on results and monitoring at the policy and operational levels. The UK in discussion with member states and the Commission in the recently established EU Experts Group on Results has started a process to define a results framework for EU aid. We expect this to lead to concrete proposals for the strengthening of the monitoring and evaluation of EDF programmes as part of the 2011 EDF Performance Review and across other Commission aid programmes in general.

13 January 2012

FALKLAND ISLANDS: EU SUPPORT FOR THE UK POSITION

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

The EU Foreign Affairs, Defence and Development Sub-Committee has noted press reports that Argentina has made a formal complaint to the United Nations about British “militarisation” around the Falkland Islands and that the UK has responded. In view of this, we would be grateful for information about what action the UK is taking to ensure that EU partners support the UK’s position on the Falkland Islands.

I would be grateful to receive a reply to this letter within the standard deadline of ten working days.

9 March 2012

Letter from the Rt. Hon David Lidington MP to the Chairman

Thank you for your letter of 9 March about press reports that Argentina had made formal complaints to the United Nations on 10 February over British “militarisation” of the South Atlantic. Our Permanent Representative to the United Nations followed the Argentine Foreign Minister’s press conference on 10 February with one of his own – rejecting the Argentine claims and comprehensively rebutting the allegations made by the Argentine Foreign Minister. The United Kingdom sent a full response to the Argentine claims for circulation to all General Assembly Members at the United Nations on 22 February (I attach a copy).

The Falkland Islands are associated with the European Union in accordance with Part Four of the Treaty on the Functioning of the European Union, specifically Articles 198-204. The Falkland Islands are listed specifically in Annex II of the same Treaty as Overseas Countries and Territories to which the provisions of Part Four of the Treaty apply.

We regularly update partners within the EU on Argentina’s actions in the South Atlantic. A briefing took place in the Foreign Office involving representatives of almost all EU Member States. European countries well understand our position. However, issues of sovereignty are rightly in the jurisdiction of individual member states rather than an EU competence.

We have no doubt about our sovereignty over the Falkland Islands. In contrast to the approach taken by Argentina, we do not seek to implicate our EU partners in what is a matter for the UK and the Falkland Islanders alone to determine. The principle of self-determination, enshrined in the Charter of the United Nations, underlies our position on the sovereignty of the Falkland Islands. There can and will be no negotiation on the sovereignty of the Falkland Islands unless and until the Falkland Islanders so wish.

However, issues of trade are of EU competence, and any attempt to interfere with the trade of a Member State is taken extremely seriously by the EU. We are working closely together with the EU to investigate recent Argentine actions aimed at harming United Kingdom trade interests. Both we and the EU expect Argentina, as a WTO Member, to comply with International Law and World Trade Organisation Rules. We will update Committees of any progress.

27 March 2012

Letter from the Chairman to the Rt. Hon David Lidington MP

Thank you for your letter of 27 March about the EU Support for the UK position on the Falklands Islands.

At its meeting on 26 April 2012 the EU Sub-Committee on Foreign Affairs, Defence and Development Policy noted the contents of your letter. We are grateful for the information and for including the very helpful letter sent by the UK Permanent Representative to the United Nations, Sir Mark Lyall Grant, to the Secretary General of the United Nations. Thank you also for the offer of an update on any progress on EU investigations into recent Argentine actions aimed at harming UK trade interests.

You noted in your letter the seriousness with which the EU treats any attempt to interfere with the trade of a Member State. We were concerned to learn about the recent decision by the Argentine government to nationalise the YPF oil company in which the Spanish oil company Repsol held a majority stake. We would therefore like to receive your assessment of the EU's action in response to these events and what further action you believe is required.

I look forward to receiving your reply within the standard deadline of ten working days.

26 April 2012

FOREIGN AFFAIRS COUNCIL AND GENERAL AFFAIRS COUNCIL: 23 AND 26 MARCH 2012

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

I am writing to inform you about the outcomes of the Foreign Affairs Councils (FAC) and General Affairs Council (GAC) which met in Brussels on 23 and 26 March respectively. My Right Honourable Friend the Foreign Secretary attended the FAC. I attended the GAC.

FOREIGN AFFAIRS COUNCIL (FAC)

The FAC was chaired by the High Representative of the European Union for Foreign Affairs and Security Policy, Baroness Ashton of Upholland. A provisional report of the meeting and all Conclusions adopted can be found at:

http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/129252.pdf

Sahel

Ministers agreed Conclusions (see link above) reaffirming their commitment to contribute to the development of a peaceful, stable, and prosperous Sahel region, one year after the presentation of the EU's Strategy for Security and Development in the Sahel. Ministers invited the High Representative and the European Commission to accelerate the implementation of the strategy.

Ministers also endorsed a crisis management concept for a possible civilian CSDP mission to improve capacities to fight terrorism and organised crime in the Sahel region, initially focussing on Niger.

The Commissioner for Development stressed that the Sahel and the Horn of Africa were priorities for EU action. The Foreign Secretary underlined that they were both tests of the EU's comprehensive approach to stabilisation.

Ministers also discussed events in Mali. The Conclusions condemned attempts to seize power by force. They called for an end to the violence, the release of State officials, the protection of civilian, the restoration of the constitutional government and the holding of the planned democratic elections.

Belarus

Ministers agreed further sanctions (see link above) following recent repressive measures and the continued lack of respect for human rights, democracy and the rule of law by the Belarusian regime. The sanctions target individuals and entities linked to the regime and officials responsible for human rights abuses.

Ministers also agreed Conclusions (see link above) setting out their concerns and calling for the immediate release of all political prisoners.

Ministers decided that any decision on the return of EU Ambassadors to Minsk should be taken in light of reaction from the regime to the new sanctions.

Syria

Ministers agreed Conclusions (see link above) focussing on the humanitarian situation; supporting the Joint UN/Arab League Special Representative's, Kofi Annan, efforts; and welcoming the UN Security Council Presidential Statement of 21 March.

Ministers also agreed a 13th round of EU sanctions, including an asset freeze and travel ban on close Assad family members and Syrian officials.

Following the meeting the Foreign Secretary said:

"I strongly welcome the EU's agreement today to impose sanctions on an additional two oil companies and a further 12 individuals closely associated with the brutal repression being carried out by the Syrian regime. This is a further step in tightening the economic and diplomatic stranglehold on this criminal regime. The message to those who continue to side with Assad is clear – the violence must end and those responsible will be held to account"

Syria was also discussed over lunch with Turkish Foreign Minister Davutoglu.

Iran

Baroness Ashton updated Ministers on prospects for the E3+3 (UK, France, Germany, China, Russia and the US) nuclear talks. Ministers agreed a set a tough sanctions against Iran on the nuclear issue and human rights. The Foreign Secretary commented:

"Today the EU has brought into force unprecedented sanctions against Iran, including an oil ban and freeze of assets held by the Central Bank of Iran. The message is clear. Iran cannot ignore the international community and should be in no doubt that we will ratchet up the pressure until it chooses a different path. I hope that Iran demonstrates it is willing to do so when it resumes talks with the E3+3 next month.

"Today the EU also agreed important measures to address the appalling human rights situation in Iran. I welcome the designation of prominent members of the judiciary and government, including some of the architects of repression, and the recognition that the Basij militia has been responsible for grave violations over many years. All those in Iran who continue to perpetrate human rights abuses should recognise that we will not tolerate impunity, nor stand idly by as the Iranian people's rights are abused.

"We have also further tightened controls to prevent any export of dual-use technical equipment and software that the Iranian regime might use to intercept or monitor communications. The Iranian people should be able to communicate freely instead of being denied their legitimate right to information. I call on Iran once again to meet its human rights obligations to its people."

Other

On the Middle East Peace Process, Baroness Ashton provided a brief update on ongoing engagement including hosting a meeting of Quartet Envoys, the Ad-hoc Liaison Committee and several meetings with the Palestinian Prime Minister Fayyad.

Over dinner on 22 March, Ministers discussed developments in the broader Southern Neighbourhood with their counterparts from EU candidate countries.

Baroness Ashton noted that she had recently met President Izetbegovic to discuss recent progress in Bosnia and Herzegovina.

Ministers also agreed the following without discussion:

- Activation of the EU Operations Centre in support of the Common Security and Defence Policy (CSDP) mission in the Horn of Africa.
- Extension of the EU counter-piracy operation Atalanta for two years and to expand its area of operations to include Somali coastal territory and internal waters.
- The EU/Albania framework agreement on Albanian participation in crisis management operations.
- Revised EU policies on the implementation of UN Security Council resolutions on women, peace and security in the context of CSDP missions and operations.
- New guideline for EU policy on torture.
- Support for the activities of the Organisation for the Prohibition of Chemical Weapons.

- The position of the EU's relations with the Hashemite Kingdom of Jordan.
- The extended suspension of EU restrictive measures against the leadership of the Transnistrian region of the Republic of Moldova.
- An updated list of individuals, groups and entities subject to restrictive measures in view of the situation in Afghanistan.
- To endorse the opening of negotiations for an agreement between the EU and its member states and the Latin American and Caribbean countries.

GENERAL AFFAIRS COUNCIL (GAC)

The GAC was chaired by the Danish EU Presidency, Mr Nicolai Wammen, Minister for European Affairs. A provisional report of the meeting can be found at:

http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/genaff/129266.pdf

Multiannual Financial Framework

The GAC focused on the Multiannual Financial Framework for the period between 2014 and 2020. The Danish Presidency has prepared a draft negotiating box on Heading 1 (except cohesion), Heading 3, Heading 4, Heading 5 and horizontal issues. I again, as I had at earlier GACs, argued for the need for serious budgetary restraint: the proposal by the European Commission was more than €100 billion above a real freeze.

