



The European Affairs Committee of the House of Lords was appointed to consider matters relating to the United Kingdom’s relationship with the European Union and the European Economic Area, including the implementation and governance structures of any agreements between the United Kingdom and the European Union; and to consider European Union documents deposited in the House by a Minister. This scrutiny is frequently carried out through correspondence with Ministers. Such correspondence, including Ministerial replies and other materials, is published below.

This edition includes correspondence from 1 May 2022 – 1 May 2023

EUROPEAN AFFAIRS COMMITTEE

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SCRUTINY OF EU DOCUMENTS

COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS COMMISSIONS WORK PROGRAMME 2022 - MAKING EUROPE STRONGER TOGETHER (13003/21)

Letter to the Chair from the Rt Hon Elizabeth Truss MP, Secretary of State, Foreign, Commonwealth and Development Office

Thank you for your 23 February letter noting specific policy areas of interest. The Minister for Europe and I look forward to working with you and your committee on these matters.

You have asked us to keep you abreast of Commission proposals on the 'European Green Deal' and digital reform. The EU is reluctant to share information on proposed regulatory or legislative reform with third countries, other than on public websites.

As we noted previously, even when the EU was drafting legislation on medicines that was to apply to Northern Ireland it refused to share these proposals until after they had been finalised. They may therefore be reluctant to share EU-only legislative proposals. However, I can confirm that a recent Green Deal proposal to revise the EU Construction Products Regulation has been deposited and an EM is being prepared.

I would be happy to respond to specific questions you see arising from the Commission's plans to develop the European Defence Union and on a new EU/NATO joint declaration.

Your interest in the EU's efforts aimed at "Promoting our European Way of Life", covering migration and asylum, is noted. The most significant thing we can do to stop dangerous migration across the English Channel is to stop boats from leaving in the first place. Many other countries are facing difficulties on this front, with Frontex and several Mediterranean EU Member States taking a very different approach from the UK. Our repeated attempts to come to mutually favourable solutions have not been able to stop small boats leaving France (where individuals are safe and can claim asylum). This is despite providing approximately £54 million to the French last year. France have cited personnel issues, yet have been unwilling to accept UK or UK-funded personnel to help them prevent dangerous crossings from several well-known beaches commonly used by criminal gangs. Our door is always open to finding a solution – but for now we must act to reduce incentives for this illegal and dangerous practice.

I note your disappointment that the AWP made no reference to EU and UK engagement. There is no reason why the UK - or any third country - should expect to see such a reference. I agree that where our objectives are aligned, engagement will be helpful. Once policy areas are developed, we will be able to understand where our interests aligned and can calibrate engagements.

More broadly, it is clear that disagreements on the implementation of the Northern Ireland Protocol are causing EU intransigence in other, unrelated, areas. One example is Horizon, where the EU has been refusing to formalise the UK's association as agreed under the TCA - despite the relevant EU legislation underpinning the programmes being in place since May 2021. In June 2021, we raised the issue at the inaugural UK-EU Partnership Council and since then have continued to press the EU on this issue. At the Specialised Committee for Participation in Union Programmes on 21 December 2021, the EU formally confirmed that the delays were due to wider issues in the UK-EU relationship. The EU's approach, politicising mutually beneficial science and research cooperation and drawing links to the Northern Ireland Protocol is deeply disappointing. The Northern Ireland Protocol is an entirely separate issue and is contained in a different agreement. As this demonstrates, the suggestion that the EU has taken this stance in response to the Foreign Secretary's 17 May statement is incorrect - the truth is that they have been holding back on Horizon since at least December 2021.

We believe this is a strong basis for reformed Protocol arrangements that would protect both parties, restore the balance of the protocol and represent a stable, durable solution. The EU has not been willing to give its negotiators a wide enough mandate to address the full range of issues faced. We continue to engage with them.

26 May 2022

Letter from the Chair to the Rt Hon Elizabeth Truss MP, Secretary of State, Foreign, Commonwealth and Development Office

Thank you for your letter dated 26 May 2022, it was considered by the European Affairs Committee at its meeting of 5 July 2022.

In asking the Government to deposit in Parliament the Commission's Annual Work Programme (AWP) with an accompanying Explanatory Memorandum (EM) we sought, as the Committee tasked with scrutinising UK/EU relations post-Brexit, to be able to consider EU action falling specifically within our remit. This was particularly important given the significantly reduced formal undertakings by the Government to provide information to us post-Brexit due to the fact we are no longer an EU Member State. We hoped that this process would in turn, enable us, if necessary, to engage the Government in correspondence on UK/EU related matters.

However, your disappointing response to our reasonable requests to be informed about important EU legislative proposals that might have implications for UK/EU relations and engage the level playing field aspects of the Trade and Cooperation Agreement (TCA) – the European Green Deal and digital reform - does little to take that process forward. We do not accept your argument that you are unable to do so because the EU does not share documents with third countries.

You will be aware that aside from sensitive areas such as sanctions policy, whenever the Commission submits a legislative proposal to the Council it publishes all relevant documents on its website. For example, all the documents relating to the proposed European Chips Act (which in our letter to you we described as a "significant suite of proposals raising profound questions" for UK/EU relations and UK policy) were published on the Commission's publicly accessible website on 8 February 2022, the very same day they were sent to the Council. You could, if you wished, prepare an EM and deposit it in Parliament on the basis of these documents which would enable us to scrutinise the Government's policy.

We note also your dismissal of our request for EMs on the European Defence Fund and the EU/NATO joint declaration inviting us instead to submit any questions we have to your department. This ignores the purpose of an EM which is to provide us with an explanation of the specific EU proposal and the Government's views thereon.

On migration, we sought to explore with you the extent to which the AWP represented an opportunity to engage with the EU on mutually beneficial solutions. Instead, your response focusses on the failings of bilateral arrangements with the French Government. You say that the UK's door remains open but offer us no information on how or when you might engage with the EU on this matter to find potential, mutually beneficial solutions. We note that this lack of engagement with the EU is also reflected in your answer to our question about the failings of both the EU and the UK Government to mention future cooperation on matters where our interests align.

We remain concerned by the Government's apparent unwillingness to use its wider influence and diplomatic resources in order to engage with the EU and its institutions to further the UK's interests as other third countries do.

The European Affairs Committee was established by the House to consider UK/EU relations and relevant documents deposited in the House by a minister. To that end, it is a matter for us to decide which EU documents are of interest, we are therefore disappointed that your response to our reasonable requests for information makes it far harder for us to fulfil our role in holding the Government to account.

We look forward to considering your response within the usual 10-day deadline.

1 July 2022

Letter from the Chair to Leo Docherty MP, Minister for Europe, Foreign, Commonwealth and Development Office

Your predecessor wrote to us on 1 August 2022, in response to a letter to the Foreign Secretary dated 6 July 2022. This letter was considered by the European Affairs Committee at its meeting of 1 November 2022.

The Committee is pleased that an agreement has now been reached with the Government regarding future scrutiny arrangements for EU-related business. This was formally accepted through a letter to the Foreign Secretary on 12 October 2022.

The Committee is, however, disappointed by your predecessor's response to our request for the Government to keep us informed about important EU legislative proposals that might have implications for UK/EU relations. We remain unpersuaded by the argument that this is not possible because "the EU does not openly seek input from the UK during the earlier stages where it develops legislative proposals".

As set out in our previous letter to the Foreign Secretary, whenever the Commission submits a legislative proposal to the Council, relevant documents are made public. Moreover, the Committee believes that the Government ought to be pro-active in engaging with the EU where EU legislation could have implications for the UK and/or UK/EU relations. Your predecessor's response has not eased our concern at the Government's apparent unwillingness to use its influence and diplomatic resources to engage with the EU and its institutions to further the UK's interests, as other third countries do.

We do not expect a response to this letter and are content to clear the 2022 Commission Work Programme from scrutiny.

10 November 2022

**REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE
COUNCIL ON THE IMPLEMENTATION AND APPLICATION OF THE TRADE AND
COOPERATION AGREEMENT BETWEEN THE EUROPEAN UNION AND THE UNITED
KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND 1 JANUARY – 31
DECEMBER 2021- COM (22) 126**

**Letter from the Chair to Leo Docherty MP, Minister for Europe, Foreign,
Commonwealth and Development Office**

Thank you for the Explanatory Memorandum (EM) dated 12 August 2022 which was considered by the European Affairs Committee at its meeting of 1 November.

We are grateful that the Government submitted an EM on this important Commission report considering the first year's operation of the Trade and Cooperation Agreement (TCA). Understanding the EU's position on the operation of the TCA, and the Government's views thereon, is central to helping us fulfil our responsibilities to scrutinise UK/EU relations and the operation of the Agreements negotiated by the Government to facilitate post-Brexit UK/EU cooperation.

Unfortunately, the EM was submitted only after we asked the (then) Minister responsible, the Rt Hon James Cleverly MP, to do so when he appeared before us in June. To avoid a similar misunderstanding in the future, we take this opportunity to put on record our desire to receive an EM on similar Commission reports as and when they are produced. Please confirm in your response to this letter that you agree.

Publication of the report

We note that this particular report was produced by the Commission as part of its legal obligations to do so (Article 2(4) of Council Decision (EU) 2021/689 of 29 April 2021). As a consequence, we ask the following questions:

- (i) Does the Government intend to produce, on a regular basis, its own report on the operation of TCA? If not, could you explain to us why?
- (ii) If you do produce your own report, do you intend to submit it to this Committee for our consideration?
- (iii) In its report the Commission promises to continue monitoring UK regulatory reform in the areas covered by the TCA (subsidy control, taxation, labour and social standards, the environment and climate) because it "is of vital importance to ensure that it does not conflict with the TCA provisions and that EU businesses are not put at a competitive disadvantage". Does the Government share this view? Do you plan to undertake your

own similar exercise with regard to developments in EU law? If so, when do you intend to share the outcome of such an exercise with this Committee?

The Government has, on occasions, sought to portray UK/EU relations post-Brexit as similar to, or no more significant than, any other international bilateral arrangement. Nevertheless, when considering the questions set out above, we note that that you describe the TCA in your EM on this report as: the “world’s largest zero-tariff, zero-quota free trade deal” securing “market access across a broad range of key service sectors”.

The report’s contents

The Commission’s report and your EM make interesting reading. It seems, based on the contents of your EM, that there is a great deal of common ground between the Government and the EU. The TCA is, in your words, “generally proceeding well”. However, we note that both sides have “outstanding issues which need to be addressed”; this is no surprise. Broadly speaking, these focus on for the Government, access to Horizon Europe and for the EU, implementation of the Protocol on Ireland/Northern Ireland. We have engaged you in correspondence on these matters separately so do not wish to raise them further here.

However, despite the positive picture of UK/EU relations painted by your EM, we note that both sides have now initiated formal disputes to resolve the points of contention highlighted above. Given this context, we remain to be convinced that UK/EU relations are as healthy as your EM seeks to portray them. Over recent years, various Ministers have sat in front of us and sought to reassure us that UK/EU relations will shortly settle down. In February 2021, the then Chancellor of the Duchy of Lancaster, the Rt Hon Michael Gove MP, looked forward to the “gin and tonic and peanuts” stage of the relationship, Lord Frost repeated similar sentiments later in the year.

We would suggest however that multiple disputes currently being undertaken by both Parties to the TCA portray a very different context and we remain concerned that a settled relationship between the Government and the EU still appears a long way off.

Governance structures

We note that you praise the current operation of the TCA’s governance structures, describing them as “functioning as expected”. You add that “all (18) TCA Specialised Committees” have met at least once, with some meeting more regularly; you also predict that “all will meet again over the course of this year”. Of course, expectations will differ, but there remain ongoing problems in the implementation of the TCA which, were relations between the UK and EU ‘healthy’, we would expect a programme of vigorous work in the various Committees aimed at finding solutions.

For example, our Report “One year on—Trade in goods between Great Britain and the European Union” (4th Report of Session 2021-22, 16 December 2021, HL Paper 124) called on the UK and EU to show “flexibility” and work hard on reaching a “comprehensive agreement” on Sanitary and Phytosanitary rules. The report also highlighted evidence from numerous businesses that cited the inconsistent application of customs rules by EU Member States. In August, at the beginning of the summer holidays, there were widely reported significant delays at Dover and the Eurotunnel terminal in Folkestone. Finding solutions to all these problems will not be achieved if the ambition is nothing more than annual TCA Committee(s) meetings; as our report said, “it is clear that there is still much to do if the UK is to develop a mutually beneficial and efficient trading relationship with its neighbours in the EU”.

In June, the (then) Minister Rt Hon James Cleverly MP, told us that the TCA’s institutional architecture constitutes “new structures and there will always be the opportunities to learn, adjust and improve, but any improvement that we make will be from a pretty good starting point” (Q11). In light of the Minister’s comments, we ask:

- (i) What lessons has the Government learnt so far from the operation of the TCA’s committee structure?
- (ii) What suggestions have you made for improvements?
- (iii) How were these suggestions received by the Commission? And,
- (iv) Which have been adopted?

Trade in goods

With regard to Trade in Goods you say in your EM that “UK-EU trade is rebounding overall” adding that the latest monthly data from the Office for National Statistics “shows that UK goods exports to the EU reached their highest value (in current prices) since records began in January 1997” - a very positive view. In contrast, the Commission’s report is slightly more downbeat, highlighting the problems EU businesses face (pages 6 – 7 of the report), concluding that its “latest data shows that trade flows between the EU and the United Kingdom have partially stabilised in 2021 after an initial drop following the end of the transition period. However, they remained lower than in 2019 and earlier”.

