



Department  
for Education



Department for  
Business, Energy  
& Industrial Strategy

The Rt Hon the Lord Whitty  
Chairman, EU Internal Market Sub-Committee  
House of Lords  
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**Sam Gyimah MP**  
Minister of State for Universities, Science,  
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1 August 2018

Dear Lord Whitty,

Thank you for inviting me to provide evidence to the Sub-Committee on the 12<sup>th</sup> of July. As agreed, I am writing to clarify some of the points raised.

Lord German asked a question around Article 122(7)(b) of the draft Withdrawal Agreement and whether the UK is agreeing to this.

The draft UK-EU Withdrawal Agreement states that 'where such participation [in an information exchange, procedure or programme] would grant access to security related sensitive information that only Member States are to have knowledge of, in such exceptional circumstances [...] shall be understood as not including the UK'.

We have been clear in our negotiations with the Commission that this Article should not apply to Galileo, we reject any implications that the UK represents a security risk to the EU. We will continue to argue that this derogation should not be applied.

As I advised when I gave evidence to your Committee, the UK has been deeply involved in the Galileo programme since its inception and we want continued participation in the programme to be a core component of a future UK-EU relationship. As you are aware, we are currently in negotiations with the EU on our future participation and have published a technical note setting out our position on 24 May which is available at:

<https://www.gov.uk/government/publications/technical-note-on-uks-participation-in-galileo>. The Commission's proposal in response to the UK's technical paper is the standard third-country access-only arrangement and, as such, falls well short of UK requirements. The Commission's response is available at: [https://ec.europa.eu/commission/publications/slides-involvement-eus-space-related-activities\\_en](https://ec.europa.eu/commission/publications/slides-involvement-eus-space-related-activities_en). In our technical note we clearly state that for the UK to continue to

participate in Galileo we would require the Commission to “*provide explicit assurance that Article 122.7b in the draft Withdrawal Agreement relating to ‘security-related sensitive information’ shall not be applicable to the exclusion of the UK in relation to Galileo and EGNOS in the Implementation Period.*”

The UK also believes the Commission’s approach is inconsistent with the agreement reached in the December (2017) Joint Report. Paragraph 71 of the Report which provides for continued UK participation in Galileo for the remainder of this Multiannual Financial Framework (MFF) 2014-2020. The UK’s “eligibility to apply to participate in Union programmes and Union funding for UK participants and projects will be unaffected by the UK’s withdrawal from the Union for the entire lifetime of such projects”. No restrictions are placed on UK participation.

Lord German asked whether the UK would be seeking to amend the 2011 Decision to allow a greater depth of third country involvement in Galileo. The Decision in question is Council Decision 1104/2011/EU on the rules for access to the Public Regulated Service, and the Noble Lord is right that the current Decision does not provide third countries the level of access we would require. As part of the negotiations currently underway we are asking the Commission to ensure that Article 122 (7)(b)) of the Withdrawal Agreement is not applied to Galileo, and that we be treated as a Member State in Galileo, as in all other programmes, until 2020. We should be able to achieve our objectives without amending Decision 1104 as the Withdrawal Agreement would apply during the implementation period.

In June 2018 the Commission published the draft Regulation for the EU Space Programmes (including Galileo). This regulation will come into effect after the end of the Implementation Period at the start of 2021. Should we decide to continue to participate in Galileo beyond the Implementation Period (2020) we will need to make sure the new Space Regulation provides access at the required level. The UK will be an EU Member state for the duration of the Council Working Groups which are discussing and refining these proposals and will engage constructively with this process.

I am copying this letter to the Chair of the European Union Committee, Lord Boswell, Clerks of both Committees, Les Saunders (DExEU) and Jenny Steinitz, Departmental Scrutiny Coordinator.

Yours ever,

A handwritten signature in black ink, appearing to read 'Sam Gyimah', written in a cursive style.

**SAM GYIMAH MP**