I stressed the need for the build up of unspent commitments "Reste à Liquider" (RAL) to be addressed by the Commission and other Member States. Commitments are the legal pledge to provide finance and payments are the actual transfer of money. RAL occurs when payments are made at a different time to commitments. The Commission estimates that unspent commitments will reach €230 billion by the end of the current Financial Framework in 2013. This represents a large liability which must be addressed when reaching an agreement on the new Financial Framework. We need certainty about payments in the next Multiannual Financial Framework. I am working with other Member States to address this issue and to try to prevent it from happening again. This is why I also urged Member States to ensure that the negotiation box is drawn up in terms of both commitments and payments.

The Multiannual Financial Framework will next be discussed at the April GAC which is expected to focus on Structural and Cohesion Funds and the Common Agricultural Policy.

Follow up to European Councils

The Danish Presidency presented its paper setting out the work arising from the December, January and March European Councils. This is a useful paper to ensure that we deliver on our promises at the European Council and do more to realise the growth potential of the EU.

2 April 2012

Letter from the Chairman to the Rt. Hon David Lidington MP

Thank you for your letter of 2 April on the FAC and GAC which the EU Sub-Committee on Foreign Affairs, Defence and Development Policy considered at its meeting on 26 April 2012.

The Sub-Committee was particularly interested to learn of the EU's plans for the Sahel. It noted the discussion at the Council and that a new EU mission had been agreed for the area. We are concerned about the relevance of the proposed mission, and the validity of the strategy itself, given the developments in Mali, which would render the mission dangerous for its personnel. I would be grateful for your comments on these points, and if your officials could brief the Sub-Committee at one of its meetings following prorogation.

We look forward to hearing from you within the standard ten working days.

30 April 2012

FRAMEWORK PARTICIPATION AGREEMENT: NEW ZEALAND

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

Thank you for your letter of 28 November confirming that we continue the existing system under which the FPAs with non NATO countries are submitted for parliamentary scrutiny.

I attach an EM [not printed] on a draft FPA between the European Union and New Zealand. A draft Council decision on an FPA with Bosnia and Herzegovina is currently under discussion in Brussels. An EM covering this will be submitted for scrutiny once discussions have been finalised, this is likely to be in early January.

12 December 2011

FREE TRADE AGREEMENTS WITH EGYPT, JORDAN, MOROCCO AND TUNISIA

Letter from Edward Davey MP, Minister for Employment Relations, Consumer Relations and Postal Affairs, Department for Business, Innovations and Skills, to the Chairman

I am writing to inform you of future negotiations on Deep and Comprehensive Free Trade Agreements with Egypt, Jordan, Morocco and Tunisia. The trade Foreign Affairs Council (FAC) in Brussels on 14 December approved negotiating mandates for the above agreements. This represents strong progress following the political signal given in the FAC of 20 June, which invited the Commission to submit recommendations for negotiating such directives with selected Southern Mediterranean partners as a central pillar of the EU's response to the Arab Spring.

A key priority of the DCFTAs will be to encourage reform in Egypt, Jordan, Morocco and Tunisia through legislative approximation to, and further economic integration with the EU. Negotiations in each case will not be launched until member states are satisfied that the countries concerned have the capacity to implement the necessary reforms. In parallel, the European External Action Service will make an assessment of ongoing political reform.

A scoping exercise is likely to begin with Tunisia early in 2012, with Jordan and Morocco following. It will likely take longer to begin negotiations with Egypt. Once negotiations are launched they are likely to take at least two years to complete.

As is common practice in trade negotiations, the negotiations will be held in confidence. I will update the Committee once negotiations are launched in each case. When the final proposals have become available for national scrutiny I will prepare the usual explanatory memorandum using the normal parliamentary procedures. However, in the meantime I am taking this opportunity to update you on recent progress.

The mandates contain scope to negotiate ambitious, wide-ranging and comprehensive agreements, building on existing Association Agreements and including trade in industrial and agricultural goods, investment, trade in services, competition policy, customs and trade facilitation, and intellectual property rights. In areas where member states retain competence, they will decide whether to accede in their own right.

17 December 2011

GREEN PAPER: THE DUAL-USE EXPORT CONTROL SYSTEM OF THE EUROPEAN UNION: ENSURING SECURITY AND COMPETITIVENESS IN A CHANGING WORLD (12566/11)

Letter from the Mark Prisk MP, Minister of State for Business and Enterprise, Department for Business, Innovation and Skills, to the Chairman

Please find enclosed the Government's response to the Green Paper. We have given careful consideration to the issues raised and in general we have given a cautious welcome to the Commission's proposals but where we think their ideas are problematic we have clearly said so. We

will continue to engage constructively with the Commission in order to influence the development of any proposals for legislative change that result from this consultation.

In your letter of 14 October you raised concerns regarding a UK-based company that had allegedly offered to supply electronic surveillance and monitoring equipment to Egypt during the regime of President Mubarak. You will of course also be aware of the recent Parliamentary and media interest in another UK-based company that has sold mobile phone software to Iran which has allegedly been used by the regime to locate and track protesters, and you may also be aware of allegations that an Italian company has supplied similar software to Syria.

I apologise for the delay in replying but these are difficult issues. The Government shares the concerns but the equipment and software in question does have legitimate uses and it is important that we do not restrict legitimate trade or indeed prevent citizens of oppressive regimes from having access to modern communications technologies. As always we need to strike a balance to ensure that any action we take does not have unintended consequences.

In our response to the Commission's Green Paper on dual-use export controls we have proposed an amendment to the Military End-Use control to enable a wider range of goods to be subject to export control where the end-user is the armed forces or internal security forces of a country subject to sanctions or embargoes. Furthermore, when I wrote to Baroness Ashton in April urging the Commission to amend Regulation 1236/2005 (concerning trade in certain goods which could be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment – the "torture Regulation") to include certain drugs used for execution by lethal injection I also asked the Commission to consider the merits of an "end-use" control on goods which could be used for capital punishment or torture. I am pleased to say that the Commission have included a broad review of the torture Regulation in its Work Programme for 2012 and we will press for this to include an end-use control.

These measures, if adopted, would strengthen the controls on the export of goods that could be used for internal repression. But the EU has already taken some action. On 1 December the Council of the EU announced a new package of sanctions against Syria, which included a ban on the supply of equipment and software intended primarily for use in the monitoring or interception by the Syrian regime, or on its behalf, of the internet and of telephone communications on mobile or fixed networks in Syria and the provision of assistance to install, operate or update such equipment or software. Negotiations are also beginning on a further round of sanctions against Iran and it is likely that similar measures will be included in those sanctions.

13 December 2011

IRAN: RESTRICTIVE MEASURES

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

I am writing with regard to the planned adoption at the 23 January Foreign Affairs Council of a new Council Decision and Implementing Regulation imposing new sanctions against Iran.

We believe it is an urgent priority that the European Union agrees a robust response to continued Iranian defiance of its international obligations, including acting to prevent Iran acquiring the goods needed to develop its nuclear programme and halting the financial flows that fund the programme.

I regret that I find myself in the position of having to agree to the adoption of these measures before your Committee has had an opportunity to scrutinise the documents.

As I write the measures are still subject to intense negotiation, where the UK Representation to the EU is working hard to secure the tough new sanctions against Iran. I will submit Explanatory Memoranda on the documents as soon as the measures have been agreed. The reason I cannot do this sooner is because the working documents are classified, to prevent the risk of asset flight in advance of adoption.

However, I do want to keep you as fully informed as possible on the emerging sanctions package. The measures we hope to agree on 23 January include action against Iran's oil and petrochemical industry and financial sector, both of which are critical to funding Iran's nuclear programme. I expect the European Union to agree:

- **An import ban of Iranian crude oil and petrochemicals.** The Government has been working with international partners to ensure that this measure will not create any unintended consequence for global oil prices or security of supply to the EU. As such, the Decision will allow for prior contracts to allow for a period of months to allow consumers and markets to adjust. And there will be a review of the measure after several months.
- **A ban on the export of key equipment for Iran's petrochemical industry.** This will bolster the existing ban on key equipment for the oil and gas industry.
- **A prohibition on the export of additional dual use goods,** which could contribute to Iran's nuclear or ballistic programme. There will also be further goods that will be subject to strict licensing provisions.
- **Additional entities will be made subject to an asset freeze and travel ban.** These will include Iranian financial institutions as well as entities linked to the Iranian Revolutionary Guards Corps, who have been instrumental in evading existing sanctions.
- **A ban on Iranian access to EU gold and precious metals markets.**

I would stress that all of these measures are still subject to change and I will update you in my Explanatory Memorandum on the sanctions that are agreed at the Foreign Affairs Council.

The Government believes that these strong additional sanctions are necessary to persuade the Iranian regimes to step away from its pursuit of its illegal nuclear programme. Unfortunately, we have not seen any positive moves from the Iranian regime in recent months. The November 2011 IAEA report and the subsequent Board of Governors resolution set out further progress of the possible military dimensions of Iran's nuclear programme. In the wake of the IAEA report the British Government acted on 21 November to sever all financial ties between the UK financial sector and Iranian banks. On 1 December 2011 the EU sanctioned a further 200 individuals and entities. Earlier this month Iran demonstrated further defiance of its international obligations, by announcing the start of uranium enrichment at the Qom facility. As the Foreign Secretary said on 9 January, this provocative act further undermines Iran's claims that its programme is entirely civilian in nature.

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

18 January 2012

Letter from the Chairman to the Rt. Hon David Lidington MP

Thank you for sending me a copy of your letter of 30 January to William Cash MP regarding the new package of sanctions against Iran adopted by the EU on 23 January.

A copy of your letter was circulated to the EU Foreign Affairs, Defence and Development Sub-Committee for information when they considered Council Decision 2012/35 CFSP, Council Implementing Regulation (EU) No. 54/2012 and Council Regulation (EU) No 56/2012, all of 23 January, concerning restrictive measures against Iran. The Sub-Committee cleared these documents from scrutiny, but wished to seek further information on some points raised by your letter to Mr Cash.