As we noted in our December 2021 report, the pandemic casts a long shadow over any statistical analysis of UK/EU post-Brexit trade. In your EM on this report, you offer a single line (quoted above) on the Government’s latest interpretation of UK trade flows to the EU. We would welcome a more detailed analysis and explanation of the current state of play on UK/EU trade.

Relevant EU legislation

On page three of your EM, you say that the Government is “committed to transparency and parliamentary scrutiny of TCA implementation”. We note that on page five of the report the Commission refers to legislation it has brought forward designed to govern the adoption of unilateral and enforcement measures under the TCA. Unfortunately, we have heard nothing from you about this EU legislation which appears to have implications for UK/EU relations and the operation of the TCA. We ask that you rectify this omission.

Conclusion

Based on the contents of the Commission’s report and your EM we cannot avoid drawing the disappointing conclusion that the UK and EU’s inability to resolve their differences over the Protocol on Northern Ireland and access to the Horizon Europe programme illustrates that relations are being allowed to stagnate with very significant implications for wider UK/EU relations. On this basis the Committee does not share your claim in the EM that implementation of the TCA is “generally proceeding well”. We retain an interest in this matter and look forward to considering your response within the usual 10-day deadline.

3 November 2022

Letter to the Chair from Leo Docherty MP, Minister for Europe, Foreign, Commonwealth and Development Office

Thank you for your letter of 3 November responding to my Department’s Explanatory Memorandum (EM) on the European Commission’s report regarding implementation of the UK-EU Trade and Cooperation Agreement (TCA). I am happy to commit the Department to submit EMs on similar reports in the future.

Your letter asked several questions which I will consider in turn. First, I’d like to address your conclusion that the TCA is not functioning as it should by reiterating what I said to the TCA’s Parliamentary Partnership Assembly on 7 November: our view is that the TCA is broadly functioning well and fulfilling its overarching objective of establishing clear and mutually advantageous rules governing trade and investment to the benefit of British businesses and consumers. This includes eliminating tariffs and quotas on qualifying goods, guaranteeing market access in key service sectors, establishing close cooperation in areas like transport, digital services, and law enforcement. Its committee architecture is fully operational, as is the Civil Society Forum and the Parliamentary Partnership Assembly, and we are currently preparing to sign a memorandum of understanding with the North Seas Energy Cooperation forum on offshore wind, delivering on an important TCA commitment.

Of course – as you highlighted in your letter – there are still some key TCA implementation issues which need to be resolved, including the UK’s association to Union programmes and delivering the electricity trading arrangements envisaged by the agreement. We are pressing the EU to resolve these issues through the formal TCA structures, and it is true that we think the link the EU has drawn with the Northern Ireland Protocol in some areas is not justifiable.

UK TCA implementation report

You asked whether the Government plans to produce a report on TCA implementation.

I can confirm that the Government intends to produce its own report next year – and every two years thereafter. This will include an overview of our progress in delivering the agreement’s core provisions, and a summary of the work of the TCA’s specialised committees. We will of course share that report with your Committee in due course.

EU regulatory developments

You noted the EU’s commitment to monitoring UK regulatory reform in the areas covered by the TCA. I can confirm the Government closely monitors regulatory developments in the EU for compliance with the TCA. This is an ongoing process. Where we become aware of potential compliance issues, we raise these with the EU, including through the formal TCA governance structures as below. As you will see from the published agendas, some of the issues already taken up include EU subsidies and export restrictions.

TCA governance

You asked a series of questions on the TCA’s governance structures. Since implementation, we have used the agreement’s committees to:

- exchange updates on major legislative developments, such as the discussion at the Goods Trade Specialised Committee on the EU Chips Act and Carbon Border Adjustment Mechanism;
- accelerate delivery of the TCA’s provisions, such as our exchanges with the Commission at the Specialised Committee on Energy regarding the North Seas Energy Cooperation forum and electricity trading arrangements;
- and scrutinise compliance of EU and Member State policy measures with the TCA, such as our exchanges with the EU regarding their measures on live bivalve molluscs and seed potatoes at the Trade Specialised Committee on Sanitary and Phytosanitary measures, and on France’s Cloud doctrine at the Trade Specialised Committee on Public Procurement.

We are now preparing for a forthcoming meeting of the agreement’s senior committee on UK/EU trade, the Trade Partnership Committee.

You also asked about lessons learned. While we have only had two cycles of the agreement’s committees, my officials are already discussing with the EU how to improve the sequencing of the agreement’s governance throughout next year – as one conclusion has been that the heavy autumn schedule may not be the best way to organise ourselves.

More fundamentally, one lesson, though not a surprise, has been that, while important, the Specialised Committees are but one element of our engagement with the EU. I’m struck looking at some of the academic commentary by people arguing that they should be the fora for deciding on significant changes to the relationship – that is wrong. First, because they are official meetings and those decisions are rightly for ministers, but more prosaically because the EU is rather narrow in interpreting their scope as dealing with the implementation of the existing Treaty. That doesn’t mean other conversations are not happening – they are – it is simply that I think some of the expectations of the Committee structure in itself is probably wide of the mark. I note that the same is true for other third countries working with the EU.

Trade in Goods

You highlighted the Commission’s comments on trade flows in their report and have requested a more detailed analysis of UK-EU trade in goods. The EU’s report incorporates total trade flows (imports and exports of both goods and services trade) between the UK and EU in 2021. Trade during this period was particularly affected by the Covid pandemic. The EU also takes a different approach to recording trade statistics with third countries, compared to the method used for trade between Member States, which makes comparison over time more difficult.

UK trade in goods with the EU has largely recovered from lows observed towards the start of 2021. In Q2 2022, the value of UK goods trade with the EU was £19.8 billion (18%) above pre-COVID levels (the 2018 quarter average), adjusting for inflation shows an increase of £1.7 billion compared to pre-COVID levels. UK services trade with the EU is increasing but remains below pre-COVID levels, due

in part to travel continuing to recover from the pandemic. In Q2 2022, UK services imports from the EU increased by 31% in current prices from 2021 average levels and services exports to the EU grew by 15% from 2021 average levels.

EU legislation on TCA enforcement

You raised the EU's proposed regulation on the enforcement of the TCA and Withdrawal Agreement. This sets out the EU's internal procedures for taking enforcement measures under both Agreements. As such, it does not have a direct effect on the operation of the TCA. The regulation was proposed by the Commission earlier this year and we expect it to complete the ordinary legislative procedure by the end of 2022. I am happy to write to you when the regulation comes into force, or to produce an EM if desirable.

17 November 2022

Letter from the Chair to Leo Docherty MP, Minister for Europe, Foreign, Commonwealth and Development Office

Thank you for your letter dated 17 November 2022 which was considered by the European Affairs Committee at its meeting of 31 January 2023. We apologise for the time it has taken us to reply.

We welcome your promise to deposit future similar Commission reports for scrutiny; and your confirmation (and promise to share with this Committee) the outcome of the Government's own plan to undertake a similar biennial exercise which will include an "overview of our progress in delivering the agreement's core provisions" and a summary of all the work undertaken by the Specialised Committees. We also look forward to considering your Explanatory Memorandum detailing the EU proposals mentioned in the Commission's report dealing with unilateral and enforcement measures taken by the EU under the Trade and Cooperation Agreement. We suggest that the texts be deposited once they are adopted by the Council.

We said in our letter dated 3 November 2022 on this matter, that expectations over the implementation and operation of the TCA will differ. Nevertheless, there is clearly a difference of opinion between us on the question as to whether the implementation of the TCA is "generally proceeding well". But we note that you have engaged with our questions on this issue which will form a key aspect of our forthcoming report on UK/EU relations which will be published once we have finished taking evidence.

Finally, we asked you to provide a "more detailed analysis and explanation of the current state of play on UK/EU trade" - we read your update with interest. We note that in contrast to the Commission which concluded in its report that despite the TCA "trade and cooperation between the EU and the United Kingdom have become more complex and challenging, as compared to the situation when the United Kingdom was an EU member", the figures you quote offer a more positive view, focusing instead on statistics that highlight growth when compared to pre-COVID levels of trade as measured in 2018. We note that on 2 February 2023, two days after the meeting at which your letter was discussed, the House will debate our Trade in Goods report published on 16 December 2021 (4th report, session 2021-22, HL Paper 124). We look forward to this opportunity to debate the report as it will enable Committee Members speaking to return to points which have been pursued in that report and in European Affairs Committee House of Lords London SW1A 0PW Tel: 020 7219 6083 hleuroaffairs@parliament.uk our subsequent correspondence. We also anticipate, with great interest, the Minister responsible, Lord Ahmad of Wimbledon's, response.

We have decided to bring our scrutiny of this matter to a close and do not expect a response to our letter.

1 February 2023

COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE

**Letter from the Chair to Leo Docherty MP, Minister for Europe, Foreign,
Commonwealth and Development Office**

Thank you for your Explanatory Memorandum (EM) dated 17 November 2022, it was considered by the European Affairs Committee at its meeting of 20 December 2022.

We welcome this opportunity to consider the Commission's Annual Work Programme (AWP) and your views thereon. Like you, we note that by its nature the Commission's AWP offers only a glimpse of its plans which will develop as the relevant proposals and policies are brought forward over the forthcoming year.

We note your comment in the EM that the AWP "is of interest to the UK ... in the same way that agenda of other allies is significant". In these difficult economic times, according to recent figures produced by the House of Commons Library, the EU's Single Market remains the UK's single biggest export market accounting for, in 2021, exports of goods and services totalling £636 billion (42% of UK exports of goods and services) and imports totalling £654 billion (45% of imports). The UK/EU relationship is defined by a formal agreement, the Trade and Cooperation Agreement (TCA), which seeks to impose a so-called level-playing field between the Parties in certain areas of cooperation and establishes a formal framework for UK/EU discussion and cooperation through the creation of the Partnership Council and the numerous Specialised Committees. Within this context, legislation emanating from the Commission and signposted in its AWP has the potential for significant implications for UK/EU relations. These factors alone place the UK/EU relationship in a class of its own and add a significant level of importance to the Commission's forthcoming plans; particularly, in those areas you define in your EM as "thematic areas of interest to the UK".

Climate and Environment

We welcome your statement that you share the EU's focus on the climate and note your two examples of UK engagement with the EU - on the European Emissions Trading Scheme and the EU wide review of the so-called REACH Regulation - through the relevant Specialised Committees created by the TCA. This work is of interest to us, as is the EU's plans for a Carbon Border Adjustment Mechanism (CBAM) which was recently agreed by the EU institutions and could have considerable implications for the UK's trade with the EU whether or not CBAMs are actually applied to the UK's exports to the EU. These issues have arisen as part of our current inquiry on the Future UK/EU relationship, and we would welcome a more detailed explanation of this cooperation.

Digital Services and Data

We note your statement that the AWP contained "significant proposals for digital services and data" and welcome your commitment to "securing the enormous potential the digital and tech sectors can bring to the UK". In our view, EU legislation in this area could have a significant impact on UK/EU relations, including your plans to develop the UK's digital and tech sectors, for regulatory divergence, and the potential imposition of non-tariff barriers to trade. You say, for example in relation to the Commission's planned "EU critical raw materials act" that you "must consider any effects on supply chains or UK access to critical raw materials". We agree and welcome your reassurance that you are discussing this matter with the EU in the TCA's Trade Specialised Committee. Can you tell us, therefore, how these discussions are developing and whether it includes the possibility of greater UK/EU cooperation in the important field of digital services and data; particularly, on the adoption of common regulatory standards and/or investment in digital infrastructure?

You also highlight the Commission's work towards a standard essential patent. We acknowledge that this work appears at an early stage with the detail yet to emerge. We are pleased to note that the UK Intellectual Property Office is engaging with the Commission and international partners on this matter and would welcome periodic updates as and when this issue develops. Please indicate in your response to this letter that you are happy to do so.

Foreign Policy and Development

We welcome the examples you highlight in your EM of the Government's work with the EU in coordinating support for Ukraine following Russia's invasion in February 2022. As you say, coordination on sanctions will increase their impact, but the imposition of sanctions alone is not sufficient, their restrictions must be policed and enforced. We note in this regard that the Commission plans to draw on the "experience of the current EU export control regime" in the context of the imposition of Russian sanctions "to strengthen our strategic export controls" while working closely with "our international partners". You say nothing in your EM about the Commission's plans; do you intend to engage with the Commission on this aspect of its AWP? If so, given the lack of a structured framework between the UK/EU in this policy area, in what forum might this work take place?

You also say nothing in your EM about the Commission's stated intention to "update [the EU's] sanctions toolbox" to cover corruption. While the AWP lacks detail, broadly speaking this will bring the EU into line with the UK's post-Brexit sanctions regime (specifically the Global Anti-Corruption Sanctions Regulations 2021) under which, as you know, the Secretary of State may impose restrictions on individuals engaged in serious corruption. (As of early December 2022, we note that 32 individuals are currently listed as subject to the UK's anti-corruption sanctions regime.) Do you welcome this development and, will you plan to coordinate with the EU on the future imposition of anti-corruption sanctions? As, surely, the wider the area within which restrictions apply improves the effectiveness of the specific sanctions regime which, in turn, assists with the achievement of UK foreign policy aims.

The Commission also mentions its intention to contribute to the work of the European Political Community (EPC) which meets in Spring next year in Moldova. What are the Government's objectives for this meeting?

Economy trade and competitiveness

We note your focus on the Commission's plan to bring forward a 'digital Euro' and welcome the Bank of England's maintenance of "regular contact with counterparts in the ECB" in an effort to monitor progress. Like you, we also anticipate that the Commission's proposed action on the recognition of third-country qualifications may have an impact on UK qualification holders. We would welcome therefore an undertaking from you to deposit for scrutiny any Commission proposal in this area when it is brought forward. (We ask that you confirm that you are willing to do this when you respond to this letter.) Further, has the issue of UK/EU qualification recognition been discussed in the relevant TCA Specialised Committee (presumably, Services, Investment and Digital Trade) and/or the Partnership Council?

