



## Department for International Trade

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Angus MacNeil MP  
Chair  
International Trade Committee  
14 Tothill Street  
London, SW1H 9NB

22<sup>nd</sup> July 2019

Dear Angus,

Thank you for your letter dated 9<sup>th</sup> July 2019 concerning continuity of existing EU trade agreements after we leave the European Union. In your letter, you asked which countries had indicated “in writing” that they would treat the UK as a Member State for the purposes of international agreements, including trade agreements, for the duration of an Implementation Period.

I refer the Committee to the letter from Minister for Trade Policy George Hollingbery to the House of Commons European Scrutiny Committee dated 27<sup>th</sup> March 2019, in which your Committee was in copy. I outline the main points from this letter to clarify the process in relation to the matter you raise.

Alongside the Withdrawal Agreement, the EU undertook to notify treaty partners that the UK would be treated as a Member State for the purposes of EU international agreements – including trade agreements - during an Implementation Period. Third countries would be able to confirm their agreement to the continued application of international agreements after the EU had notified.

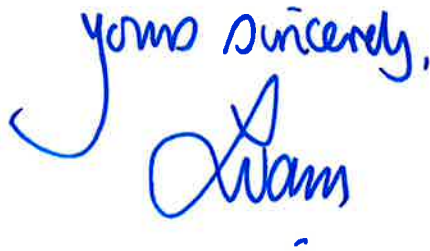
The notification has not yet been issued by the EU. A draft of the notification was published on the European Commission’s website on 5<sup>th</sup> December 2018.<sup>1</sup> This draft notification is in the form of a diplomatic note (also known as a ‘Note Verbale’) from the European Commission. It would be issued under the cover of a letter making clear that it is endorsed by both the United Kingdom and the remaining 27 Member States. The notification will be issued following signature of the Withdrawal Agreement.

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<sup>1</sup> <http://ec.europa.eu/transparency/regdoc/rep/1/2018/EN/COM-2018-841-F1-EN-MAIN-PART-1.PDF>

I would also add that in our view, whilst it is open to treaty partners to make a formal response to the notification in writing, so as to evidence the shared intention of the parties that the UK continues to be covered by the agreements, such a response is not a prerequisite for the UK to continue to enjoy rights under such agreements provided that the relevant third country intends the UK to be covered. The shared intention of the parties may be evidenced by other means, including subsequent state practice.

As previously indicated to the Committee, some countries have already issued public statements of support prior to this notification. I enclose the list in the annex to this letter. Other countries have indicated to us privately and in confidence that they are supportive of this approach but were waiting for the notification to reply formally.

Yours sincerely,  


**THE RT HON DR LIAM FOX MP**

Secretary of State, Department for International Trade  
& President of the Board of Trade

## Annex: List of countries which have made public statements

List of countries which have made public statements of support for continuity. Please note that this list includes countries with whom we have trade-related international agreements, but not free trade agreements (e.g. New Zealand)