Your letter referred to the recent 'Kirk-Menendez' amendment agreed by the US and stated that it "has the effect of requiring countries to make a "significant reduction" of their Iran oil purchases over a 180-day period, starting from 31 December". The Sub-Committee would be grateful for further information about the 'Kirk-Menendez' amendment. In particular, they would like clarification of whether it has extra-territorial application, as it could be inferred from your letter that the US legislation requires action to be taken by other countries. The Sub-Committee would also welcome information about what liaison has taken place between the EU and the US over sanctions against Iran.

I would be grateful to receive a reply to this letter within the standard deadline of ten working days.

9 March 2012

Letter from the Rt. Hon. David Lidington MP to the Chairman

I am writing with regard to the planned adoption of an additional amending Council Decision on Iran.

This amending Council Decision has been agreed to make clear that the application of existing Iran financial sanctions does prohibit the provision of specialised financial services to persons subject to an EU assets freeze. It will mean that service providers will have to withdraw their services from designated Iranian banks. We believe that this is an important step, which will help to prevent Iranian banks activity to circumvent sanctions.

There is some political urgency to adopt this Decision, including a request for clarification by a major service provider to assist with their planning. There is an additional urgency given the important role of the pressure track in persuading Iran to agree to take a different approach to its nuclear programme. Baroness Ashton announced on 6 March that China, France, Germany, Russia, the United Kingdom and the United States will take part in a further round of discussions with Iran about its nuclear programme.

It is for these reasons that I will have to agree the adoption of the Decision if your Committee is unable to examine the document by the morning of Thursday 15 March.

As you know, the responsibility to keep your Committee informed on issues concerning sanctions is something I take seriously and I only override the scrutiny requirement where there is a pressing need to do so.

12 March 2012

Letter from the Rt. Hon. David Lidington MP to the Chairman

I am writing with regard to a proposed EU Council Decision and amendment to an EU Council Regulation implementing restrictive measures directed against certain persons, entities and bodies in view of the human rights situation in Iran.

The implementing Decision and amended Regulation add further names to the list of individuals subject to sanctions under the existing Iran Human Rights measures. They also transfer, from the nuclear regulation to the human rights regulation, language on the prohibition of internal repression related goods. These new and amended legal acts do not grant any further powers to the European Union. They simply allow for the addition of new names to the existing legal acts.

We strongly support these measures, which will send a strong signal to the Iranian regime that its continued flagrant violations of human rights are unacceptable. We continue to be deeply concerned by the disturbing human rights situation in Iran, with Iran executing more people per capita than anywhere else in the world; continuing to arrest, harass and intimidate human rights defenders, journalists and the opposition with impunity.

I take the responsibility to keep your Committee informed on issues concerning EU sanctions very seriously and will continue to endeavour to ensure that you are given maximum time to scrutinise HMG efforts to address issues such as these. As such, I am pleased to be able to provide you with the [enclosed] information regarding the Council Decisions.

I regret that the appropriate EU legal bodies have yet to amend the regulation and as such, I will not be able to provide you with the opportunity to scrutinise it prior to adoption at the 23 March Foreign Affairs Council.

As such, I find myself in the position of having to agree to the adoption of this amended regulation before your Committee has had an opportunity to scrutinise it. Please be assured that my officials continue to push for better forward planning of EU legal acts in the EU.

15 March 2012

Letter from the Rt. Hon. David Lidington MP to the Chairman

In your letter of 9 March, you asked me for further detail on recent US sanctions targeted at hitting Iranian oil exports and on liaison that has taken place between the EU and US over sanctions against Iran.

On 31 December 2011 the United States Senate's 'Kirk-Menendez' amendment was signed into US law by President Obama as part of the National Defense Authorization Act (NDA). It requires the US President to block the property and interests in property subject to US jurisdiction of all Iranian

financial institutions, including the Central Bank of Iran (CBI). It also aims to reduce Iranian oil revenues and discourage transactions with the CBI by providing for sanctions on foreign financial institutions that knowingly conduct or facilitate certain significant financial transactions with the CBI, including through facilitating oil purchase.

The NNDA enables the United States Government to block access to the US Federal Reserve Bank of any foreign financial institution, including central banks, in the purchase of Iranian crude oil. This effectively blocks access to the dollar currency and the US market.

The measures are being phased in, with action being taken against financial institutions involved in facilitating a transaction through the CBI from 29 February 2012. The US will impose sanctions against financial institutions, including central banks, if they are involved in a significant oil transaction through the CBI after 28 June 2012 and if the US President has determined that there is adequate global oil supply.

The US legislation puts in place exemptions from the measures, including for humanitarian reasons. There is also an exception, for a period of 180 days, for financial institutions in countries that have taken action to reduce their oil purchases from Iran.

The Government is in regular contact with the United States Government at all levels on the issue of sanctions against Iran. We regularly coordinate and exchange views on the most effective use of sanctions against Iran as part of the E3+3's dual track policy of pressure and engagement. We do this bilaterally and multilaterally, including with EU partners.

23 March 2012

Letter from the Rt. Hon. David Lidington MP to the Chairman

I am writing with regard to the adoption of the Council Regulation on Iran at the 23 March Foreign Affairs Council. This Regulation implements the measures that fall under EU competence in the Council Decisions of 23 January and 15 March, which I submitted for your consideration.

There was some urgency to conclude negotiations on the Regulation at the Foreign Affairs Council so that the adoption would not impact on the renewed focus on forthcoming E3+3 talks with Iran on its nuclear programme. As a result we did not agree on a finalised text until the day before the Foreign Affairs Council.

The E3+3 (UK, France, Germany, US, Russia and China) are preparing for a new round of talks with Iran on the nuclear issue. We hope that Iran seizes the opportunity to demonstrate to the international community that it is taking a different path. However, we have seen no evidence that Iran has shifted its position. It is therefore essential that we must keep up the pressure on Iran to send a strong message to the regime that they should negotiate seriously or face increasingly hard-hitting sanctions.

It is for these reasons that I reluctantly agree to the adoption of the Decision before your Committee was able to scrutinise the documents.

As you know, the responsibility to keep your Committee informed on issues concerning sanctions is something I take seriously and I only override the scrutiny requirement where there is a pressing need to do so.

16 April 2012

Letter from the Rt. Hon. David Lidington MP to the Chairman

I am writing with regard to an EU Council Regulation implementing restrictive measures directed against certain persons, entities and bodies in view of the human rights situation in Iran.

I wrote to you on 15 March to provide you with the opportunity to scrutinise the EU Council Decisions implementing further restrictive measures against Iranian human rights violators. However, as the EU had yet to draft the Council Regulation, I regrettably had to override scrutiny of that document. This is now available and I am providing herewith to allow for scrutiny. The Regulation adds further names to the list of individuals subject to sanctions under the existing Iran Human Rights measures. It also includes the transfer, from the nuclear regulation to the human rights regulation, language on the prohibition of internal repression related goods. This amended legal act does not grant any further powers to the European Union, rather it allows for the addition of new names to the existing legal acts.

We strongly support these measures, which will send a strong signal to the Iranian regime that its continued flagrant violations of human rights are unacceptable. We continue to be deeply concerned by the disturbing human rights situation in Iran, with Iran executing more people per capita than anywhere else in the world; continuing to arrest, harass and intimidate human rights defenders, journalists and the opposition with impunity.

I take the responsibility to keep your Committee informed on issues concerning EU sanctions very seriously and will continue to endeavour to ensure that you are given maximum time to scrutinise HMG efforts to address issues such as these.

23 April 2012

JORDAN: EU ACTION PLAN

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

I write to update you on the on-going discussions surrounding the formal adoption of the EU-Jordan Action Plan, which was deposited in parliament for scrutiny in April 2011.

Provisional agreement on a new, updated Action Plan, which sets out possible areas for deeper cooperation between the EU, its Member States and Jordan, ranging from human rights and trade, to migration and social reform, was reached at a political level in October 2010. The Action Plan does not contain any legally binding obligations or create any new financial obligations.

The Action Plan now needs to be adopted at an EU-Jordan Association Council (the date of which has been pushed back and is to be confirmed). Pre-Lisbon this was done via a CFSP Decision. The EU-Jordan Action Plan is the first Action Plan post-Lisbon. There are on-going discussions as to the most appropriate mechanism to adopt the EU position given: (i) that the Action Plan is not legally binding; and (ii) the wide range of subject-matters covered by the Action Plan.

We continue to negotiate in Brussels various options that would fully protect our interests and maintain consistency.

I wanted to make sure that you were aware of the reasons for the on-going delay in this instance. It has occurred as a result of the prolonged uncertainty surrounding important elements of this Action Plan, and our desire to provide accurate information to the Committee. My officials will continue to keep you apprised of progress.

16 January 2012

Letter from the Chairman to the Rt. Hon. David Lidington MP

Thank you for your letter of 16 January 2012 which the EU Sub-Committee on Foreign Affairs, Defence and Development Policy considered at its meeting on 2 February 2012, together with the Annex containing the Action Plan.

We noted the statement in the penultimate paragraph of page 7 on conditionality and would be grateful if you could let us know how that conditionality will be applied in the case of Jordan.

We look forward to hearing from you within the standard ten working days.

3 February 2012

Letter from the Rt. Hon David Lidington MP to the Chairman

Thank you for your letter of 3 February, in response to mine of 16 January. You asked about the application of conditionality in the EU-Jordan Action Plan.

The Action Plan is currently monitored through both annual meetings of European and Jordanian Ministers and officials (Association Council / Committee meetings) and through EU progress reports which consider progress in cooperation and the wider situation in the country. As with all documents which flow from Association Agreements, EU cooperation is subject to basic standards including human rights and could be suspended were those standards not to be respected. You may also be interested to note the first EU-Jordan 'Task Force' took place on 21-22 February which has served more tightly to connect EU support to Jordan's agenda of political and economic reform.