Justice and Home Affairs

The Commission's plans in this area make for interesting reading, aspects of them, for example the proposal dealing with reform of the so-called Prüm II system (the system that provides for the automated exchange of specific data including DNA profiles, fingerprints and vehicle registration information between authorities responsible for the prevention, detection and investigation of criminal offences) overlap with the formal UK/EU relationship established by the TCA, while others on migration fall outside.

With regard to the former, the Commission's proposal was brought forward in December 2021 and, as you acknowledge in your EM, engages directly with provisions of the TCA (Article 541) and raises fundamental questions about the ongoing operation of key security related UK/EU cooperation. Yet, to date, you have told this Committee which has the responsibility for overseeing the TCA's operation, nothing about the Commission's proposal or whether you intend to 'dynamically align' with the EU's changes to the Prüm system so that UK authorities can continue to exchange this important data with their equivalents operating in the EU. We ask you to rectify this oversight and deposit for scrutiny with a Government EM the EU's proposed Regulation on Prüm II.

Turning to migration and asylum, we note your comment that the Commission's plans "align with our 'whole of route' approach" and that you continue to work with the "EU and its Member States to ensure that migration is better managed, productive and safe"; adding later, that you remain committed to "working with European and international partners to increase cooperation on this challenging and multifaceted issue". We agree with these sentiments and welcome your desire to work with the EU and international partners on solutions to this problem. We therefore ask if you could provide us with specific examples of the cooperation you have engaged in, specifically with the EU and, in which forum this work is undertaken given that the subject falls outside the TCA's provisions.

6 January 2023

**Letter to the Chair from Leo Docherty MP, Minister for Europe, Foreign,
Commonwealth & Development Office**

Thank you for your correspondence of 6 January in response to my Explanatory Memorandum, dated 17 November 2022, on the European Commission's Work Programme (CWP). I am replying as the Minister for Europe.

I am happy to reiterate that HMG continues to exercise interest in the CWP as well as the European Commission's broader work, commensurate with its significance to and impact on the UK and its interests. This work is grounded in the friendly cooperation between sovereign equals that underpins our wider relationship with the European Union. The FCDO will continue to update the European Affairs Committee in line with the agreed scrutiny arrangements.

Whilst the implications of individual policy proposals in the CWP will be assessed by HMG on a case-by-case basis as the Commission develops them, and are liable to change as usual during that process, I am happy to expand on the specific areas you raise.

Climate and Environment

On 18 December, the European Parliament, Council, and Commission reached provisional agreement on the implementation of the EU's Carbon Border Adjustment Mechanism (CBAM). However, the final text is yet to be published. The Government – including BEIS, DIT and my department - continues to monitor the EU's CBAM to build a full understanding of its implications for the UK, engaging European Member States, third countries and trade associations to share UK perspectives alongside offering support to UK business as they prepare for the policy's initial implementation in October 2023. The Government has been appointed as an observer of the EU's informal expert group on the analytical methods for the monitoring, reporting, quantification and verification of embedded emissions in goods under the scope of the CBAM, which will address important outstanding technical questions.

Digital Services and Data

The Department for Digital, Culture, Media & Sport (DCMS) works closely with EU counterparts on shared digital priorities. While our engagement is not limited to the formal committee structures established by the Trade and Cooperation Agreement (TCA), they do provide a useful forum to ensure mutual understanding and explore areas of cooperation. Joint minutes from the most recent meeting of the Trade Specialised Committee on Services, Investment and Digital Trade (20 October 2022), can be found on GOV.UK. This meeting covered many of the developments raised in your letter, including the Online Safety Bill (UK) and the Digital Services Act and Digital Markets Act (EU). There was a positive discussion showing that there were areas of digital competition where the EU and UK are aligned, and included a commitment for further cooperation.

On the Commission's work on standard essential patents, the UK Intellectual Property Office will issue updates on any relevant developments relating to engagement with the Commission and other international partners.

Foreign Policy and Development

On cooperation with the EU on foreign and security policy, while the UK does not have a formal dialogue with the EU, regular official level and ministerial conversations allow us to coordinate effectively – a notable example being Russia-Ukraine.

Turning to the specific areas you raise, the Government welcomes the EU's work to explore a sanctions tool to address corruption. International cooperation is at the heart of UK sanctions policy. The UK will seek to coordinate sanctions with partners, including the EU, whenever it is in our interests to do so. Sanctions are most effective when multiple countries act together to constrain or coerce a target's ability to carry out unacceptable behaviour, or to send a political signal that such behaviour is intolerable.

With regard to the UK's involvement in the European Political Community (EPC), the Government believes it should be an informal, intergovernmental grouping that regularly brings European leaders together to focus on cross-cutting issues such as (but not limited to) energy security or migration. You will have received my separate letter concerning the EPC alone, sent last week. The opportunity for

candid discussions between leaders representing the breadth of the continent does not exist in other comparable European institutions and we consider that a valuable opportunity in itself – for example it presents the opportunity for the Prime Minister to meet many of his opposite numbers. The Government looks forward to the next summit hosted by Moldova in June 2023 which we will seek to support, followed by Spain later this year. The former Prime Minister agreed to host the fourth meeting in the UK in 2024. The summit in Moldova will act as a high profile demonstration of support to Ukraine and Moldova, and of European unity in the face of Russian aggression.

Economy, Trade, and Competitiveness

On professional qualifications, the TCA outlines a framework through which regulators from the UK and EU may come together to submit a joint recommendation for an arrangement to facilitate recognition (or 'recognition arrangement'). In its first meeting on 11 October 2021, the Agreement's Services, Investment and Digital Committee discussed implementation of Article 158 of the Agreement. At its second meeting on 20 October 2022, the Committee noted the technical discussions that had taken place after its first meeting to implement a workable process. The Committee took note of the first joint recommendation from regulators for a recognition arrangement to be developed to cover architecture between the UK and EU. Published minutes from both meetings can be found on GOV.UK.

When the European Commission's proposals on the recognition of third-country qualifications have been put forward, the Government will consider their impact on UK professionals and BEIS, as owners of this policy, will take a proportionate approach to updating the Committee.

Justice and Home Affairs

With regard to your Committee's scrutiny of the EU's proposed reform of the Prüm system for automated sharing of data between authorities in relation to the prevention, detection and investigation of criminal offences (as published in 2021), the FCDO will arrange for formal deposit of the text and the Home Office will prepare an accompanying Explanatory Memorandum (EM). However, the Government will only consider the UK's position once the EU has completed negotiations on the text and we are clear on what it will require.

You requested specific examples of HMG's cooperation with the EU on migration and asylum. The UK engages European partners, including the EU, regularly, to discuss the shared challenges of and risks posed by illegal migration. This includes through the recent inaugural meeting of the EPC on 6 October 2022 in Prague and the Calais Group meeting of Interior Ministers on 8 December 2022. Published records of both meetings can be found on GOV.UK. These engagements reinforce our operational links with the EU (including EU agencies such as Europol and Eurojust) as well as with Member States and are an important step in combatting people trafficking and people smuggling. The UK also participates, along with other third countries, in EU-led platforms focused on greater coordination and cooperation on legal pathways, specifically the Ukraine Solidarity Platform and the High-Level Forum focusing on providing protection to Afghans at risk.

18 January 2023

Letter from the Chair to Leo Docherty MP, Minister for Europe, Foreign, Commonwealth and Development Office

Thank you for your letter dated 18 January 2023 which was considered by the European Affairs Committee at its meeting of 7 February 2023.

The Committee finds the Commission's Annual Work Programme a useful indicator of policy proposals which are still in gestation, many of which will inevitably have consequences for the UK's own relationship with the EU. The fact that the work programme is in the public domain long before the proposals in it reach final form provides a valuable opportunity to promote and safeguard British interests in respect to them. We would welcome your confirmation that that too is how you see it; and that the Government will be active while the proposals remain in gestation.

We are grateful for your promises to deposit for scrutiny, with an accompanying Explanatory Memorandum, future EU proposals dealing with the recognition of third country qualifications and, the EU proposal (brought forward in December 2021) aimed at reforming the so-called Prüm mechanism for data exchange (we have recently received the EM dated 2 February on the latter). We also look

forward to considering the Intellectual Property Office's promised updates on any EU work towards a standard essential patent.

We note your welcome of the EU's plan to introduce a sanctions regime aimed at combatting corruption which, as we said in our letter of 30 January, will bring the EU into line with UK sanctions policy. We also welcome your view, which echoes sentiments expressed by this Committee previously, that international sanctions "are most effective when multiple countries act together to constrain or coerce a target's ability to carry out unacceptable behaviour".

However, you left unanswered those aspects of our letter that sought greater detail on UK/EU cooperation on: (i) the European Emissions Trading Scheme and the EU wide review of the so-called REACH Regulation; (ii) on the adoption of common regulatory standards and/or investment in digital infrastructure; and, (iii) on UK/EU cooperation on migration. With regard to item (iii) we note that you cite discussions within the European Political Community and the Calais Group of interior Ministers, neither of which are EU bodies, and UK participation in "EU-led platforms focused on greater coordination and cooperation on *legal pathways*" (emphasis added). These are all streams of work that we welcome but our question was aimed at UK/EU cooperation to address the current problems caused by the small boats crossing the Channel and the steps the Government has taken in conjunction with the EU to secure solutions; given the fact that the 2 subject falls outside the TCA's provisions, we also asked in which forum this work is undertaken. We would be grateful if items (i) – (iii) above could be addressed.

8 February 2023

**Letter to the Chair from Leo Docherty MP, Minister for Europe, Foreign,
Commonwealth and Development Office**

Thank you for your correspondence of 8 February 2023 in response to my letter of 18 January 2023 regarding the European Commission's Work Programme (CWP). I am replying as the Minister for Europe.

I am happy to reiterate His Majesty's Government (HMG)'s ongoing interest in the CWP as well as the European Commission's broader work, commensurate with its significance to and impact on the UK and its interests. Since I last wrote, my department remains engaged on the CWP's objectives and its potential implications.

As set out in my letter of 18 January, HMG will consider the impact of the European Commission's proposals on the recognition of qualifications of UK professionals. The Department for Business and Trade (formerly BEIS), as the policy-owning department, will endeavour to keep your officials informed when proposals emerge and discuss scrutiny handling.

Your letter asked for greater detail on the CWP proposal concerning the EU REACH regulation. This regulation does not apply to Great Britain, but the proposal will have implications for Northern Ireland, where EU REACH continues to apply under the Northern Ireland Protocol. We anticipate the EU's draft legislative proposal will be published in late 2023 and we will continue to monitor this file and consider any implications for UK businesses, including by way of our regular engagement with the EU institutions.

I am also happy to draw your attention to Defra's exploration of an Alternative Transitional Registration model for Great Britain. This will aim to reduce the cost to business of transitioning from EU REACH to UK REACH, while ensuring high levels of protection for human health and the environment. The UK and EU continue to exchange views on developments in the regulation of chemicals including, where appropriate, through the Specialised Committee on Technical Barriers to Trade under the UK/EU Trade and Cooperation Agreement (TCA). You can find further information on the Alternative Transitional Registration model in the Consultation on Extending the UK REACH Submission Deadlines on GOV.UK.

As requested, I have provided further detail below to the information I provided in my letter of 18 January on the adoption of common regulatory standards and investment in digital infrastructure, and on UK/EU cooperation on migration.

On the former, HMG works with EU counterparts on a range of shared digital priorities, including through the committee structures established by the TCA. The UK's exit from the EU allows HMG to set its own direction on digital regulation and we are implementing a proportionate, pro-growth regulatory regime that protects citizens, while encouraging investment and innovation. HMG is committed to working collaboratively with international partners, including the EU, to develop a more open, diverse and innovative telecoms equipment market. This has the potential to bolster digital infrastructure supply chain resilience, and improve security through innovative approaches to wireless infrastructure.

On the latter, we want a positive and constructive relationship with the EU and its Member States. The UK clearly sees, and advocates for, the benefits of strengthening cooperation on illegal migration, and we are therefore engaging with the European Commission and individual Member States to that end. Our ambition is to maximise and build on existing operational cooperation between our law enforcement, criminal justice and border guard agencies to tackle trafficking and smuggling and to remove illegal immigrants. This will include exploring opportunities to share expertise, training and resources on a formal basis in addition to arrangements for cooperation in migrants' countries of origin and transit. We will continue to make the case to the EU that cooperation between the UK and EU is of mutual benefit. The form, shape, and structure of any agreements with the EU or member states would be subject to negotiations.

While the UK does not currently have a structured legal relationship with the EU covering the issue of illegal migration, we have strong relationships with both Europol and Eurojust by virtue of the TCA. Through these relationships, we will continue to work on the ground to tackle illegal migration and bring perpetrators of organised crime to justice. In one example, the National Crime Agency (NCA) led Operation Punjum in July last year. This was the biggest ever international operation of its kind, alongside Operation Thoren in Europe, to target an organised crime group suspected of smuggling up to 10,000 people across the Channel in the last 12-18 months.

Furthermore, the UK continues to build on important operational work with France to prevent channel crossings of migrants in small boats. The UK and France prevented over 23,000 small boat crossings in 2021 and over 38,000 by October 2022. Alongside this, 55 organised crime groups were dismantled and over 500 arrests were made. This was supported by the work of the UK-France Joint Intelligence Cell, in which UK and French officials collate and analyse operational intelligence to prevent crossings from taking place and to dismantle the gangs behind them. In November, the Home Secretary and her French counterpart, Gérald Darmanin, agreed arrangements that would – for the first time ever – see UK officers embedded in French operations. A 40% uplift in the number of officers patrolling French beaches was also agreed.