Country	URL of statement
Australia	<a href="https://www.gov.uk/government/news/pm-meeting-with-prime-minister-turnbull-21-april-2018">https://www.gov.uk/government/news/pm-meeting-with-prime-minister-turnbull-21-april-2018</a>
Brazil	<a href="https://www.gov.uk/government/publications/uk-brazil-3rd-economic-and-financial-dialogue-policy-outcomes">https://www.gov.uk/government/publications/uk-brazil-3rd-economic-and-financial-dialogue-policy-outcomes</a>
Canada	<a href="https://www.gov.uk/government/news/pm-meeting-with-canadian-prime-minister-18-april-2018">https://www.gov.uk/government/news/pm-meeting-with-canadian-prime-minister-18-april-2018</a>
Chile	<a href="https://www.gov.uk/government/news/uk-chile-joint-statement-santiago-23-may-2018">https://www.gov.uk/government/news/uk-chile-joint-statement-santiago-23-may-2018</a>
Egypt	<a href="https://www.gov.uk/government/news/uk-and-egypt-welcome-progress-on-trade-talks">https://www.gov.uk/government/news/uk-and-egypt-welcome-progress-on-trade-talks</a>
Eastern and Southern Africa EPA states (Zimbabwe, Madagascar, Mauritius, and Seychelles)	<a href="https://www.gov.uk/government/news/joint-statement-on-trade-between-uk-and-the-esa-states">https://www.gov.uk/government/news/joint-statement-on-trade-between-uk-and-the-esa-states</a>
Iceland	<a href="https://www.stjornarradid.is/efst-a-baugi/frettir/stok-frett/2018/04/20/Utanrikisradherra-raeddi-Brexit-vid-Davis/">https://www.stjornarradid.is/efst-a-baugi/frettir/stok-frett/2018/04/20/Utanrikisradherra-raeddi-Brexit-vid-Davis/</a>
Israel	<a href="https://www.gov.uk/government/news/joint-statement-by-minister-burt-and-deputy-minister-hotovely">https://www.gov.uk/government/news/joint-statement-by-minister-burt-and-deputy-minister-hotovely</a>
Liechtenstein	<a href="http://www.regierung.li/en/press-releases/199416/?typ=content&amp;nid=11164">http://www.regierung.li/en/press-releases/199416/?typ=content&amp;nid=11164</a>
Morocco	<a href="http://www.maroc.ma/en/news/london-moroccan-agriculture-minister-holds-talks-uk-counterpart">http://www.maroc.ma/en/news/london-moroccan-agriculture-minister-holds-talks-uk-counterpart</a>
New Zealand	<a href="https://www.gov.uk/government/news/pm-meeting-with-new-zealand-prime-minister-18-april-2018">https://www.gov.uk/government/news/pm-meeting-with-new-zealand-prime-minister-18-april-2018</a>
Norway	<a href="https://www.ft.com/content/73b0534c-3bf3-11e8-b7e0-52972418fec4">https://www.ft.com/content/73b0534c-3bf3-11e8-b7e0-52972418fec4</a>
Panama	<a href="https://www.gov.uk/government/news/pm-bilateral-meeting-with-president-varela-14-may-2018">https://www.gov.uk/government/news/pm-bilateral-meeting-with-president-varela-14-may-2018</a>

Peru	<a href="https://www.gov.uk/government/news/uk-and-peru-welcome-progress-on-joint-trade">https://www.gov.uk/government/news/uk-and-peru-welcome-progress-on-joint-trade</a> .
Singapore	<a href="https://www.gov.uk/government/news/pm-meeting-with-prime-minister-lee-hsien-loong-19-april-2018">https://www.gov.uk/government/news/pm-meeting-with-prime-minister-lee-hsien-loong-19-april-2018</a>
South Africa	<a href="https://www.gov.uk/government/news/uk-and-south-africa-welcome-progress-on-trade-relationship">https://www.gov.uk/government/news/uk-and-south-africa-welcome-progress-on-trade-relationship</a>
Southern African Customs Union (SADC EPA states: Botswana, Lesotho, Namibia, Mozambique, South Africa and Swaziland)	<a href="https://www.gov.uk/government/news/uk-and-south-africa-welcome-progress-on-trade-relationship">https://www.gov.uk/government/news/uk-and-south-africa-welcome-progress-on-trade-relationship</a>
Switzerland	<a href="https://www.eda.admin.ch/dea/en/home/aktuell/medienmitteilungen.html/content/dea/en/meta/news/2018/4/25/70536">https://www.eda.admin.ch/dea/en/home/aktuell/medienmitteilungen.html/content/dea/en/meta/news/2018/4/25/70536</a>
Ukraine	<a href="https://www.gov.uk/government/news/uk-and-ukraine-welcome-progress-on-trade-relationship">https://www.gov.uk/government/news/uk-and-ukraine-welcome-progress-on-trade-relationship</a>
Vietnam	<a href="https://www.gov.uk/government/news/uk-vietnam-joint-statement-london-10-october-2018">https://www.gov.uk/government/news/uk-vietnam-joint-statement-london-10-october-2018</a>



## International Trade Committee

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9 July 2019

*Dear Liam*

Many thanks for appearing before my Committee last week to give evidence on the work of your Department.

During the session we discussed the continuing application of the EU's free trade agreements, in the context of both a no-deal Brexit and a transition period. I would be grateful if you could confirm, for the record, which of the third countries that have a free trade agreement with the EU have agreed – in writing – to interpret relevant terms of these agreements, such as "European Union" or "EU Member State", to include the UK during any transition period agreed by the EU and UK.

I would be grateful for a response by Tuesday 23 July.

I plan to place this letter and your response on my Committee's website.

Yours sincerely,

*Angus MacNeil*

Angus MacNeil  
Chair of the International Trade Committee