Over the past year, the UK has taken a leading role within the EU to redesign the European Neighbourhood Policy based around the concepts of differentiation and 'more-for-more': deepening the EU's relations with those building deep democracy and matching EU support to progress in reforms.

In his article in the European Voice dated 14 April 2011, the Foreign Secretary wrote:

"There must be clear and strictly applied conditions for receipt of [EU] aid, set not as arbitrary terms imposed from outside but as genuine reflections of the ambitions for political and economic change that the peoples of those nations themselves are demanding.

"All of [the EU's offer to southern neighbours] must depend on commitment by our partners to achieve clear political and economic benchmarks, which still require intensive work. We, in turn, must be consistent and united in delivering an appropriate EU response to how governments fare against those benchmarks, by extending greater support to those that ensure they meet them, and by withholding or withdrawing incentives, including money, from those that do not. There should be no blank cheques for repressive regimes: we owe it to the people of our neighbouring nations and to our own taxpayers that our money is put to good use."

Member States endorsed this approach at the June FAC where it was agreed that "stronger political cooperation, closer economic integration and increased EU support will depend on progress towards reforms and may be reconsidered where reform does not take place".

Discussions continue within the EU on the implementation of this agreement. Our aim is to ensure that assessment of progress against the agreed joint objectives is more systematic and that there is a closer link between the EU's policy and its support in a given country.

6 March 2012

LATIN AMERICA AND CARIBBEAN FOUNDATION AGREEMENT (EU-LAC)

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

I am writing to inform your committee that the EU and LAC countries are negotiating an International Agreement on the EU-LAC Foundation.

HISTORY OF THE EU-LAC FOUNDATION

The EU and LAC Heads of State and Government decided to create the Foundation at the EU-LAC Summit in May 2010 in Madrid. The EU-LAC Foundation Terms of Reference were approved by the 32nd EU-LAC Senior Officials Meeting and endorsed by the EU-LAC Ministers for Foreign Affairs at the Madrid Summit, attended by the Foreign Secretary. They represent the basis for negotiating the international agreement establishing the EU-LAC Foundation.

At the time of the decision to create the Foundation, there was no agreement on the location for Headquarters. In January 2011, after months of negotiations on proposals from Italy, France and Germany, it was agreed that the Headquarters would be in the city of Hamburg.

Following this the legal personality of the Foundation needed to be decided. In order for the Foundation to commence its activities promptly, the EU and LAC sides agreed that Germany would establish a transitional structure (a legal entity) under the German private law. Once the international agreement entered into force, it would supersede the transitional structure.

AIMS AND BENEFITS OF THE EU-LAC FOUNDATION

The EU-LAC Foundation serves to further a mutual exchange of ideas and understanding in a number of areas including: art, culture, history, languages, customs, traditions and political, economic and social relationships within the framework of the bi-regional dialogue.

The aim of the Foundation is to increase the visibility and presence of the EU and LAC in the partner region, as well as the profile of the bi-regional partnership in the wider world.

With the LAC region containing a number of emerging power countries, it is beneficial for the UK to have a programme through which we could influence and improve EU and LAC countries

understanding. This could be especially helpful when we may have to make tough policy decisions or calling for solidarity on regional issues (e.g. South Atlantic).

It is estimated that the Foundation will require two to three million Euros per year, based on the funding requirements for the Anna Lindt Foundation and the Asia- Europe Foundation. The EU is looking to provide up to 50% of this amount, with the rest coming from voluntary contributions from EU and LAC countries. The UK has made no commitment thus far and has no intention to do so.

2 February 2012

Letter from the Chairman to the Rt. Hon David Lidington MP

Thank you for your letter of 2 February about the negotiation of an International Agreement on the EU-LAC Foundation.

The EU Sub-Committee on Foreign Affairs, Defence and Development Policy has considered the letter and has some doubts about how the EU-LAC Foundation adds value to existing relations between the EU and its Latin American and Caribbean partners and about whether there is a need for a new cultural institute, and we would like to hear your views on this.

We would also appreciate your assessment of how the EU-LAC Foundation ties in with UK-Latin American relations. We support the Government's position in terms of the UK having no intention of making a financial commitment to fund the Foundation. However does this risk putting the UK at any commercial or political disadvantage in this increasingly important region in comparison to our EU partners?

I would be grateful to receive a reply to this letter within the standard deadline of ten working days.

9 March 2012

Letter from the Rt. Hon David Lidington MP to the Chairman

Thank you for your letter of 9 March about the negotiation of an International Agreement on the EU-LAC Foundation. I appreciate the committee's interest in this matter.

There is a shortage of organisations that focus on strengthening relations with Latin America. The EU-LAC Foundation, we believe, is a unique region-to-region institute between European and Latin American/Caribbean countries. The main Latin American institution in the UK, Canning House, focuses solely on UK relations with Latin America/Caribbean. The Foundation would also ensure continuity between EU-LAC summits ensuring that action points are expedited on a regular basis.

You asked whether the fact that the UK would not make a contribution to the funding would affect the UK's relations with Latin America and the Caribbean compared to other EU Member States who were contributing. The Foundation's Terms of Reference and Statutes state that "Contributions are made on a voluntary basis without prejudice to the participation in the Board of Governors". Given the current financial climate the UK has not committed to (and does not intend to commit to) a generic financial contribution to the Foundation - so far only two Member States have contributed. Instead the UK would look to organise events that push forward the Canning House and Prosperity agendas in collaboration with the Foundation, thus building contacts for future projects across the region.

23 March 2012

MOLDOVA: RESTRICTIVE MEASURES

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

At its meeting on 22 March 2012, the EU Foreign Affairs, Defence and Development Sub-Committee noted the above document, which had been cleared at the sift.

The Sub-Committee would welcome further information about Russia's involvement in Transnistria, given that this aspect of the situation was not explicitly covered in your Explanatory Memorandum. In your view, what is Russia's attitude towards the new Transnistrian leadership, and towards Evgheny Shevchuk's dismissal of senior figures from the Smirnov era? How do you assess the prospects for

Russian withdrawal from the region? The Sub-Committee would also be interested in an update on the progress of the 5+2 talks.

I would be grateful to receive a reply to this letter within the standard deadline of ten working days

27 March 2012

Letter from the Rt. Hon David Lidington MP to the Chairman

Thank you for your letter of 27 March requesting further information about Russia's involvement in the Transnistria region. As I am sure you appreciate, our assessment of the current situation is sensitive and we would therefore find it very difficult to provide a full overview in writing. However, I wonder if the Sub-Committee would welcome an oral briefing on this matter from FCO officials.

I have asked officials to follow up on this invitation with the Clerk of the Committee.

13 April 2012

OPERATION ATALANTA EXTENSION

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

As you know, the EU Foreign Affairs, Defence and Development Policy Sub-Committee has continued its interest in Operation Atalanta following its report on the subject (12th report of Session 2009-10, HL Paper 103, 14 April 2010).

At its meeting on 15 December 2011 the Sub-Committee had an informal briefing on the subject. It understands that a discussion is underway in Brussels on the extension of the mission for two years when the mission's mandate expires in December 2012. As it is unlikely that the problem of piracy off the coast of Somalia will be solved in the near future, we would like to support the proposal of a two year extension. We also believe that an early Decision to that effect should be taken to enable those implementing the operation to plan ahead with confidence.

I would be grateful if you could give an assurance by Friday 6 January that the Government will support a two year extension and will work towards early agreement in the EU on the matter.

19 December 2011

Letter from Henry Bellingham MP, Minister for Africa, the UN, Overseas Territories and Conflict Issues, Foreign and Commonwealth Office, to the Chairman

You recently wrote to Nick Harvey and Stephen O'Brien about the EU's Operation ATALANTA, and specifically on the hiring of ships for the World Food Programme. In addition, you wrote in December to David Lidington with a separate question on Operation ATALANTA. I would therefore like to take this opportunity to reply on behalf of the Government on both questions, in my capacity as the Minister responsible for counter-piracy at the Foreign and Commonwealth Office.

The Government shares the Committee's concern that ships hired by the World Food Programme for the delivery of food aid into Somalia continue to be old and slow, often with very low freeboards. The Government also shares the Committee's concern that the escorting duties this necessitates restrict military commanders in their broader ability to tackle piracy at sea.

Through its role as Chair of the working group of the International Contact Group on Piracy off the Coast of Somalia responsible for naval operational coordination and regional capability development, the Government has consistently raised the importance of ensuring that all shipping transiting the high risk area is compliant with industry-agreed best management practice, including sailing speeds and freeboard. We have also underlined the fundamental importance of military Vessel Protection Detachments in certain circumstances, especially their ability to operate autonomously, and encouraged their use onboard World Food Programme and African Union Mission to Somalia (AMISOM) shipping.

The Government reaffirmed this position at the last meeting of the Working Group, on 5 October last year. Since then, the Government has been working closely with the French to engage the UN, including directly with the UN Secretary-General, in order to encourage the hiring of more capable

vessels and to stress the importance of World Food Programme and AMISOM vessels carrying embarked, autonomous Vessel Protection Detachments.

You asked the Minister for Europe in your earlier letter for an update on progress in the last year on making available Unmanned Aerial Vehicles to the EU operation. As Mr Lidington explained in his letter to you of 6 September 2010, all Unmanned Aerial Vehicles are currently required on operations in other theatres and so the UK has no maritime aerial reconnaissance capability to offer.

However, the Government recognises the importance of these assets, especially in providing surveillance over an area as large as the Indian Ocean, and will continue to review their availability and allocation to counter-piracy operations where possible. In November last year, the Ministry of Defence conducted a Capability Study to assess the feasibility of procuring additional Unmanned Aerial Vehicles. While the feasibility of delivery and cost of procurement of these assets has been determined, it is yet to be decided whether purchasing Unmanned Aerial Vehicles is affordable noting competing priorities for funding.