22 February 2023

**Letter from the Chair to Leo Docherty MP, Minister for Europe, Foreign,
Commonwealth and Development Office,**

Thank you for your letter dated 22 February 2023 which was considered by the European Affairs Committee at its meeting of 21 March 2023.

We note your answers to our questions regarding the UK's collaborative work with the EU across two of the "thematic areas of interest" highlighted in your Explanatory Memorandum: (i) the climate and the environment; and, (ii) digital services and data. Since its establishment, this Committee has repeatedly advocated early engagement by the Government with the EU's institutions on relevant shared interests and legislative proposals. As we said in our most recent letter to you on this subject, the Commission's Annual Work Programme offers a valuable opportunity for the Government to promote and safeguard British interests while EU proposals remain in gestation, and we sought your reassurance that you agreed. We are disappointed, therefore, that you decided not to engage with this aspect of our reply and would request that you now respond to our point.

On the question of migration, an issue which is currently a key priority for the Government, we are grateful for the insight you provided into UK/EU and UK/French cooperation. In so doing, you referenced the "strong relationships with both Europol and Eurojust" established by the Trade and Cooperation Agreement (TCA) which you say have been utilised to help tackle the so-called small boats

problem. We note that you added: “Through these relationships, we will continue to work on the ground to tackle illegal migration and bring perpetrators of organised crime to justice”.

As you know, the law enforcement arrangements established by the TCA are based on the Parties’ “longstanding respect” for democracy, the rule of law and the protection of fundamental rights and freedoms of individuals. These include those set out in the Universal Declaration of Human Rights and in the European Convention on Human Rights (ECHR) and on the “importance of giving effect to the rights and freedoms in that Convention domestically” (Article 524 TCA). The TCA’s law enforcement arrangements can be ended immediately if the UK denounces the ECHR or can be suspended (in whole or in part) following a “serious and systemic” deficiency within the UK as regards “the protection of fundamental rights” (Articles 692(2) and 693(1) TCA).

We are concerned, therefore, by the potential dangers to the ongoing smooth operation of these law enforcement arrangements posed by the Government’s recently announced Illegal 2 Migration Bill (the Bill). Leaving aside the merits (or otherwise) of the Bill, which fall to other Committees in Parliament to consider, we note, for example, the following factors which give rise to concern:

- (i) in introducing the Bill to Parliament, the Home Secretary was unable to certify that it was compatible with the ECHR (section 19(1)(b) of the Human Rights Act 1998 (HRA) requires Government Ministers to make a declaration of compatibility with the ECHR when introducing legislation);
- (ii) Clause 1(5) of the Bill specifically disapplies Section 3 of the HRA (which requires anyone interpreting UK law to do so in a way that is compatible with human rights, whether they are a court, tribunal or public authority);
- (iii) Clause 4(2) and (5) remove an individual’s right to make a claim in the UK pursuant to section 6 of the HRA (section 6 of the HRA makes it unlawful for a public authority to act in a way that is incompatible with a person’s rights under the ECHR); and,
- (iv) that, on 21 February 2023, the Secretary of State for Justice and Lord Chancellor, Rt Hon Dominic Raab MP, told the House of Commons:

“We have made it clear that we would not rule out ever withdrawing from the ECHR in the future. We certainly need to make sure that we have a viable legal regime that allows us to tackle illegal immigration”. In light of these factors and the rights safeguards built into the TCA, before bringing forward the Bill, did the Government specifically weigh its potential negative impact on the ongoing operation of Part Three of the TCA? If so, what was the conclusion? Has the Government undertaken any political and/or legal analysis of the Bill’s impact on the operation of Part Three of the TCA? Would, for example, Clauses 1(5) and 4(2) and (5) of the Bill, which all seek to limit an individual’s access to key aspects of the HRA, represent a “serious and systemic” deficiency within the UK as regards “the protection of fundamental rights”?

21 March 2023

**Letter to the Chair from Leo Docherty MP, Minister for Europe, Foreign,
Commonwealth & Development Office**

Thank you for your correspondence of 21 March 2023 in response to my letter of 22 February 2023 regarding the European Commission’s Work Programme (CWP).

Your letter opened on the point about utilising the CWP as a valuable opportunity for the Government to seize legislative and other developments and promote British interests. I am sorry that you did not consider that our previous correspondence addressed your original point, it was certainly not our intention. I would simply add that the point is broader – we need to be engaging as early as possible which is often before issues are outlined in the CWP. Moreover, I think those exchanges on upcoming policy issues are valuable for both sides.

You asked further questions about migration and the intersection of the recently proposed Illegal Migration Bill and our EU engagement. As you note, migration is one of the Prime Minister’s five priorities and one we are committed to delivering. The Bill is an ambitious piece of legislation designed to prevent further loss of life by disrupting the business model of people-smuggling networks which put

lives at risk through dangerous and illegal crossings. Our view is, as you know, that these reforms are targeted, necessary, reasonable and proportionate.

You raise the interaction and impact of the Bill on the UK-EU Trade and Cooperation Agreement (TCA). Specifically, you asked whether the UK had considered the impact of the Bill on the ongoing operation of Part III of the TCA. I can confirm that the Government has carefully considered whether the Illegal Migration Bill is compliant with the UK's international legal obligations and is satisfied that the measures in the Bill are capable of being applied compatibly with the rights set out in the ECHR and the UK's other international obligations. We do not consider that cooperation under Part III of the TCA would be affected by the passage of the Illegal Migration Bill.

12 April 2023

MEMORANDUM OF UNDERSTANDING ON OFFSHORE RENEWABLE ENERGY COOPERATION

Letter to the Chair from the Rt Hon Graham Stuart MP, Minister for State for Energy and Climate, Department for Business, Energy & Industrial Strategy

Thank you for your letter regarding the Memorandum of Understanding on offshore renewable energy cooperation between the UK and the participants of the North Seas Energy Cooperation.

I hereby confirm that the Department for Business, Energy and Industrial Strategy (BEIS) will deposit the Memorandum of Understanding in Parliament with an accompanying Explanatory Memorandum.

9 January 2023

Letter to the Chair from the Rt Hon Graham Stuart MP, Minister for State for Energy and Climate, Department for Business, Energy & Industrial Strategy

I am writing to you to inform you of the Memorandum of Understanding ('MoU') on offshore renewable energy cooperation between the UK and the participants of the North Seas Energy Cooperation ('NSEC') that I signed on 18 December 2022. This MoU has been agreed following Article 321 of the UK-EU Trade and Cooperation Agreement which commits the UK and EU to cooperate in the development of offshore renewable energy and will provide the framework for regional cooperation with our North Seas neighbours.

It was a great privilege to sign the MoU alongside fellow Energy Ministers and representatives from Belgium, Denmark, France, Germany, Ireland, Luxembourg, the Netherlands, Norway, Sweden, and Energy Commissioner Kadri Simson.

The North Sea is a core component of the UK's energy transition strategy. We have ambitious targets to increase offshore wind to 50GW and deliver 18GW of electricity interconnector capacity, all by 2030. In order to deliver these targets in an efficient and sustainable manner, we need to work together across the region to develop a future vision for offshore low carbon infrastructure. Whilst the UK will not be a full member of NSEC, as a third country, we will be invited to attend NSEC meetings to discuss specific topics or projects of "direct common interest" to the UK and NSEC participants.

I look forward to the UK resuming our participation in those discussions. The importance of collaborating on renewable technologies and reducing our reliance on fossil fuels has only become more acute following Russia's invasion of Ukraine. Alongside this letter, the Department for Business, Energy and Industrial Strategy (BEIS) is depositing the MoU in Parliament with an accompanying Explanatory memorandum for examination by the EU Scrutiny Select Committees in each House.

30 January 2023

Letter from the Chair to the Rt Hon Graham Stuart MP, Minister for Energy Security and Net Zero, Department for Energy Security and Net Zero

Thank you for your letter dated 30 January 2023 regarding the Memorandum of Understanding on Offshore Renewable Energy Cooperation between the UK and the Participants of the North Seas

Energy Cooperation (NSEC), and for the accompanying Explanatory Memorandum. These were considered by the Committee at its meeting on 7 March 2023.

The Committee was disappointed by the brevity of the EM, which did not contain much additional information beyond that included in the MoU.

Cooperation between the UK and the NSEC was raised during evidence sessions held by the Committee in November 2022 as part of its current inquiry into the future UK-EU relationship. The consensus among witnesses that we heard from was that it was essential for the UK to re-engage with the NSEC, given the scale of the respective plans of the UK, EU Member States and Norway to develop offshore renewables in the North Seas, and the importance of these plans in the context of emissions reduction targets. Witnesses emphasised, in particular, the need to cooperate on plans to develop Multi-Purpose Interconnectors.

The Committee considers it to be regrettable that there were no arrangements for the UK to engage with the NSEC between January 2021 and December 2022. We therefore welcome the resumption of cooperation between the UK and the NSEC provided for under the MoU, including the intention to work together on joint projects and share information. We agree that cooperation in this area has only become more essential following Russia's invasion of Ukraine.

We note that the MoU does not provide for the UK to rejoin the NSEC as a full member, and that it is not guaranteed that UK representatives will be invited to attend every meeting. The UK's involvement in the NSEC will therefore be more restricted than was the case before 2021. Given that the NSEC is not an EU body, and that it already has a non-EU member (Norway) among its membership, we ask you to clarify why the UK is not rejoining as a full member, and whether this possibility was raised during the discussions with NSEC members that led to the MoU. We also ask that, in reply to this letter, you indicate what factors the Government took into account when considering the status of the UK's engagement with the NSEC.

We welcome the intention, expressed in your letter, to "work together across the region to develop a future vision for offshore low carbon infrastructure". We ask you, in reply, to provide some further detail on the sort of projects on which the UK intends to engage in collaboration with the participants of the NSEC. In particular, we would be interested to hear about any plans to cooperate on plans to develop Multi-Purpose Interconnectors in the North Seas.

We note that in September 2022 the participants of the NSEC agreed a new target to build a minimum of 260GW of offshore wind in the North Sea region by 2050, with intermediate targets of at least 76 GW by 2023 and 193 GW by 2040. We acknowledge that the UK has its own, separate, targets for the development of offshore wind. We ask you to indicate, in response to this letter, whether the Government supports the NSEC's targets and, if so, how they relate to those of the UK.

Although energy policy is reserved in Scotland and Wales, the development of renewable energy in the North Sea is a matter of significant interest to all of the devolved governments. We therefore ask, firstly, whether the devolved governments were consulted during the development of the MoU. We note that the EM indicates that the devolved governments will "play a key role" in engagement with the NSEC. In reply to this letter, we ask you to provide a more specific indication of what this is expected to involve. Will representatives of the devolved governments be invited to meetings of the NSEC where matters relevant to them are on the agenda?

Finally, we note that the MoU will operate for an initial period until 2026 and will thereafter be subject to the continued application of the Energy Title of the TCA. Given the long-term nature of the NSEC's plans, including targets to develop offshore renewable energy up to 2050, we consider it to be essential that cooperation between the UK and the NSEC continues beyond 2026. We therefore ask you to confirm that the Government intends to seek an extension to the provisions of the Energy Title of the TCA to ensure this.

We retain an interest in this matter and look forward to considering your response within the normal 10-day deadline.

8 March 2023

**Letter to the Chair from the Rt Hon Graham Stuart MP, Minister of State at the
Department for Energy Security & Net Zero, Department for Energy Security & Net
Zero**

Thank you for your letter dated 8 March regarding the Memorandum of Understanding (MoU) on offshore renewable energy cooperation between the UK and the participants of the North Seas Energy Cooperation (NSEC). I noted the evidence sessions and the stakeholder interest in this important agenda, which represents an opportunity for the UK to shape and influence regional approaches in areas critical to expanding the deployment of renewable energy in the North Seas.

You ask about the UK's status under the MoU. Whilst it is correct that the UK is not a full member of NSEC, we will be invited to attend NSEC meetings to discuss specific topics or projects of "direct common interest" to the UK and NSEC participants. We expect this to include a substantial proportion of the meetings under the NSEC work programme, with the only ones not open to us being those where future EU policy will be discussed. The Government's key priorities for the UK's NSEC participation include: developing frameworks for Multi-Purpose Interconnectors (MPIs); coordinating with NSEC members on maritime spatial planning, ensuring the high volumes of offshore infrastructure needed to deliver our visions are constructed with the minimum impact on the environment; coordinating the delivery of wind and grid infrastructure. We are engaging closely with the European Commission and the Dutch NSEC presidency on setting out the details of UK participation in NSEC.

As you mention, NSEC does already include a non-EU member (Norway). However, the key difference between the UK and Norway is that, as an EEA member, Norway is bound by EU energy market rules, whereas the UK is not.

As you note, NSEC members have agreed a new target to build a minimum of 260 GW of offshore wind in the North Sea region by 2050, with intermediate targets of at least 76 GW by 2023 and 193 GW by 2040. The UK is a world leader in offshore wind with the most installed capacity in Europe and the British Energy Security Strategy increased our ambition to 50 GW including 5 GW of floating by 2030. The UK welcomes the ambition set out by NSEC members and looks forward to working with them, through the MoU, to accelerate the deployment of offshore wind in the North Sea to help us reach our respective offshore wind targets.

In order to deliver these targets and ambitions in an efficient and sustainable manner, it is necessary to work with our North Seas neighbours to develop a shared future vision for offshore low carbon infrastructure with a focus on new innovative technology, and specifically multi-purpose interconnectors (MPIs). These connect off-shore windfarms directly with interconnectors, thus facilitating more coordinated development of offshore infrastructure, whilst reducing capital and operational costs and lowering impacts on the environment and local communities.

Ofgem has received four applications to their MPI Pilot Scheme, two to Norway, one with Belgium, and one with the Netherlands. Discussions and cooperation within NSEC will help us progress these. To support the delivery of these projects and to realise their full potential we are working in parallel with our European partners under the Trade & Cooperation Agreement to develop more efficient trading arrangements.

Regarding your question about engaging with the Devolved Governments, the UK Government has involved the Devolved Governments throughout the process of agreeing the MoU. We also expect the Devolved Governments to be invited to NSEC meetings where appropriate.

Finally, the agreement on energy is beneficial to both the UK and the EU in helping to support our security of supply, make energy more affordable for consumers, and achieve our respective climate change ambitions. Article 331 of the Trade and Cooperation Agreement allows the Energy Title to be extended, on an annual basis, from 2026. The Government's current priority is ensuring full implementation of our existing commitments in the TCA; we are working closely with the EU to ensure cooperation mechanisms such as the NESC MoU are established and equipped to deliver, and the rest of the energy provisions are implemented in full.

Thank you again for taking the time to write.

21 March 2023

PROPOSED EU REGULATION ON AUTOMATED DATA EXCHANGE FOR POLICE COOPERATION (“PRÜM II”), AMENDING COUNCIL DECISIONS 2008/615/JHA AND 2008/616/JHA AND REGULATIONS (EU) 2018/1726, 2019/817 AND 2019/818 (COM (21) 784)

Letter from the Chair to The Rt Hon Tom Tugendhat MBE VR MP, Home Office

Thank you for your Explanatory Memorandum (EM) dated 2 February 2023 on the Commission’s proposed reforms to the so-called Prüm based system of data exchange. It was considered by the European Affairs Committee at its meeting of 21 March 2023.

We welcome its deposit in Parliament (which this Committee has repeatedly requested since the Commission brought forward its proposal in December 2021) because it potentially has significant ramifications for the UK’s continued participation in the Prüm system as established by Part Three of the Trade and Cooperation Agreement (TCA). Given this context, we welcome and endorse the Minister’s view, expressed in the EM, that “Prüm is a vital investigative tool for [UK] law enforcement”. The most important issue, therefore, for this Committee is the potential impact that EU reform in this area will have on the UK’s ability to participate in Prüm II in the future.

As you know, a provision in the TCA (Article 541) seeks to deal with the implications for the UK’s continued participation in Prüm where the EU decides to undertake “substantial” reform of the EU law governing its operation. It appears to us that the nature of the Commission’s proposed reforms (for example, its name, Prüm II; the Commission’s reference to establishing a “new architecture”; and, the expansion of the included data categories to cover facial imagery) is sufficient to constitute substantial reform and thereby trigger Article 541. We note your acknowledgment that UK participation in Prüm cannot be guaranteed “indefinitely using the existing infrastructure and processes”; what are the precise implications of this statement for the UK’s continued participation in the system and what plans do you have to address this matter proactively with the EU?

In 2021, as part of its inquiry into Part Three of the TCA, the EU Justice Sub-Committee considered these questions. At that time, the Government was keen to emphasise that the UK would have a choice “as to whether or not to move its standards to meet the requirements under the Prüm system” adding that there is “no compulsory requirement for us to align with the EU Prüm system”. On this point, the Sub-Committee concluded that: “... by their nature, the data sharing arrangements [contained in the TCA] are reciprocal. The Prüm system ... is supported by an Annex to the TCA containing 91 pages of legislation. The Government told us that it will be a matter of ‘choice’ whether or not it remains aligned to EU legislation as it evolves. If it does not, the UK could lose access to vital policing and law enforcement data”. It appears, however, based on the Minister’s statements in the EM quoted in this letter that the Government now takes a more realistic approach to this issue.

We note that the proposal continues its journey through the EU’s legislative institutions, and we ask that you provide us with an update on its progress towards adoption, including if possible, any changes to the proposed text; in addition, once the final text emerges, we would request that it be deposited in Parliament with an EM; this will enable us to consider the agreed text and to comment on it before the TCA’s process begins.

There is, as far as we are aware, currently no time pressure while the EU institutions discuss the proposal, but the Government will inevitably, once the EU adopts it, have to decide: do we participate in an amended Prüm system or is post-Brexit collaboration with the EU on the exchange of this important data over. What factors will the Government weigh when considering whether or not to engage with the EU on adapting the TCA to cover these EU reforms? With whom will you consult on this matter?

21 March 2023

GENERAL CORRESPONDENCE

UPDATE ON JULY IMPORT CONTROLS ON EU GOODS

Letter from the Chair to the Rt Hon Jacob Rees-Mogg MP, Minister for Brexit Opportunities and Government Efficiency, Cabinet Office

Thank you for your letter of 28 April 2022, which was considered by the European Affairs Committee at its meeting of 17 May 2022.

The introduction of import controls on EU goods entering Great Britain is a key area of interest for the European Affairs Committee, and was covered at length in our December 2021 report, 'One Year On: Trade in Goods between Great Britain and the European Union'. The Committee has therefore asked me to write to you with a number of questions arising from the Government's announcement that it will not be introducing the remaining import controls this year, as set out in your letter to us.

The rationale for the decision

The Committee notes that you cite the fallout of the Ukraine war and wider pressures on the cost of living as the primary drivers of the Government's decision not to introduce further controls this year. Although the Committee's report previously concluded that there should be no further delays, we recognise the changing circumstances since December that have driven the Government's decision. We note, though, that the Government's response to our report, received on 16 February, stated that it intended "to implement all remaining border controls with the EU as set out in the EU-GB Border Operating Model and previously announced." Though the timing of this statement predated the Russian invasion of Ukraine, it came after energy prices began to rise and affect the cost of living. Nor is this the first time that the Government has insisted it will implement controls on time before changing course; in our inquiry, we heard that the repeated pattern of delay had undermined business confidence in the Government's timetable.

- **As the Government reviews its plans for the introduction of import controls, how will it ensure that businesses can trust that the Government's new timetable, once announced, will be adhered to?**
- **Was the state of Government preparedness a factor in the decision not to introduce import controls this year?**

The Committee has also noticed that there are key differences between this decision and previous delays to the timetable. We note that your letter states that the Government will be reviewing "how" controls will be introduced, as well as "when". We also note that, at 18 months, this delay is much longer than the previous delays (which were mostly between 3 and 6 months). We also note that the introduction of import controls is now explicitly linked to the Government's longer-term plans for a more light-touch and digitised border (plans which this Committee welcomed in its report). We look forward to further details when the Government publishes its Target Operating Model in the autumn.

- **Can you confirm that this latest decision is not simply another delay, and instead reflects a more fundamental change in the Government's approach to import controls?**

Asymmetry at the GB-EU border

In the wake of the previous delay, concerns were raised by some businesses that an "asymmetric" border could put GB exporters at a competitive disadvantage, as they faced more onerous controls than EU exporters. At the time, the Government responded to these concerns by stressing that this situation was only temporary, as the controls would be introduced shortly, an argument with which this Committee expressed some agreement in its report. However, the asymmetry between GB and EU exporters is now set to last for a much longer period.

- **In the light of the Government’s decision not to include controls until at least the end of 2023, what steps will it take to mitigate the impact on GB exporters of the asymmetric implementation of checks and controls at the GB-EU border?**

This Committee has previously urged the Government to seek a further agreement with the EU to reduce the burden of SPS controls, particularly on exporters, including in a recent letter to the Foreign Secretary (dated 29 April 2022).¹ With this latest decision, the UK is now effectively applying similar rules to imports from the EU as if a further SPS agreement was in place, but without obtaining for our exporters the easements that such an agreement would provide.

- **Do you agree that, while unilateral easements to SPS imports may have some benefits, it would be preferable to reach an agreement with the EU so that importers and exporters alike can benefit from lighter-touch controls?**

Physical infrastructure at ports

This decision means that port authorities have spent considerable time and money on preparing new physical infrastructure for import controls, which will now not be used for 18 months, if at all. The Committee notes that representatives of the ports have called for compensation for this. The Government itself has also invested considerable money in supporting these preparations. In the Government response to our report, we were told that as of December 2021, the Government had disbursed £95.5m in grants from the Port Infrastructure Fund to support spending on port infrastructure, that the Department for Transport had spent a further £292.2 million on inland border infrastructure, and that HMRC had spent a further £77 million on inland border facilities.

- **Does the Government intend to compensate port authorities for the resources they have invested in physical infrastructure that now may not be needed?**
- **How much in total did the Government spend on new physical infrastructure in preparation for the now defunct July 2022 deadlines, and to what extent was this expenditure wasted in the light of the new plans?**

Biosecurity

The Committee notes that concerns have been raised in some quarters over the potential animal health, food safety and biosecurity implications of the decision not to introduce SPS checks this year, particularly now that the UK is outside EU veterinary surveillance structures.

Both the British Veterinary Association and the National Pig Association have raised specific concerns over African Swine Fever, which is widespread in parts of Europe.² In addition, the Government website warns that bluetongue virus, which affects cattle, is “circulating widely” in France and Belgium, and “could also spread into the UK if infected animals, or germinal products, are imported from countries where bluetongue is circulating.”³ According to the Financial Times, an imported German cow was fortuitously discovered last year to have Bluetongue virus when it was sent for slaughter in Britain.⁴

The Committee also recalls comments made by Sam Lowe, then a Senior Fellow at the Centre for European Reform, during its previous inquiry into these matters:

“It is also important to take a step back and ask why these controls exist in the first place. Why do most countries impose some form of checks on products from outside, particularly on products of

¹ Letter from Lord Kinnoull to the Foreign Secretary, dated 29 April 2022:

<https://committees.parliament.uk/publications/22106/documents/164126/default/>

² Statement by the British Veterinary Association, 28 April 2022: <https://www.bva.co.uk/news-and-blog/news-article/vets-say-government-decision-to-delay-import-checks-requirement-by-up-to-18-months-flies-in-the-face-of-common-sense/>; Statement by the National Pig Association, 30 April 2022: http://www.npa-uk.org.uk/NPA_warns_of_ASF_risk_from_Government_decision_to_abandon_checks_on_EU_imports.html

³ Department for Environment, Food and Rural Affairs, ‘Bluetongue: how to spot and report the disease’, 11 August 2021: <https://www.gov.uk/guidance/bluetongue>

⁴ Financial Times, ‘UK farmers sound alarm on lack of border checks’, 10 May 2022: <https://www.ft.com/content/35f54034-6551-49d9-bf36-ed463477cbca>

animal origin? Why are Sanitary and Phytosanitary controls so intrusive? Why do they nearly always happen at the border? It is because you are guarding against pestilence and disease.”⁵

- **In the absence of the remaining SPS controls, what alternative steps is the Government taking to safeguard the UK’s biosecurity and prevent the entry of dangerous, contaminated or illegally smuggled SPS products into the UK, particularly now that the UK is outside EU veterinary surveillance mechanisms?**

International legal obligations

The decision also raises anew the question of the UK’s international legal obligations at the World Trade Organization (WTO). In reference to the last decision to delay, in September 2021, the Government told this Committee that it was confident in the UK’s compliance, stressing in particular that this was merely a “short, further time-limited delay to some controls”. Indeed, this Committee’s report concluded that “so long as the situation is time-bound, there is a low risk of adverse legal consequences flowing from this delay. We remain to be convinced, however, that this would remain the case if the status quo persisted indefinitely, without these checks and controls being introduced.”

Now, however, the Government has delayed these controls for much longer. While we note that the new regime will apply equally to goods from the EU and the rest of the world when it is eventually introduced, we are concerned that the unequal treatment of EU and non-EU imports in the 18 month interim could increase the risk of legal challenge at the WTO.

- **Is the Government confident that this latest, longer delay is compliant with its international legal obligations at the World Trade Organization, and that the risk of legal challenge remains low?**

Parliamentary scrutiny

The Committee welcomes your promise to keep Parliament informed of how the Government’s work in this area is progressing. We request that you write promptly to this Committee when you have any updates to announce, particularly when the Target Operating Model is published.

We would welcome a response to our letter within the usual ten working days.

18 May 2022

Letter to the Chair from the Rt Hon Jacob Rees-Mogg MP, Minister for Brexit Opportunities and Government Efficiency, Cabinet Office

Thank you for your letter of 18 May, regarding our new approach to the introduction of import controls on EU goods entering Great Britain. I have laid out the Government’s position in response to questions in your letter below.

- **As the Government reviews its plans for the introduction of import controls, how will it ensure that businesses can trust that the Government’s new timetable, once announced, will be adhered to?**

We want the process for importing goods to be safe, secure and efficient and we want to harness innovative new technologies to streamline processes and reduce frictions. We will publish the Target Operating Model in the Autumn. We will work across departments and with business to target the end of 2023 as the revised introduction date for our controls regime. We will keep business and other stakeholders informed.

- **Was the state of Government preparedness a factor in the decision not to introduce import controls this year?**

No.

⁵ European Affairs Committee, Oral Evidence: Trade in Goods, 19 October 2021, Q7: <https://committees.parliament.uk/oralevidence/2861/pdf/>

- **Can you confirm that this latest decision is not simply another delay, and instead reflects a more fundamental change in the Government's approach to import controls?**

Yes. We will set out in more detail in the Target Operating Model but our new approach to controls will aim to create a seamless new 'digital' border, where technologies and real-time data will cut queues and smooth trade. The new Target Operating Model will be based on a better assessment of risk and will harness the power of data and technology. This new approach will ensure that we implement controls in a way which supports businesses.