10 January 2012

Letter from the Chairman to the Rt. Hon David Lidington MP

At its meeting on 15 March, the EU Foreign Affairs, Defence and Development Policy Sub-Committee noted the above document, which had been cleared at the sift.

The Sub-Committee noted the proposed extension of Operation Atalanta's Area of Operations to include internal waters and the coastal territory off Somalia. We understand from your explanatory memorandum that this is necessary to allow EU forces to take increased disruption activity to reduce the capabilities of pirates before they put to sea, including possibly taking action against pirate logistics dumps on land. We would welcome further information about the operations envisaged within Somalia's internal waters and coastal territory, and what impact increasing the Area of Operations will have on Operation Atalanta as a whole.

I would be grateful to receive a reply to this letter within the standard ten working days.

16 March 2012

OPERATION ATALANTA: HIRE OF SHIPS FOR THE WORLD FOOD PROGRAMME

Letter from the Chairman to Stephen O'Brien MP, Parliamentary Under-Secretary of State, Department for International Development

At its meeting on 15 December the EU Foreign Affairs, Defence and Development Policy Sub-Committee received a briefing on the EU's Operation Atalanta as a follow-up to its report on the subject (12th report of Session 2009-10, HL Paper 103, 14 April 2010).

The Sub-Committee would like to once again raise its concern about the hire of World Food Programme (WFP) ships bringing food relief to the people in the area. The Sub-Committee understands that the WFP has had to hire an increased number of ships due to the severe rise in the number of refugees, and that it is still hiring ships which are slow and in bad condition. This results in an increased risk of pirate attack, and ties up valuable sailing time for the ships of Operation Atalanta protecting the WFP ships. Could you let us know what pressure the Government is putting on the WFP firstly to ensure that the ships it hires are adequate for the task and able to travel at a reasonable speed; and secondly to insist that the flag states of all vessels used allow military contingents from Atalanta on board when this is appropriate, rather than having to provide a whole ship and its crew to act as its protector?

We look forward to hearing from you by Friday 6 January.

19 December 2011

Letter from Henry Bellingham MP, Minister for Africa, the UN, Overseas Territories and Conflict Issues, Foreign and Commonwealth Office, to the Chairman

SEE REPLY ABOVE - OPERATION ATALANTA EXTENSION – LETTER DATED 10 JANUARY 2012

OPERATION ATALANTA: USE OF PRIVATE SECURITY FIRMS

Letter from the Chairman to Gerald Howarth MP, Minister for International Security Strategy, Ministry of Defence

We would like to thank you for the very useful informal briefing on Operation Atalanta given to the House of Lords EU Sub-Committee on Foreign Affairs, Defence and Development Policy at its meeting on 15 December 2011.

The Sub-Committee understands that, following the recent agreement by the Government to permit the use of protection by private security firms on ships sailing off the coast of Somalia, the UK is working to agree a Code of Conduct with the shipping industry. We strongly support the development of such a Code and its effective and rapid implementation. Would you please inform us of progress and likely timescales.

19 December 2011

Letter from Mike Penning MP, Parliamentary Under-Secretary of State, Department for Transport, to the Chairman

Thank you for your letter of 19 December to Gerald Howarth, regarding the use of private security companies onboard UK flagged ships to defend against Somali piracy. Your letter has been passed to the Department for Transport and I am replying as Minister responsible for maritime issues.

I believe it would be useful if I set out and clarify the range of work to develop standards and guidance that the Government is involved in.

I have already published Interim guidance to UK flagged shipping on the use of armed guards to defend against the threat of piracy in exceptional circumstances (www.dft.gov.uk/publications/use-of-armed-guards-to-defend-against-piracy). This provides advice on factors to be included in a shipping company's risk assessment when taking the decision to use armed guards, advice on selecting a reputable private security company, and additional advice and requirements relating to the use of armed guards. When I announced the publication of the interim guidance on 6 December 2011, I made a commitment to review it within 12 months.

The Government is also working with Aerospace, Defence and Security (ADS) to develop and implement UK national standards for private security companies who are signatories to the International Code of Conduct for Private Security Service Providers (www.icoc-ppsp.org/Home_Page.html). ADS have established the Security in Complex Environments Group (SCEG) to take this work forward. I understand the SCEG is still preparing its work program and is still to finalise its timescales for this work.

The UK is also chairing a correspondence group of the UN Contact Group on Piracy off the Coast of Somalia - Working Group 3. This correspondence group is developing guidance to the international private security industry, with the aim of ensuring uniformity across the industry internationally.

24 January 2012

OPERATIONS CARRIED OUT UNDER THE EIB EXTERNAL MANDATE IN 2010 (6497/12)

Letter from the Chairman to Stephen O'Brien MP, Parliamentary Under Secretary of State, Department for International Development

At its meeting on 8 March, the EU Sub-Committee on Foreign Affairs, Defence and Development noted the above document, which had been cleared at the sift.

The Communication provides a useful overview of the European Investment Bank's external lending operations in 2009-10. The Sub-Committee would be grateful if you could provide information on the total amount of lending currently guaranteed under the Bank's External Lending Mandate.

The Sub-Committee would also like to understand more clearly the different roles of the EIB and the ERBD outside the EU, given the proposal for the EBRD's area of operations to be extended to include other parts of the European neighbourhood.

I would be grateful to receive a reply to this letter within the standard deadline of ten working days.

12 March 2012

Letter from Stephen O'Brien MP to the Chairman

The European Affairs, Defence and Development Sub-committee considered the above mentioned EM on 8 March 2012 and cleared it from scrutiny. In doing so the Committee asked for further information on two issues; the total amount of lending currently guaranteed under the Bank's External Lending Mandate; and a further explanation of the different roles of the EIB and the European Bank for Reconstruction and Development (EBRD) will have outside of the European Union (EU).

As of 31 December 2011, the amount of outstanding EIB loans covered by the External Lending Mandate guarantee was €36.7 billion (£31 billion). This includes loans guaranteed by the EU budget under the current 2007-13 Mandate as well as under previous arrangements. Due to the long-term nature of EIB loans – repayment periods can be up to 30 years – the total amount outstanding at any one point in time will include loans guaranteed under several different mandates. Calls on the guarantee have in the past been rare.

The EIB and EBRD have different comparative advantages and focus on different sectors. The EIB's core mission is to support sustainable economic growth in Europe and beyond. The Bank has extensive experience financing large infrastructure projects, energy production and transmission (particularly innovative renewable technologies), and supporting Small and Medium Enterprises (SMEs).

The EBRD has unique expertise in supporting political and economic transition, including developing newly established financial markets and facilitating regulatory reform. This experience is particularly relevant for supporting the transformation taking place across the Southern Mediterranean region, which is why shareholders have asked EBRD to extend its area of operations to this new region.

Sometimes these activities will overlap (for instance, supporting SMEs). The EIB and EBRD already cooperate in regions where both Banks are active (Eastern Europe and the Caucasus, Central Asia, and Turkey). A Memorandum of Understanding (MoU) between the EIB, the EBRD and the European Commission provides the framework for cooperation in these regions. It is expected that this MoU will be extended to cover the EBRD's new region of operation.

Both banks are also part of the Deauville Partnership set up by the G8 last year to coordinate international financial institutions' support for the countries in the Southern Mediterranean undergoing political transition. As a major shareholder in both institutions, the UK will continue to encourage both the EIB and EBRD to assist the political and economic development in the Southern Mediterranean region.

26 March 2012

PALESTINE: BORDER ASSISTANCE MISSION FOR THE RAFAH CROSSING POINT AND POLICE MISSION FOR THE PALESTINIAN TERRITORIES

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

The above documents were considered by the EU Foreign Affairs, Defence and Development Policy Sub-Committee at its meeting on 15 December 2011 and cleared from scrutiny.

The Sub-Committee was pleased to hear of the rationalisation plans for the two EU missions in Palestine. However, they would be grateful for information on whether EUBAM Rafah is now fulfilling its original purpose of monitoring the Rafah border crossing, given that it is now open, albeit in a restricted way. Will the Decision proposals still leave sufficient staff to man the crossing both for the current situation and for any future broader opening?

We look forward to hearing from you by Friday 6 January.

19 December 2011

PALESTINE: RECEPTION BY EU MEMBER STATES OF PALESTINIANS

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

The EU Foreign Affairs, Defence and Development Policy Sub-Committee considered the EM for the above document at its meeting on 8 December 2011 following its clearance from scrutiny at the sift.

The Sub-Committee would be grateful for clarification on one point. Why is it necessary for the EU to still be involved in providing the legal base for these arrangements (paragraph 2 of the EM)?

I look forward to a reply in the standard 10 working days.

12 December 2011

REGIONAL MARITIME CAPABILITY BUILDING IN THE HORN OF AFRICA

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

The EU Sub-Committee on Foreign Affairs, Defence and Development Policy cleared the above document from scrutiny at its meeting on 26 April 2012.

The Sub-Committee has in the past expressed concern about the delays in setting up EU missions once they have been decided and the failure of Member States to provide the resources required to make it successful. We would welcome an assurance that you are confident that this mission can be set up quickly and that the necessary resources will be provided.

I would be grateful if you would keep us informed every six months on the progress of this mission which we believe has the potential to be very useful.

We look forward to hearing from you within the standard ten working days.

30 April 2012

RUSSIA-EU SUMMIT (BRUSSELS 14-15 DEC 2011)

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

I am writing to update you and your committee on the 28th EU-Russia Summit. The following is drawn largely from a European External Action Service summary of discussion at the event.