- **In the light of the Government's decision not to include controls until at least the end of 2023, what steps will it take to mitigate the impact on GB exporters of the asymmetric implementation of checks and controls at the GB-EU border?**

The Government would, of course, hope that the EU would implement their own controls in an efficient and pragmatic manner. However, we do not accept the premise that increasing burdens for importers and increasing costs for British consumers will help our exporters.

- **Do you agree that, while unilateral easements to SPS imports may have some benefits, it would be preferable to reach an agreement with the EU so that importers and exporters alike can benefit from lighter-touch controls?**

HM Government is open to discussions with the EU on additional steps to further reduce trade friction trade between the UK and EU on agri-foods safely, but these cannot be on the basis of future alignment with EU rules. This would compromise UK sovereignty over our own laws.

- **Does the Government intend to compensate port authorities for the resources they have invested in physical infrastructure that now may not be needed?**

We are currently working with ports to assess the impact of this decision, and to address any issues or concerns they may have. This includes seeking to identify ways of preventing unnecessary additional capital cost and minimising ongoing costs.

- **How much in total did the Government spend on new physical infrastructure in preparation for the now defunct July 2022 deadlines, and to what extent was this expenditure wasted in the light of the new plans?**

It would be premature to draw any conclusions as to the future need for the infrastructure built at the border.

As regards spending, in July 2020 the Government announced a £705 million package of investment in border infrastructure, staff and technology to ensure Great Britain border systems would be ready for the transition period. This included the £200 million Port Infrastructure Fund (PIF) and £270 million for inland infrastructure.

As of 17 May 2022, £150.9 million in grants from the PIF had been disbursed to ports to cover verified expenditure to date. Additionally, by 31 March 2022, the Department for Transport had spent £326.8 million on inland border infrastructure (Sevington Inland Border Facility, Dover Inland Border Facility, Manston Airport Inland Border Facility and Waterbrook Inland Border Facility) and the running of Information and Advice sites.

HMRC has ongoing funding to deliver the key priorities for EU Exit. As of May 2022, HMRC had spent £85 million on Inland Border Facility development.

This spending relates both to the physical infrastructure which was successfully delivered across all PIF ports and inland sites in time for the introduction of customs checks in January 2022 and the construction of Border Control Posts ahead of July 2022.

- **In the absence of the remaining SPS controls, what alternative steps is the Government taking to safeguard the UK's biosecurity and prevent the entry of dangerous, contaminated or illegally smuggled SPS products into the UK, particularly now that the UK is outside EU veterinary surveillance mechanisms?**

From 1 January 2021, the UK put in place biosecurity controls on the highest risk imports of animals, animal by-products, plants and plant products from the EU. These controls on the highest risk goods

will remain in place and we will still be able to respond to changes in biosecurity risk. We also have established mechanisms in place to stop products from being exported to GB in cases where it has been assessed there is a significant pest or disease threat.

Given we have close alignment and strong knowledge of the EU rules, we can continue to have a high degree of confidence in biosecurity associated with those imports.

We still have powers to check and seize non-compliant products and deal with any pest or disease risk identified.

- **Is the Government confident that this latest, longer delay is compliant with its international legal obligations at the World Trade Organization, and that the risk of legal challenge remains low?**

The UK acts in compliance with its international obligations. We take our WTO obligations very seriously and consider the implications of what we do, taking legal advice.

I hope the committee finds this information of use and we will, of course, keep your Committee updated on our progress.

26 May 2022

NORTHERN IRELAND PROTOCOL

Letter to the Chair from the Rt Hon Elizabeth Truss MP, Secretary of State, Foreign, Commonwealth and Development Office

Our first priority in Northern Ireland will always be the preservation of the Belfast (Good Friday) Agreement, and peace and security in Northern Ireland. So much of the progress we have seen rests on the Agreement. It represents a triumph of compromise and tolerance after decades of instability, and is the foundation on which the modern, thriving Northern Ireland is built.

We want to see the return of the Executive and will work with them in the best interests of Northern Ireland. The reality, however, is that the power-sharing institutions have not been fully functioning since 3 February, as a result of the Northern Ireland Protocol and the strain it has put on businesses and communities in Northern Ireland.

All parties agree that the current arrangements are not working. The Protocol has not yet been implemented in full due to the operation of grace periods and easements. The practical problems are clear for all to see:

- EU customs procedures for moving goods within the UK have already meant companies are facing significant costs and paperwork. Some businesses have stopped this trade altogether.
- Rules on taxation mean that citizens in Northern Ireland are unable to benefit fully from the same advantages as the rest of the UK, like the reduction in VAT on solar panels.
- Sanitary and Phytosanitary (SPS) rules mean that producers face onerous restrictions, including veterinary certification, in order to sell food stuffs in shops in Northern Ireland.

These challenges have been sharpened by the challenges of post-COVID economic recovery.

I have had six months of negotiations with Vice-President Maros Sefcovic. This follows a year of discussions by my predecessor. The UK has proposed what we believe to be a comprehensive and reasonable solution to deliver on the objectives of the Protocol. This includes a trusted trader scheme, with strict enforcement, to provide the EU with real time commercial data, giving them confidence that goods intended for Northern Ireland are not entering the EU Single Market. With robust penalties for those who seek to abuse the system. We are already sharing over 1 million rows of goods movement data with the EU every week. Our solution would meet both our and the EU's original objectives for the Protocol. It would address the frictions in East-West trade, while protecting the EU Single Market and the Belfast (Good Friday) Agreement.

The challenge is that this solution requires a change to the Protocol itself, but the EU's mandate does not allow the Protocol to be changed. That is why the EU's current proposals are not able to address the fundamental concerns.

We will always take the necessary decisions to preserve peace and stability in Northern Ireland. That is why the Government will introduce legislation in the coming weeks to make the required changes to the Protocol and put it on a sustainable footing. We intend to deliver a durable and lasting solution that commands the broadest possible cross-community support.

I want to be clear that this is not about scrapping the Protocol. Our aim is to deliver on the Protocol's objectives. We will cement those provisions which are working in the Protocol, including the Common Travel Area, the Single Electricity Market and North-South cooperation, whilst fixing those elements that aren't: on the movement of goods, goods regulation, VAT, subsidy control, and governance. We are clear that the Bill is consistent with international law – and in support of our prior obligations in the Belfast (Good Friday) Agreement.

Our preference remains a negotiated solution with the EU. In parallel with the legislation being introduced, we remain open to further talks if we can achieve the same outcome through a negotiated settlement. However, no outcome can restore the delicate balance of the Belfast (Good Friday) Agreement if it does not address the real-world problems facing Northern Ireland. The scale of change needed means this is only possible by changing the Protocol itself.

The urgency of the situation means that we cannot delay further. Only by taking this measured and proportionate action can we live up to our commitments to all communities of Northern Ireland, and restore the primacy of the Belfast (Good Friday) Agreement.

17 May 2022

NORTHERN IRELAND PROTOCOL BILL

Letter to the Chair from the Rt Hon Elizabeth Truss MP, Secretary of State, Foreign, Commonwealth and Development Office

Today I introduced the Northern Ireland Protocol Bill to fix parts of the Northern Ireland Protocol-making the changes necessary to uphold the Belfast (Good Friday) Agreement.

As Chair of the European Affairs Committee, you will agree on the problems that the Protocol presents given the unsatisfactory proposals made to-date by the EU, and the consequent challenges facing Northern Ireland.

The Bill will allow the Government to address the practical problems the Protocol has created in Northern Ireland in four key areas - burdensome customs processes, inflexible regulation, tax and spend discrepancies and democratic governance issues.

These problems include disruption and diversion to trade and significant costs and bureaucracy for business. They are undermining all three strands of the Belfast (Good Friday) Agreement and have led to the collapse of the power-sharing arrangements at Stormont.

Our preference remains for a negotiated solution with our European partners. However, the European Union has not so far agreed to change the Protocol - and that is needed to secure the improvements we need for Northern Ireland. For example, the Protocol bakes in the need to implement the EU's customs code on trade between Great Britain and Northern Ireland, and the rigid application of EU VAT and subsidy rules.

We have extensively explored the EU's proposals which fall short of amending the Protocol. After more than 300 hours of discussions between October and March, we have regrettably not been able to find a way forward. The suggestions they have presented do not address the core problems created by the Protocol. They would be worse than the status quo, requiring more paperwork and checks than today because the Protocol is not fully in force.

Our door remains open if the EU recognises the need for more fundamental change - and the provisions of the Bill I am introducing today allow any agreement to be incorporated. But that will mean providing their negotiators with a new mandate.

As the Government of the whole United Kingdom, it is our duty to take the necessary steps to preserve peace and stability. We cannot allow this to drift.

The legislation enables the government to bring forward durable solutions in each of the four key areas - while safeguarding the EU Single Market so the EU is not left any worse off - and ensuring there is no hard border on the island of Ireland.

The Bill provides for:

- Green and red channels to remove unnecessary costs and paperwork for businesses trading within the UK, while ensuring necessary checks are done for goods entering the EU.
- Businesses to have the choice of placing goods on the market in Northern Ireland according to either EU or UK goods rules, to address divergence between goods produced in Northern Ireland and Great Britain.
- NI businesses and consumers to benefit from the same support and subsidies as the rest of the UK.
- Normalised governance so disputes are resolved by independent arbitration and not by the court of one of the parties.

These changes will be underpinned by a Trusted Trader scheme and real-time data sharing to give the EU confidence that goods intended for Northern Ireland are not entering its market. The legislation also ensures goods moving between Great Britain and the EU are subject to EU checks and customs controls.

The UK's solution protects the elements of the Protocol that are working, including maintaining free flow of North-South trade, the UK's commitments to no diminution of human rights and the Common Travel Area.

This Bill is lawful and justified under the international law and a statement of the Government's legal position has been published alongside the Bill.

A summary of the main provisions of the Bill is annexed, and we have published a 'UK Solution' explainer document setting out each of the proposals in detail.

13 June 2022

Letter from the Chair to the Rt Hon Elizabeth Truss MP, Secretary of State, Foreign, Commonwealth and Development Office

Thank you for your letter dated 13 June 2022 addressing the Northern Ireland Protocol Bill. This was considered by the European Affairs Committee at its meeting of 21 June 2022.

As you know, the European Affairs Committee is not directly involved in the scrutiny of the Ireland/Northern Ireland Protocol of the Withdrawal Agreement (the "NI Protocol") as this function is carried out by our sister Committee, the Sub-Committee on the Protocol on Ireland/Northern Ireland, chaired by Lord Jay of Ewelme.

Scrutiny of the rest of the Withdrawal Agreement, the Trade and Cooperation Agreement (TCA) and the various Declarations of December 2020 falls to us. We are most concerned that the impasse where the NI Protocol is concerned has directly resulted in a cessation of normal work on many other areas unrelated to the NI Protocol, where the UK and the EU need to act together.

There is plenty of evidence for this concern, including a recent letter to us of 29 April from the European Commissioner for Innovation, Culture, Research, Education and Youth, Mariya Gabriel, writing in response to our letter regretting the non-implementation of the UK's participation in the Horizon Europe programme. Explaining the impasse, Commissioner Gabriel said that "there are at present serious difficulties in the implementation of the Withdrawal Agreement and parts of the Trade and Cooperation Agreement between the European Union and the United Kingdom". We note also in this regard the minutes of the December 2021 meeting of the Specialised Committee on Participation in Union Programmes during which the EU cited the provision in the TCA setting out its relationship with other agreements (Article 775 TCA). (This article reaffirms the Parties' obligations to implement other bilateral agreements between them, which would include the Withdrawal Agreement.) In addition, at

the recent Parliamentary Partnership Assembly, Commission staff and MEPs were open about this state of affairs.

It is clear therefore that any hold up in resolving the impasse over the NI Protocol has the inevitable consequence of causing collateral damage, such as with regards to the UK's participation in the Horizon Europe programme. We cannot see how matters can be resolved except through negotiation.

Can you confirm that you are aware of the linkage between the impasse over the NI Protocol and collateral issues affecting the whole UK under other UK/EU agreements and declarations, and what plans do you have to take those matters forward from here?

We look forward to considering your response within the usual 10-day deadline.

22 June 2022

SUPPLEMENTARY INFORMATION FOLLOWING 21 JUNE 2022 EVIDENCE SESSION AND THE NORTHERN IRELAND PROTOCOL BILL

Letter to the Chair from Graham Stuart MP, Minister of State for Europe, Foreign, Commonwealth & Development Office

On behalf of my predecessor, thank you for the opportunity to appear before your Committee on 21 June and for your letter of 22 June to the Foreign Secretary about the Northern Ireland Protocol Bill.

Please accept my apologies for the delay in replying, which is in part as a result of the ministerial portfolio changes.

With your leave, I would like to respond to both the requests for further information following my predecessor's appearance and to the points in your letter, on behalf of the Foreign Secretary.

Engagement with the EU

Lord Faulkner and Lord Hannay asked for clarification on the points around regular engagement with the EU.

The Foreign Secretary (and her predecessor before her) met with Vice-President Šefčovič 26 times over the past year – more than with any other international partner. This includes multiple, long negotiating sessions. To support these discussions, UK officials engaged in 18 weeks of technical discussions with their EU counterparts.

Together, this totalled over 300 hours of official and Ministerial meetings, with hundreds more hours spent analysing and engaging with the four non-papers the EU published in October.

That is just on the Northern Ireland Protocol. We have a significant amount of further engagement within the Withdrawal Agreement and Trade and Cooperation Agreement structures. We also cooperate closely outside that framework with our European allies, on critical international issues such as the Russian invasion of Ukraine and our fight against climate change. We also continue to negotiate and cooperate with the EU on Gibraltar.

I hope this reassures the Committee that there has been extensive engagement on both the Protocol and wider issues. What ultimately matters, however, is delivering results.

EU linkages

Lord Tugendhat asked for other examples of the EU holding off or going slow on cooperation in the present context. I should underline that our view is that TCA implementation is generally proceeding well, but there are clearly a set of areas where that is not the case.

First, and as you say in your letter of 22 June, the EU is drawing links between our differences over the Protocol and TCA issues. The EU has so far refused to formalise the UK's participation in Horizon Europe and other EU programmes as agreed under the TCA. I refer you to the letters the Foreign Secretary sent to your Committee on 9 May and 26 May, which I have re-attached. As the Foreign Secretary stated in those letters, we have done everything that is legally required on our side. The Northern Ireland Protocol is an entirely separate issue, contained in a separate agreement, and we consider the EU's approach to be contrary to its obligations under the TCA and accompanying

agreements – and to the detriment of scientists on both sides. Your Committee will be aware that Switzerland is also facing a similar issue over the use of scientific collaboration as perceived leverage in their relationship with the EU.

Second, the TCA also commits us to agreeing a Memorandum of Understanding (MoU) on Financial Services Regulatory Cooperation. As my predecessor said on 21 June, this is another area where the EU has drawn links with unrelated issues. We stand ready to sign and implement the text we agreed in March last year, once the EU decides to do so, but in the meantime we do not believe that the lack of an MoU between HMT and the Commission has impacted the strong supervisory relationships that UK regulators have with their European partners.

Third, we are disappointed in the delays to progressing the new electricity trading arrangements set out in the TCA. These arrangements are important for opening up opportunities for renewables development in the North Sea – supporting our respective ambitions to deliver net zero ambitions and reduce our reliance on Russian hydrocarbons. We welcomed the meeting of the Specialised Committee on Energy on Wednesday 30 March. At the meeting, the UK called for accelerated engagement on this issue, and both parties confirmed their commitment to cooperate to implement these next steps at pace. It remains to be seen if this is delivered upon by the EU side. This must be seen in the broader context of EU member states showing willingness to seek leverage by making links across unconnected areas; in autumn 2021 France politicised energy by threatening to disrupt the energy supply to Jersey and Guernsey in an attempt to seek a more favourable outcome on fisheries licenses.

Last, on a related note but not strictly about implementation of existing commitments, we have repeatedly proposed to the European Commission that we amend the TCA's VAT and Debt Protocol, to avoid the need for GB businesses to appoint a fiscal representative should they wish to use the EU's e-commerce platform that streamlines VAT collection (this follows changes to EU rules since the TCA was agreed). Amending the threshold is in our mutual interest - it would lessen burdens on businesses operating in Great Britain and benefit EU consumers. However, the EU has refused to agree.

We continue to work with the European Commission to resolve the issues above, including through the formal structures.

Northern Ireland Protocol Bill

My predecessor spoke to your Committee about the Northern Ireland Protocol and the Bill that was introduced on 13 June, and the Lords will of course undertake detailed scrutiny of the Bill once it has completed its Commons stages.

In your letter of 22 June, you express a preference for a negotiated solution on the Protocol. That is also the Government's position. The challenge we have is that, despite extensive discussions, the EU has not so far been willing to move beyond its proposals from last October and are ruling out any changes to the Protocol as precondition for talks. In the meantime, the Northern Ireland Executive has collapsed, and the Protocol has become the primary obstacle to re-establishing power sharing after May's elections. Nonetheless, our door remains open, and, as my predecessor mentioned to the Committee, the Foreign Secretary proposed a meeting of the Withdrawal Agreement Joint Committee to Vice President Šefčovič early last month. That offer has not been taken up. Looking forward, the negotiating teams are in touch and our Bill contains explicit provision to incorporate any agreement with the EU directly.

We will continue to work closely with the EU on the crisis in Ukraine, and on our wider agenda of cooperation. We have always said we want to fix the problems created by the Protocol, and the other outstanding issues listed above, in part so we can focus our full collective energy on global challenges. We want a productive relationship with the EU, and we are fundamentally on the same side in the battle for democracy, freedom, and the defence of our values.

13 July 2022

Letter from the Chair from Leo Docherty MP, Minister for Europe, Foreign, Commonwealth & Development Office

I write in response to the letter of your predecessor, Graham Stuart MP, dated 13 July 2022, in which he provided supplementary information promised by his predecessor, Rt Hon James Cleverly MP during

the latter's appearance before my Committee on 21 June, and also responded to our letter to the then Foreign Secretary, Rt Hon Liz Truss MP, regarding the 'collateral damage' being caused to UK/EU cooperation by the problems concerning the operation of the Protocol. This was considered by the European Affairs Committee at its meeting of 11 October 2022.

The Committee thanks you for the response to Lord Tugendhat's request to for a list of areas being affected by the impasse over the Protocol on Ireland/Northern Ireland. However, we felt that our legitimate questions regarding the recent history of Ministerial engagement with the EU, and the wider collateral damage to UK/EU relations caused by the Protocol, merited a more detailed response than that provided by Mr Stuart.

During Mr Cleverly's appearance before the Committee in June, we sought a more detailed explanation of the programme of meetings undertaken this year relating both to the Protocol and wider cooperation "across the withdrawal agreement, TCA, the Northern Ireland protocol, Gibraltar and others", as Mr Cleverly put it in his evidence to us. We feel that Mr Stuart's letter adds nothing to the information already laid before the Committee by the Minister in June and does not engage with our specific request for information about the precise content of the various meetings and ask that you provide this information in your response to this letter.

In terms of the areas currently adversely affected by the impasse over the Protocol, as a result of correspondence between the Committee and the Government, and of our recent inquiry into Financial Services, we are familiar with the problems facing the Horizon Europe programme and the failure to agree the Memorandum of Understanding on financial services. It is the first time, however, that we have been alerted to the fact that efforts to establish the new electricity trading arrangements set out in the TCA and your attempts to amend the provisions dealing with the VAT and Debt Protocol are also being negatively affected. We would welcome an undertaking that you will, from now on, endeavour to keep the Committee updated on these and all similar matters.

All of these factors are difficult to reconcile with your predecessor's claim that, beyond Northern Ireland, the Government is engaged in a "significant amount of further engagement within the Withdrawal Agreement and Trade and Cooperation Agreement structures". If this were the case, the EU would not, in our view, be hampering the operation of the TCA and rejecting your attempts to amend it with regard to the VAT and Debt Protocol.

It is clear from Mr Stuart's letter that the Government and my Committee agree on the need for a negotiated settlement to the current dispute regarding the operation of the Protocol. However, we feel that Mr Stuart did not fully engage with our request for an explanation of the Government's plans for how this can be achieved. We ask that you provide a full explanation in your response to this letter.

We ask that you address the matters highlighted above and look forward to considering your response within the usual 10-day deadline

PUBLICATION OF A NOVEMBER UPDATE TO THE BORDER OPERATING MODEL

Letter to the Chair from the Rt Hon Jacob Rees-Mogg MP, Minister for Brexit Opportunities and Government Efficiency, Cabinet Office

This is to let you know that today the Government has published an updated Border Operating Model. This has been made to reflect the latest announcement on border controls. It also provides some additional detail on further facilitations for safety and security declarations. This update will bring the Border Operating Model in line with other guidance available on GOV.UK.

This updated Border Operating Model will continue to help businesses which trade with the EU to understand how to interact with the border.

A copy of the updated Border Operating Model has been deposited, alongside this letter, in the Library of both Houses.

16 June 2022

UK-EU RELATIONSHIP IN FINANCIAL SERVICES

Letter to the Chair from the John Glen MP, Minister of State (Economic Secretary), HM Treasury

I am writing to thank the European Affairs Committee for their hard work and for the publication of their report into the UK-EU relationship in financial services. The Committee's recognition of the dynamism, optimism and strength of the UK financial services sector post-Brexit is most welcome.

The government will respond to the recommendations of the report in due course. However, in the interim, I would like to note my surprise at the Committee's criticism of the level of UK engagement with the European Union and its member states, on financial services issues.

Over the last twelve months, the government has pursued an ambitious programme of engagement with the EU, its member states, and the European Economic Area and Switzerland.

I have personally travelled to Madrid, Luxembourg, Brussels and Berlin, to engage with my counterparts, financial services industry, and in cases, regulatory and supervisory authorities. I have also travelled to Lichtenstein and to Switzerland to discuss our ambitious agenda in financial services.

My officials have developed relationships with their counterparts across the EU and its member states, and are in regular contact to discuss matters of policy. The Foreign, Commonwealth and Development Office as well as the Department for International Trade have teams across their European network of posts engaged in promoting the country's financial services priorities.

The Chancellor has been clear that the government has an abiding interest in a prosperous and productive Europe, and on financial services, our engagement with the EU clearly demonstrates this.

1 July 2022

ONE YEAR ON – TRADE IN GOODS BETWEEN THE UK AND THE EU

Letter to the Chair from Graham Stuart MP, Minister of State for Europe, Foreign, Commonwealth & Development Office

Thank you for your letter dated 26 April 2022, requesting further information following the Government's response to your Committee's report 'One year on - Trade in goods between Great Britain and the European Union'. I am responding on behalf of the Foreign Secretary, as Minister of State for Europe.

I would like to thank you for the valuable work the European Affairs Committee does and the careful scrutiny it conducts of our new relationship with the European Union.

We are continuing to ensure businesses get the support they need to trade effectively with Europe, and to seize new opportunities as we strike trade deals with the world's fastest growing markets.

The latest monthly UK Trade in Goods statistics published by the ONS on 13 June for the month of April 2022 show that total UK exports with EU Nations increased by 8.1% and UK imports increased by 4.2% when compared to March 2022. This continues the trend of strengthening UK trade with EU nations.

The ONS continues to highlight there are a number of factors beyond EU-Exit that continue to influence global trading patterns, including COVID-19, the global recession and supply chain disruption.

I have laid out below the Government's position in response to the questions in your letter.

How businesses are adapting to January 2022 changes to customs controls

The Cabinet Office hosted a Brexit Business Taskforce meeting on Import Controls on 24 February to gather feedback on the impact of the January controls. Feedback was largely positive about the impact of the controls, with comments that trade flows had mainly remained stable.

All systems, infrastructure and resourcing were ready on time, as we committed to, on 1 January; and have been operating effectively as planned. Overall, traders and hauliers adapted well to the introduction of full customs controls on 1 January, with minimal disruption at the border and inbound freight flowing

effectively through ports. We're continuing to provide businesses with the support they need to trade effectively with Europe, including through the free-to-use Export Support Service.

Government support for SMEs

The SME Brexit Support Fund offered by the Government granted up to £2,000 per organisation between March and June 2021 to support small and medium sized businesses to adjust to new customs, Rules of Origin, and VAT rules when trading with the EU. To date, approximately £8.4 million has been offered to businesses, enabling over 4,100 businesses to pay for practical support, including professional advice and training.

It was always intended to close the scheme on 30 June 2021. HMRC are in the process of reviewing the fund and seeing what can be learned for future support offered to traders. There are no plans to extend the scheme.

HMRC continues to provide support to traders through regular communication, webinars, and guidance on GOV.UK.

To ensure customers who need additional support are able to access it promptly, HMRC invested in building capacity and capability in the Customs & International Trade Helpline and webchat service in readiness for full customs controls

The Department for International Trade has also launched its Export Support Service. This is a dedicated hotline and online service to help more British businesses export to Europe and is a 'one stop shop' bringing together UK government information, making it easier for exporters to access advice and support.

Over £80m of financial support was also made available for IT, training and recruitment to scale up the intermediary sector, upon which small businesses rely. HMRC have created an intermediary register on gov.uk listing specialist services that can help businesses. It has been updated to include details on which intermediaries are still taking on new clients, and the services they provide.

Further Sanitary and Phytosanitary negotiations with the EU

I can confirm that we are open to discussions with the EU on further additional steps to reduce trade friction, including in the SPS area, but these cannot be on the basis of alignment with EU rules. The UK must retain its ability to make rules that work for us, based on latest technology and best practice. The EU has concluded some SPS agreements without requiring alignment (albeit more limited in scope e.g. New Zealand). However, the EU negotiators do not have a mandate to negotiate such an SPS agreement.

Customs cooperation

As set out in the Government's response to the report, the TCA does not currently provide the legal basis for a joint customs office with the EU and the extensive level of cooperation and data sharing requirements needed to underpin such arrangements.

We are not aware of any significant issues being raised by operational and border teams that would warrant reopening the TCA's arrangements in this area.

The Committee may wish to note that in the Trade Specialised Committee on Customs Cooperation and Rules of Origin, it was the UK that outlined potential scope for future cooperation on topics including Single Trade Window, interoperability, exchange of information and how best to use data.

UK officials will continue to work with their EU and Member State counterparts to identify and ease any unnecessary trader burdens, and promote trade facilitation in line with our commitments under the TCA.

Our assessment is that the EU would be highly unlikely to agree to any textual change, or 'evolution' of the TCA text, in the short to medium term.

The TCA's institutional machinery

The governance of the TCA is running smoothly. As you state in your letter, all Specialised Committees have met at least once, including the Partnership Council and the Trade Partnership Committee. All

committees will meet again over the course of this year, in line with the TCA's provisions and our expectations.

The first round of meetings indicated that TCA implementation is generally proceeding well. Through these meetings the Government has raised concerns regarding implementation (e.g. live bivalve molluscs) and initiated further technical discussions (e.g. road transport, intellectual property and SPS). The formal committee meetings are, of course, not the only vehicle for discussion and the co-chairs as well as other officials, and Ministers, also discuss EU-UK cooperation on an ongoing basis.

In some areas, such as Union Programmes, the European Commission has linked TCA implementation to the UK's position on the Northern Ireland Protocol. It makes no sense to link collaboration on science and research with the situation in Northern Ireland - the two issues are unrelated, and it is deeply disappointing to see science and research politicised in this way.