The EU was represented by the President of the European Council, Mr Herman van Rompuy, accompanied by the President of the European Commission, Mr Jose Manuel Barroso, High Representative for Foreign Affairs and Security Policy, Baroness Catherine Ashton and Energy Commissioner, Günther Oettinger. The Russian Federation was represented by President Medvedev, accompanied by Foreign Minister Lavrov, Minister for Economic Development Nabiullina and Minister for Justice Kononov.

The Summit focused on the usual range of EU-Russia relations, regional and international issues. The most significant discussions for the UK were on the aftermath of the Duma elections and WTO accession.

EU-RUSSIA RELATIONS

Leaders discussed the global economic situation and recent developments in the Euro area. EU provided its assessment of the 8-9 December 2011 European Council conclusions and Russia emphasised its support for the EU's efforts to address the sovereign debt crisis. Both sides were pleased with the positive dynamics in EU-Russia relations, in particular on WTO accession, aviation issues, the Partnership for Modernisation and visa and mobility issues.

The EU raised its concerns about the irregularities of the Russian State Duma elections. The EU welcomed President Medvedev's instructions to investigate all reports of electoral violations and

encouraged Russia to implement the recommendations of the OSCE report. While President Medvedev recognised that there were irregularities he did not consider that they would have changed the final result. Election monitors, including from the OSCE, would be accepted for the Presidential elections in March. The EU also raised its concerns on human rights in Russia. The EU suggested that to give more impact to the EU-Russia Human Rights consultations, they should alternate between Moscow and Brussels and include officials from other Russian ministries and agencies involved in human rights. Russia did not respond to the specific requests made by the EU.

Russia thanked the EU for support for Russian accession to the WTO. Both sides agreed that WTO accession would allow them to move forward negotiations on the New EU-Russia Agreement. While there was broad agreement on improving the business and investment climate, President Medvedev did not commit to giving his officials a mandate to negotiate on the trade and investment provisions of the New Agreement.

Both sides sought to emphasise the positive relationship on energy. They agreed that remaining divergence of views on specific issues should not distort the overall positive cooperation. Russia recognised the EU's right to legislate on its internal energy market and to diversify its energy supply routes. The EU emphasised that both of these were actually in Russia's interests.

Both sides welcomed progress on the Partnership for Modernisation and the 23 bilateral modernisation partnerships now agreed with EU Member States. Also welcomed was the solution found to the issue of Siberian overflight surcharges and solutions to bilateral air service agreements issues.

On nuclear safety, both sides agreed on the importance of high safety standards and cooperation on stress tests for nuclear power stations. Russia said it was in dialogue with all countries concerned over the Baltic Nuclear Power Plant project, and was optimistic that all issues could be resolved.

The EU and Russia agreed that crisis management cooperation should be put on a firmer footing by finalising a Framework Agreement. Work is still needed to find a solution to the EU's need for flexibility and Russia's demand equal participation and control.

Both sides endorsed the List of Commons Steps Towards Visa Free Travel between Russia and the Schengen Zone and looked forward to their implementation. They also welcomed the launch of the EU-Russia Migration dialogue in 2011.

INTERNATIONAL ISSUES

There was an open discussion on the current situation in Syria and attempts by the international community to resolve the crisis with differing views on how best it could be resolved. It was agreed that an effort should be made to come to agreement on a UN Security Council Resolution. There was also an exchange of views on prospects for positive movement on the MEPP, on which Russia was pessimistic, and on the risks to regional stability posed by Iran's nuclear programme.

There was a short exchange on the three protracted conflicts within the former Soviet Union. The EU called on Russia to use their agreement with Georgia on WTO accession to improve relations and to implement the 12 August 2008 agreement as the basis for a long term and peaceful solution. Russia appreciated the support given by the Swiss, the EU and the US to find a solution to the issue of customs monitoring of South Ossetia and Abkhazia. They would also pursue the 12 August 2008 agreement. The EU welcomed President Medvedev's efforts to find a solution to the Nagorno-Karabakh conflict and encouraged Russia to continue its efforts. Russia believed that it could be resolved and that efforts of the Minsk Group would continue. The EU welcomed the resumption of formal 5+2 talks on Transnistria on which Russia state it would continue its intermediary efforts with the EU.

President Medvedev explained the growing importance of Asia for Russia, summarising the status of Russia's relationships with China and India. He also spoke of the good relationship Russia has with India and on his discussions with the late DPRK leader, Kim Jong Il on the latter's visit to Russia. The EU also reported on its assessment of economic developments in Asia and on recent achievements such as the signing of a Free Trade Agreement with the Republic of Korea and progress on similar agreements with Japan and India.

Both sides discussed Prime Minister Putin's vision for a Eurasian Union. The EU supported regional integration processes as it was itself founded on such a process but such initiatives had to be based on WTO rules. Russia responded that the Union would create greater opportunities for trade and

investment and believed that this was the most important development in the post-Soviet space in the last 20 years.

ASSESSMENT AND UK FOLLOW-UP

This was President Medvedev's last EU-Russia Summit. It was generally friendly and constructive in tone. Discussions of traditionally controversial issues were less antagonistic than in the past. As in previous Summits, a clear message was delivered on Russia meeting its human rights commitments and on the need for progress on the New Agreement. But it remains to be seen how atmospherics at the next Summit and the overall EU-Russia relationship will be affected by the change in Russian President in May this year. HMG will continue to work with EU partners to ensure that the EU retains a consistent and coherent approach towards Russia which contributes to the achievement of our own policy goals. These will specifically include: measures to ensure Russian compliance with WTO rules including adherence to the over-flight surcharge agreement – which will save UK airlines a considerable sum; increased effort to ensure that the EU-Russia energy relationship is built on adherence to international norms.

7 February 2012

Letter from the Rt. Hon David Lidington MP to the Chairman

Following my letter of 7 February reporting the December EU-Russia Summit, I understand that you would like to learn more about customs monitoring in South Ossetia and Abkhazia and the Baltic Nuclear Power Plant Project.

The issue of customs monitoring of the Russian border with the Georgian break-away regions of South Ossetia and Abkhazia arose during Russia's World Trade Organisation accession process. Georgia, as a member of the WTO, had serious concerns about the effective customs monitoring of goods passing between Russia and the disputed territories of South Ossetia and Abkhazia. Georgia would not accept monitoring carried out by the de facto authorities in the disputed territories and Russia would not accept Georgian customs officials. If these concerns were not met, it could have at the very least delayed Russia's accession to the WTO and at worst caused them to withdraw from the process. However, with the support of the Swiss government, Georgia and Russia reached an agreement whereby the customs monitoring will be carried out by an independent third party. When I last met with my Swiss colleague he confirmed that implementation of the agreement was going as planned.

The Baltic Nuclear Power Plant Project is an area of concern for some EU Member States, in particular Lithuania, as the planned location of the plant in the Russian region of Kaliningrad is very close to their border. Lithuania's concerns relate to its belief that Russia has not provided adequate information relating to safety and environmental issues, which Russia has an obligation to do under IAEA rules, a point which Lithuania raised at the IAEA's 55th General Conference in September 2011.

The issue was also raised at the EU-Russia Permanent Partnership Council on Energy in October 2011. At this meeting Russia was invited to use EU methodology when carrying out comprehensive risk and safety assessments of existing and planned nuclear power plants. As stated in my letter of 7 February this issue was discussed at the EU-Russia Summit, where the Russians expressed their hopes that all issues could be resolved. This is also an area of concern for the UK and we continue to encourage Russia to comply with its international nuclear safety obligations. I hope that this has provided the further information you require.

22 March 2012

SOMALIA: EU TRAINING MISSION

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

I am writing to inform you that the European Union Foreign Affairs Council has taken a decision on 25th July to amend and extend Decision 2010/96/CFSP on the European Union Training Mission Somalia (EUTM) and to provide you with an update on the progress of the Mission as you requested in your letter of 14 July 2011.

In my pre-recess letter to your Committee dated 6th July I explained that a decision was likely to be made during recess and provided Committees with information on the continuation of the Mission and the Crisis Management Concept.

The first tranche of EUTM trainees returned to Mogadishu in February and was deployed during the summer. The second tranche has recently returned to Mogadishu and is undergoing reintegration training. Whilst it is too early to make a comprehensive assessment of the performance of the first tranche of troops, we have had positive feedback about the performance of the EUTM trained troops. The third tranche has recently arrived in Mogadishu and has begun its training.

In spite of some recent improvements, the situation in Somalia has not stabilised since the launch of EUTM Somalia. The Somali NSF are not yet capable of fulfilling their mission without external support, and it was therefore agreed that EUTM Somalia will continue.

The extension to EUTM Somalia's mandate will continue to be funded under the EU's ATHENA shared costs mechanism. The budget for the extended and revised EUTM Somalia mandate has initially been set at €4.8 million. On this basis, and given the current agreed UK contribution of 14.36% toward shared costs, the new EUTM Somalia may incur an overall additional cost to UK of €689,280. The EU have so far issued two call forward notices requesting member state fund €2.20 million of the proposed €4.8 million cost of the extended mission. The UK's share of this funding is €316,274. However, €206,815 of proposed UK funding has been covered by a surplus in the overall ATHENA budget for 2010. This leaves the UK with a payment of €109,458 to make at this stage. This payment will be made, in accordance with established procedures, by MOD. MOD will then be reimbursed from the Peacekeeping budget.

7 December 2011

SUDAN AND SOUTH SUDAN

Letter from the Chairman to Henry Bellingham MP, Minister for Africa, Overseas Territories and Conflict Issues, Foreign and Commonwealth Office

You will recall that Select Committee on the European Union published a report on 22 June last year on "The EU and Sudan: on the Brink of Change," (HL Paper 160). The Government replied on 25 August 2011 and both documents were debated in the House on 7 December 2011.

The EU Sub-Committee on Foreign Affairs, Defence and Development Policy discussed the situation in Sudan and South Sudan at its meeting on 2 February 2012 in the light of recent media reports on the actions taken by both countries following the breakdown in talks over oil revenues.

The Sub-Committee noted that it had raised concerns in its report about this and other problems stemming from unresolved issues at the time of South Sudan's independence and which should have been dealt with under the 2005 Comprehensive Peace Agreement. Our concerns now appear fully justified in the worsening situation. We are particularly concerned that the breakdown of the negotiations might lead to the danger of conflict with resulting instability in the region.

We would be grateful if you, as the Minister who gave evidence to the Sub-Committee for the report, could give evidence to the Sub-Committee in the near future, on the situation in Sudan and South Sudan within an EU and international context.

We look forward to hearing from you within the standard ten working days.

3 February 2012

Letter from Henry Bellingham MP to the Chairman

Thank you for your letter dated 3 February requesting an evidence session with the EU Sub-Committee on Foreign Affairs, Defence and Development Policy regarding the situation in Sudan and South Sudan.

I am equally concerned with the current situation in Sudan and South Sudan and would welcome a chance to discuss the situation with the Committee: I would like to propose Thursday 8 March 2012 as the date for the evidence session, and hope this is convenient for the Committee.

As with my evidence to the Committee on 12 July 2011, I would be grateful for your agreement to my being accompanied by Michael Ryder, UK Special Representative for Sudan, and if possible an official from DFID.

8 February 2012

SYRIA: RESTRICTIVE MEASURES

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

I am writing with regard to the adoption of further EU restrictive measures in view of the situation in Syria.

I regret that due to the urgency to agree further measures at the Foreign Affairs Council on 1 December I find myself in the position of having to agree to the adoption of a Council Decision before your Committee has had an opportunity to scrutinise the documents. Given that I cannot share the full detail with you until after the adoption of the sanctions, I will provide an explanatory memorandum and the final documents that were adopted for your Committee to consider in due course.

We continue to believe that further action by the EU will increase the pressure on President Assad's regime to put an end to the violence. These measures also complement actions taken by the Arab League, notably the agreement by the majority of their members to adopt sanctions against Syria.

The measures we intend to agree at the FAC are targeted at denying the regime sources of funds and economic resources. The measures will focus on the finance, banking, insurance and oil sectors. We will also agree to designate further individuals to be subject to the asset freeze and travel ban, and an asset freeze against on further entities.

As the Prime Minister and others have stated, Assad has lost any legitimacy he once had and should now step aside. The Foreign Secretary continues to make clear that he is appalled by the continuing violence being perpetrated against civilians who have been protesting peacefully.

As you know, the responsibility to keep your Committee informed on issues concerning sanctions is something I take seriously and the need for the override of scrutiny on this occasion is regrettably unavoidable. Given the fast moving and serious nature of events in Syria, and the possibility of further measures, my officials would be happy to update your Committee on the situation in Syria whenever convenient.

1 December 2011

Letter from the Rt. Hon. David Lidington MP to the Chairman

I am writing with regard to the adoption of further EU restrictive measures in view of the situation in Syria.

I regret that due to a long-running technical dispute during negotiations at the EU and due to the urgency to agree further measures ahead of the Foreign Affairs Council on 23 January, I find myself in the position of having to agree to the adoption of this Council Regulation, Council Implementing Decision, and Council Implementing Regulation before your Committee has had an opportunity to scrutinise the documents.

We continue to believe that further action by the EU will increase the pressure on President Assad's regime to put an end to the violence.

Despite the relevant Council Decision being adopted on 1 December, a final text of the corresponding Council Regulation has only very recently emerged. Given the urgency of the situation in Syria, it is important to adopt the Council Regulation giving these measures legal effect with the utmost speed. The measures implemented by this Council Regulation are targeted at denying the regime sources of funds and economic resources. The measures will focus on the finance, banking, insurance and oil sectors.

The Council Implementing Decision and the Council Implementing Regulation designate further individuals to be subject to the asset freeze and travel ban, and further entities to be subject to the asset freeze. The newly designated individuals and entities include military and security personnel

responsible for giving orders authorising the use of lethal force against Syrian protestors, a businessman facilitating the repression, and entities providing financial support to the regime.

As the Prime Minister and others have stated, Assad has lost any legitimacy he once had and should now step aside. The Foreign Secretary continues to make clear that he is appalled by the continuing violence being perpetrated against civilians who have been protesting peacefully.

As you know, the responsibility to keep your Committee informed on issues concerning sanctions is something I take seriously and the need for the override of scrutiny on this occasion is regrettably unavoidable. Given the fast moving and serious nature of events in Syria, and the possibility of further measures, my officials would be happy to update your Committee on the situation in Syria whenever convenient. I will ensure that you receive an explanatory memorandum as soon as possible after the meeting of the Foreign Affairs Council.

18 January 2012

Letter from the Rt. Hon. David Lidington MP to the Chairman

I am writing with regard to the adoption of further EU restrictive measures in view of the situation in Syria.

I regret that due to the length of the negotiations, final texts regarding these measures have emerged so late that I find myself in the position of having to agree to their adoption before your Committee has had an opportunity to scrutinise the documents. Given the urgency of the situation in Syria, it is important to adopt the texts giving these measures legal effect with the utmost speed.

We continue to believe that further action by the EU will increase the pressure on President Assad's regime to put an end to the violence in Syria. The measures imposed by the EU are targeted at denying the regime sources of funds and economic resources. The measures involve a ban on the trade of gold, precious metals, and diamonds, a ban on cargo flights operated by Syrian carriers, and the designation of the Central Bank of Syria. We are also agreeing to designate further individuals to be subject to the asset freeze and travel ban, and to remove one individual who no longer meets the grounds for listing.

On 16 February, the UN General Assembly voted overwhelmingly in favour of supporting the Arab League's plan for a Syrian-led solution to the crisis.

The resolution was co-sponsored by 72 countries and supported by 137 members of the Assembly, clearly demonstrating the international community's condemnation of the Syrian regime's actions and its intention to hold to account those responsible for the ongoing atrocities. As the Prime Minister and others have stated, Assad has lost legitimacy and should now step aside. The Foreign Secretary continues to make clear that he is appalled by the continuing violence being perpetrated against civilians who have been protesting peacefully.

As you know, the responsibility to keep your Committee informed on issues concerning sanctions is something I take seriously and the need for the override of scrutiny on this occasion is regrettably unavoidable. Given the fast moving and serious nature of events in Syria, and the possibility of further measures, my officials would be happy to update your Committee on the situation in Syria whenever convenient.

24 February 2012

Letter from the Chairman to the Rt. Hon David Lidington MP

Thank you for your letter of 24 February. At its meeting on 1 March, the EU Foreign Affairs, Defence and Development Sub-Committee noted the overrides on the two Council Decisions and the Council Regulation, and cleared the documents from scrutiny.

During discussion of the papers Members noted the absence of names of those people and entities who will be subject to the restrictive measures. We understand the problems of confidentiality which mean that the names cannot be made public in advance of Decisions in Brussels but we have two requests.

- a) Could you explain how the names of people and entities to be subject to restrictions (in any country) is decided? If the names are submitted by Member States, are they verified in Brussels, and how?

- b) At the time of submitting EMs, could you send us the names of those to be subject to restrictions, in advance of Decisions being taken in Brussels? We would suggest that this could be in a separate document which would be distributed at the meeting and collected at the end of the meeting, so that they remained confidential to the Committee?

I would also like to thank you for the offer of a briefing on Syria which we would like to accept. We would be grateful if Alistair Burt could give us an informal briefing after his formal evidence on Iran on 8 March. We also wonder if the Ambassador to Syria could brief us as he has now presumably returned to the UK following the withdrawal of UK diplomats.

I would be grateful to receive a reply to this letter within the standard deadline of ten working days.

2 March 2012

Letter from the Rt. Hon David Lidington MP to the Chairman

I am writing with regard to the adoption of further EU restrictive measures in view of the situation in Syria.

I regret that due to the length of the negotiations, final texts regarding these measures have emerged so late that I find myself in the position of having to agree to their adoption before your Committee has had an opportunity to scrutinise the documents. Given the urgency of the situation in Syria, it is important to adopt the texts giving these measures legal effect with the utmost speed.

We continue to believe that further action by the EU will increase the pressure on President Assad's regime to put an end to the violence in Syria. We have agreed to designate twelve further individuals to be subject to the asset freeze and travel ban. In addition, we have designated two state-owned oil companies, which provide financial support to the Syrian regime.

The UK has led the way on 12 rounds of EU sanctions on Syria. These sanctions are increasing the economic and political pressure on the Syrian regime and will continue to stop flows of revenue to Assad. The EU has assembled a strong sanctions regime against Syria, which complements efforts by our international partners. We will continue to push for tougher sanctions, but recognise that additional measures that are both targeted and effective are increasingly limited. We will continue to engage with our international partners to encourage them to increase the economic pressure on the regime and take coordinated action with our international partners where there is evidence of Syria subverting sanctions.

As you know, the responsibility to keep your Committee informed on issues concerning sanctions is something I take seriously and the need for the override of scrutiny on this occasion is regrettably unavoidable. Given the fast moving and serious nature of events in Syria, and the possibility of further measures, my officials would be happy to update your Committee on the situation in Syria whenever convenient.

22 March 2012

Letter from the Rt. Hon David Lidington MP to the Chairman

Thank you for your letter of 2 March 2012 in which you asked about the process of agreeing the names of those people and entities who are made subject to restrictive measures on Syria.

The names of people and entities to be made subject to the restrictive measures are proposed by individual Member States to their EU partners. During the crisis in Syria, the UK has worked closely with its European partners to agree new sanctions to increase the pressure on the Assad regime. The names are then discussed by all 27 EU Member States, the EEAS, the Council Legal Service and the European Commission. During these discussions, the justifications for designation are considered, including their political and legal merits. The names must be agreed unanimously at EU27 before they are adopted into EU law, often at the Foreign Affairs Council.

EU Member States are required to maintain confidentiality of the proposed names beyond the EU Council working groups. This is to prevent 'asset flight', pre-emptive action by those being considered to remove their assets from EU jurisdiction, greatly reducing the effective impact that the measures might have. It is important that the UK is perceived to respect this confidentiality, which we would want others to respect also. Therefore, I am regrettably unable to provide the Committees the proposed names in advance of them being agreed, but I will continue in my endeavour to pass them to you as soon as they can be made available.

Of course, you will be aware that in some urgent cases, there is an acute political imperative to act quickly and I am obliged to override parliamentary scrutiny in order to agree restrictive measures at the EU.

Further to your request for an informal briefing, I understand that my colleague Alistair Burt, the Minister for the Middle East and North Africa, and Simon Collis, Her Majesty's Ambassador to Syria, were able to provide your Committee with further information on 15 March.

23 March 2012

TREATY OF AMITY AND COOPERATION IN SOUTHEAST ASIA (6677/12)

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

The EU Foreign Affairs, Defence and Development Sub-Committee considered the above document at its meeting on 22 March 2012 and decided to hold it under scrutiny.

On the question of competence, you indicate that the EEAS considers that the Council Declaration of 2006 remains valid. We note that it only appears to clarify competence for matters appearing in the TAC which are the subject of the pre-Lisbon Foreign and Security Policy and Police and Judicial Co-operation, whilst the TAC itself covers a broader range of subjects including economic, trade, social and scientific matters. We should be grateful if you would clarify the extent to which the EU is, in fact, exercising competence in respect of these broader subjects and whether any steps will be taken to make the respective competences of the EU and the Member States transparent to the other parties to the TAC.

I would be grateful to receive a reply to this letter within the standard deadline of ten working days.

27 March 2012

Letter from the Rt. Hon David Lidington MP to the Chairman

Thank you for your letter of 27 March outlining the views of the European Union Committee on the above proposal.

You have asked for clarification of whether a pre-Lisbon Council Declaration made in 2006 setting out the division of competence can apply to the Treaty, which will be signed post-Lisbon. You have asked whether the division of competence is clear enough, given that the TAC will cover a broad range of subject areas.

The 2006 Council Declaration was not a Declaration of Competence as such. It amounted to an internal political statement, the purpose of which was to make clear that EU accession to the TAC was not an impediment to Member States acceding in their own right and to acting on their own accord, in respect of matters falling within the scope of the CFSP, save to the extent that they might be required to comply with existing EU measures adopted in this area. This general proposition of the 2006 Declaration still stands and has been confirmed by a further Council Declaration adopted on 23 March, recalling the 2006 Declaration, which reads as follows:

"It is recalled that on 30 November 2006 when the Council authorized the Presidency and the Commission to negotiate the accession to the ASEAN Treaty of Amity and Cooperation (TAC) by the EU and EC respectively, the following declaration was made to the Council minutes:

"The Council notes that the European Union's accession to the Treaty of Amity and Cooperation (TAC) in relation to areas falling within the scope of Titles V and VI of the Treaty of the European Union (TEU) is without prejudice to Member States' right to accede to the TAC, and to act independently in relation to the same areas, save where they are required to comply with a Joint Action or Common Position adopted under Articles 14, 15 or 34(2)(a) TEU. Future EU accession to international agreements will be considered on a case by case basis having regard to the nature and content of the agreements concerned".

The 2006 Declaration needs to be read in the context of the Treaties as they were pre-Lisbon. When accession to the TAC was initially contemplated, the division between the EU and the EC still existed. It was, therefore, envisaged that there would have to be a Decision on accession in relation to the EC and a separate Decision on behalf of the EU in relation to matters falling within Titles V and VI of the TEU. This was an innovative proposal at the time and the UK was particularly concerned to

ensure that allowing the EU to accede to the TAC in respect of Titles V and VI could not be read as constraining Member States' ability to act in relation to matters falling within the scope of the CFSP, save to the extent that the EU had already acted.

As the Committee will be aware, the Lisbon Treaty dispensed with the distinction between the EU and the EC and conferred legal personality on the EU alone. The net effect of these changes to the Treaties for EU accession to the TAC is that there will now only be one decision covering EU accession to the TAC.

The Government recognises that the TAC Agreement covers a broad range of matters including co-operation in economic, trade, social and scientific matters as well as matters falling within the scope of the CFSP. Nevertheless, taking account of the principle of conferral under the Treaties, the EU may only act under the TAC to the extent of its competence. The Government considers that, whilst it is helpful to have confirmation that the principles in the 2006 Declaration that EU accession to the TAC does not prejudice Member States' ability to act independently in relation to matters falling under the CFSP in particular, that should not be interpreted as indicating that we agree that the EU has exclusive competence for all other matters covered by the TAC. We recognise that in determining how the EU and the Member States may act within bodies established under the TAC, a careful assessment of where competence lies will be needed and we will need to police this carefully.

We note that the Committee has asked what steps will be taken to ensure that the respective competences of the EU and the Member States are both appropriately recognised within the Union and made transparent to other parties to the TAC. It is not standard practice within the EU to delimit competences strictly between the EU and Member States when entering into international agreements. Declarations of competence setting out the delimitation of competence between the EU and Member States may, however, be made where an international agreement specifically requires them or the non-EU parties to ask for such clarity, but not as a matter of course.

The FCO remains very clear that the division of competences under the TAC must be respected, in line with the Treaties. We recognise that this will require careful monitoring by the UK and the other Member State parties to the TAC to ensure that the boundaries between EU and Member State competence are respected. As always, we will monitor closely the practical implementation of this agreement. In particular the UK will push for timely discussions in the appropriate Council Working Groups of the proposed positions to be taken by the EU in meetings under the auspices of the TAC so as to ensure that the boundaries of EU competence are respected. To the extent that any bodies established under the TAC may take decisions which are capable of having legal effects and which fall within the EU's competence the UK will ensure that the EU acts in accordance with the appropriate procedures set down in the Treaties. Finally, where it is proposed that statements should be delivered by the EU in meetings under the TAC, the UK will ensure that such statements are prepared and presented in accordance with the General Arrangements on EU Statements in multilateral organisations agreed on 24 October 2011.

The Committee should also be aware that the UK is near to completing its bilateral accession to the TAC. Our messages to ASEAN and TAC partners as well as the public at that time will make clear that we are acceding alongside the EU precisely because there will be areas under the Treaty where the EU does not have competence to act on behalf of Member States

16 April 2012

ZIMBABWE: RESTRICTIVE MEASURES

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

As part of our commitment to keep your Committee informed on matters concerning EU restrictive measures, I am writing to inform you that the EU Council Decisions concerning the Restrictive and Appropriate Measures imposed against Zimbabwe are due to expire concurrently on 20 February. Negotiations have therefore commenced on their rollover.

The EU has maintained Restrictive and Appropriate Measures against Zimbabwe since 2002, and substantially increased the number of individuals covered within following the violence that accompanied the disputed elections in 2008. At present the Restrictive Measures comprise a travel ban and asset freeze on 163 individuals and 31 entities as well as an arms embargo. In addition the Appropriate Measures, which are negotiated in parallel, suspend regular EU development assistance

under Article 96 of the Cotonou Agreement. Last year the EU removed 35 minor names from the travel ban and asset freeze list in recognition of the progress that had been made in Zimbabwe since the formation of the Inclusive Government in 2009, but also of the long road still to travel in political reform.

There has been further progress in the last 12 months, although this continues to be fragile. The region, led by President Zuma, has toughened its position on pre-election reform and stepped up its efforts to facilitate a roadmap to elections, although progress on this continues to be painfully slow. There has also been progress within Zimbabwe, particularly in terms of freedom of the print media and continued economic improvement. However fundamental issues of political reform remain unresolved, and the culture of impunity continues to blight the political landscape.

2012 brings with it the prospect of some key stepping stones being met. Work continues to progress towards a Constitutional Referendum and further necessary reform must occur this year if the next election (which must occur by June 2013) is to be free and fair. However, as the election deadline gets closer so too the threat to reform posed by Mugabe and his securocracy is growing. His age and health may yet lead him to cut short the reform process and call premature elections. The role of South Africa and the Southern African Development Community will be crucial to mitigating this risk.

Against this background the Coalition Government's position in approaching the rollover is that whilst we should think strategically about how we can best support the SADC-led reform process we should continue to predicate any move on the Measures upon progress on the ground. However, the growing proximity to elections will make discussions more difficult and differences in approach between Member States are likely to mean that negotiations will continue until the last minute. We anticipate that the draft text on the Restrictive Measures may not be agreed until the end of January, and adoption of the Council Decisions will likely take place in the Council meeting of 15 February. For the Appropriate Measures we anticipate the draft will not be agreed until early February but that this will also be adopted at the 15 February meeting.

I note that the Lords plans to rise for Half Term recess on Thursday 16 February. Should a draft Council Decision not be circulated by the EU in time for it to be scrutinised by your Committee I regret that we may not be able to provide you with the Explanatory Memorandum for your Committee's consideration before the Council Decision is due to be adopted in the EU. As the Decision will need to be adopted by consensus in order to prevent the Targeted Measures against Zimbabwe falling away, I may find myself in the position of having to agree to the adoption of this Decision before your Committee has cleared it from scrutiny.

As you know, the responsibility to keep your Committee informed on issues concerning restrictive measures is something I take seriously and the possible need for the override of scrutiny on this occasion will be regrettably unavoidable. I wanted to inform you of this now, although I will ensure that we make every effort to meet our scrutiny obligations. My officials will keep in close touch with Parliamentary Clerks from now on to ensure that we keep you in the picture as EU negotiations progress and the likelihood of this override.

2 February 2012