Benefits to individual businesses

The TCA maintains zero tariffs and zero quotas on trade in goods between the UK and EU. This means that businesses can benefit from tariff-free trade when exporting to the EU.

The UK successfully negotiated a number of administrative and customs facilitations, such as self-certification of origin, which considerably reduce the administrative burden of complying with rules of origin in trade with the EU.

The UK secured product-specific rules of origin tailored to the needs of UK businesses in sectors such as automotive, aluminium, chemicals, machinery and food and drink. These rules also allow British manufacturers to source inputs globally for British products where appropriate, such as batteries for electric vehicles.

The latest monthly data from the Office for National Statistics (ONS) shows that UK goods exports to the EU reached their highest value (in current prices) since records began in January 1997.

I know that your Committee keeps a close eye on the UK-EU relationship. The Government wants a positive relationship with the EU, underpinned by trade and our shared belief in freedom and democracy. We continue to engage in good faith with the EU and its Member States to find practical and pragmatic solutions to the outstanding issues including on the Northern Ireland Protocol.

13 July 2022

EU RELATED SCRUTINY ARRANGEMENTS

Letter to the Chair from the Rt Hon Elizabeth Truss MP, Secretary of State for Foreign, Commonwealth and Development Affairs

1. I am writing to seek your agreement on future scrutiny arrangements, following the conclusion of discussions between officials on a formal framework for scrutiny arrangements, which provides a balanced approach to parliamentary oversight of our new relationship with the European Union. I am grateful to the officials involved in these discussions for arriving at an agreed approach.
2. I agree with Lord Frost's position when he wrote to you on 23 September 2021, that we should be as open as possible in how we work with your committees, whilst noting that our new relationship with the EU requires a new approach to scrutiny and a move towards a more flexible approach.
3. The scrutiny offer enclosed in the Annex seeks to reflect this and takes into account the clear representations made by your officials, including some reasonable additional requests since Lord Frost wrote to enhance the commitments in several areas. I should note that the additional requests made by the Northern Ireland Protocol Sub-Committee in their report on scrutiny have been responded to separately through the Government's response to the Sub-Committee's report.
4. I am aware that the offer does not go as far as the European Affairs Committee in particular would have liked in terms of automatic deposit of EU documents on a broader range of issues. These arrangements are proportional to our new relationship with the EU, and are part of an evolving process to be kept under review. As set out in the offer, it is sensible to conduct an interim review of these

arrangements in nine months' time, and then a full review after two years (or at the end of this Parliament, whichever is sooner), to ensure the process remains relevant and manageable for both sides.

5. I hope that the offer enclosed is acceptable to you, and I look forward to implementing it as quickly as possible. I am grateful to you both for your continued engagement and for the valuable role that your Committees play.

8 July 2022

ANNEX

Final Government Offer on Scrutiny of EU-related Business by the EU Scrutiny Committees

1. Scrutiny of the Withdrawal Agreement (excluding the Northern Ireland Protocol)

We are committed to:

- Issuing WMSs before and after WA Joint Committee (WAJC) meetings.
- Providing EMs on European Council Decisions that establish the EU position for the WAJC, before meetings wherever possible.
- Providing official-level briefings to the Committee teams in advance of all Joint Committee meetings, setting out a more in-depth UK position on agenda items and our approach to the discussion. We can also provide a post-WAJC meeting read-out.
- Ministerial appearances before the Committee and ad hoc official-level briefing as required.
- Sharing provisional agendas of WA Specialised Committee meetings in advance (on a confidential basis, unless co-chairs agree to publish them).
- Sharing the WA Annual Report before publication, subject to co-chairs agreeing to publish. The first report was shared with both Committees on 18 June.
- Automatic deposit of EMs on new or amended EU law that has a direct effect on the UK under the WA.
- A Ministerial oral statement following publication of the two reports by the Commission and the Independent Monitoring Authority on the implementation of the citizens' rights chapter of the WA in mid-2022.
- Reporting on the UK's outstanding financial liabilities under the financial settlement and on payments to the EU each year through the annual European Union Finances Statement.
- Writing to the chairs in advance of requesting the establishment of an arbitration panel under the Agreement.
- Issuing WMSs following the establishment of an arbitration panel and after any CJEU rulings made under the WA, and issuing an annual report on disputes raised at the WAJC.
- Providing a quarterly summary of each Specialised Committee's activities, to the extent that there is agreement by both co-chairs of the Committee to make that activity public (for example through joint statements).

2. Scrutiny of the Northern Ireland Protocol

We are committed to:

- Continuing the submission of EMs on EU proposals which amend or replace existing proposals that fall under scope of the NI Protocol (including tertiary legislation)
- Automatic submission of EMs on new EU proposals falling under the scope of Protocol when agreed by the Joint Committee.

- Automatic submission of an EM when the UK is informed of any draft EU legislation through the JCWG which the EU have indicated they would like to add to the NIP Annexes under the Article 13(4) processes. Any agreement to share an EM is on the understanding that we would not be able to share anything that might reveal our negotiating position ahead of the relevant Joint Committee meeting.
- Officials will work with the Committees' Clerks on tailoring our EM guidance and template used by Departments to better reflect the information the Committees would find helpful to receive.
- We will share Ireland/Northern Ireland Specialised Committee (INISC) agendas, on the same basis as the approach to sharing provisional agendas of WA SC meetings in advance (on a confidential basis, unless co-chairs agree to publish them).

3. Scrutiny of the Trade and Cooperation Agreement

We are committed to:

- Issuing WMSs before and after TCA Partnership Council meetings, using best endeavours to do so seven days in advance for pre-meeting WMSs.
- Automatic submission of EMs on European Council Decisions that establish the EU position for the Partnership Council, before meetings where possible.
- Automatic submission of EMs on EU Council Decisions that establish the EU position for meetings of Specialised Committees; before meetings where possible. For the avoidance of doubt, not all Specialised Committees will require an EU Council Decision to establish the EU's position.
- Providing official-level briefings to your Clerks in advance of all TCA Partnership Council meetings and offering post-meeting readouts.
- Sharing provisional agendas of TCA Specialised Committee meetings in advance.
- FCDO Ministers will write to the Committees periodically with a summary of activity in the Specialised and other Committees established under the TCA.
- Writing to the chairs before requesting the establishment of an arbitration panel or if it is likely that the EU will initiate dispute settlement, adopt a remedial, safeguard, or other unilateral measure, or operate the TCA "rebalancing" clause.
- Ad hoc Ministerial appearances as appropriate.

4. Miscellaneous

We are committed to:

- Sending EMs on the EU's annual Work Programme as we recognise that the EU Select Committees retain an interest in the wider EU policy direction and potential implications on both agreements.
- Continuing the practice of writing to the EU Committees about incoming EU Presidency priorities every six months, before the start of each Presidency where possible.
- HMG will consider requests from the EAC, NIPC and ESC for the deposit of documents of direct relevance to the work of the Committees that might fall outside the WA and TCA agreements.
- There will be an interim review of arrangements after nine months and then a full review after two years or at the end of this Parliament (whichever is sooner).

5. Ministerial appearance before the Committees

- The Foreign Secretary will appear at least once a year before the ESC and EAC and the Minister for Europe and North America twice a year, with other ad hoc Ministerial appearances as appropriate. In respect of appearances before the Lords Committee and its sub-committee, Government officials and Committee clerks should work together to determine how appearances will best meet the needs of the main Committee and sub-committee according to the issues prevailing at the time. Parity in the number of appearances before each House should underpin this commitment.

Letter from the Chair to the Rt Hon James Cleverly MP, Secretary of State for Foreign, Commonwealth and Development Affairs

On behalf of my Committee, I would like to welcome you to your new role.

As you will be aware, your predecessor, Rt Hon Elizabeth Truss MP, wrote to me and to the Chair of the Commons European Scrutiny Committee on 8 July 2022 seeking our collective agreement to revised arrangements for the scrutiny of UK-EU affairs. This letter was preceded by over a year of discussions. I am grateful to all of those involved for their time and determination to reach a settlement that facilitates parliamentary scrutiny of the Government's dealings with the EU while being appropriate to the new UK/EU relationship.

The Committee believes that the Government's offer strikes this balance and, as such, we formally accept. I have informed the House of these revised arrangements. The Clerk will be in contact with your officials shortly to discuss consequent changes to document handling practices, for example, concerning the information provided in Government Explanatory Memoranda on EU documents. As our revised arrangements relate mainly to the types of EU documents the Government will facilitate scrutiny of, our reporting practices will remain largely unchanged.

As suggested, we will review these arrangements with you in nine months' time. This new settlement is without prejudice to our powers to send for persons, papers and records. We must also make clear that we expect Ministers to appear before either Committee when they are called, irrespective of how frequently this is.

Finally, while these arrangements have been negotiated and agreed in conjunction with the Commons European Scrutiny Committee, they are entered into separately by each Committee and will remain in force for as long as a Committee in the House of Lords continues to hold these scrutiny functions.

12 October 2022

PRIORITIES OF THE CZECH EU PRESIDENCY, JULY TO DECEMBER 2022

Letter to the Chair from Graham Stuart MP, Minister for Europe, Foreign, Commonwealth and Development

Priorities of the Czech EU Presidency, July to December 2022

I am writing to let you know the priorities of the Czech Presidency of the Council of the European Union (EU).

The Czech Republic took up the Presidency of the Council of the EU on 1 July 2022, which it will hold until 31 December 2022. Its motto is *'Europe as a task: strengthen shared freedom, responsibility, security and prosperity'* ('task' is a quote from Vaclav Havel) and has five priorities, outlined below. The crisis in Ukraine will dominate the agenda as the most pressing issue for European security, prosperity, and stability. The Czech Republic will emphasise the need for the EU to work closely with allies and NATO, notably in the Indo-Pacific, and we will work closely with it on this and other areas of shared interest.

Managing the refugee crisis and Ukraine's post-war recovery

The Presidency will support EU efforts to assist Ukraine using all the tools available to the EU, including strengthening sanctions. A priority will be the response to the refugee crisis, particularly ensuring support for the most affected Member States, of which the Czech Republic is one. The Presidency will also focus on post-war reconstruction, and will host a conference to which the UK has been invited.

Energy security

Linked to Ukraine, the Czech Republic will prioritise energy security, with a particular focus on ending EU reliance on Russian fossil fuels. The Presidency will work towards quick implementation of the REPowerEU programme and more support for Member States to manage the economic and social impacts of rising energy prices. The impact of energy prices has a direct bearing on Member State support for sanctions against Russia. The UK will continue to encourage and support the EU to end energy dependency on Russia.

Strengthening Europe's defence capabilities and cyberspace security

The Presidency will work to enhance European defence capabilities while emphasising the centrality of NATO, which it too believes must remain the bedrock of Euro-Atlantic security. It will focus on intra-EU cooperation for the development of strategic military systems. The UK has a clear interest in this work as Europe's most active security player. The Presidency will focus on cyber threats, and particularly on enhancing the cyber security of EU institutions and related bodies. They will also work on these issues in the Indo-Pacific region – where there are synergies with our own cyber and digital capacity-building programmes. The Presidency will stress that the democratic world including the EU must actively shape international debate to improve the security and stability of cyberspace. We will continue to engage on this shared priority with the Presidency and European partners.

Strategic resilience of the European economy

The Presidency will work to address vulnerabilities in the supply chains of critical goods, including food, medicines, and semi-conductors. It will emphasise the need for targeted support to develop EU production capacity alongside deepening free trade with democratic nations. The Czech Republic is free-trading and anti-protectionist like the UK and we look forward to working in concert with it.

Resilience of democratic institutions

The final priority will be strengthening the institutions of democracy and rule of law in the EU. The Presidency will work towards implementing relevant ideas from the Conference on the Future of Europe. As part of European Year of Youth 2022, the Presidency will focus on improving dialogue with, and political participation by, young people. It will also work on delivering European values online, pushing for the protection of fundamental rights in the digital environment and encouraging the EU to set high standards.

1 August 2022

UK'S ASSOCIATION TO EU PROGRAMMES

Letter to the Chair from Graham Stuart MP, Minister for Europe, Foreign, Commonwealth and Development

I am writing to provide an update on the UK's association to EU Programmes (Horizon Europe, Copernicus, Euratom Research & Training, and Fusion for Energy). The Government has pressed the EU repeatedly to finalise the UK's participation, in line with the terms agreed under the Trade and Cooperation Agreement (TCA). Unfortunately, despite our best efforts, the EU has continued to delay finalising UK association to these Programmes, to the detriment of researchers and businesses across the UK and Europe.

With this context in mind, I wanted to take the opportunity to inform you that the Government has today written to the EU to request formal consultations, pursuant to Article 738 of the TCA, with the aim of finalising the UK's association to EU programmes.

As you know, the UK's association to EU Programmes was agreed under the TCA, but could not be finalised at the point of signing in December 2020. This was because the EU's long term budget was not adopted and the underpinning EU legislation was not in place at that time. The Joint Declaration made by the UK and the EU on the signature of the TCA on 30 December 2020 was clear that UK association would take place at the earliest opportunity when the relevant EU legislation was adopted. That timeline

was vital. It was the Parties' shared ambition that UK researchers and businesses would be able to participate from the beginning of the respective EU Programmes.

However, despite it now being more than 14 months since the EU legislation establishing these programmes was adopted, the UK has still not been allowed to associate. The Government is clear that this approach is contrary to the EU's obligations under the TCA and is causing serious damage to R&D cooperation between UK and EU researchers and innovators. The EU has politicised scientific cooperation by inappropriately linking UK participation in EU Programmes, and the Northern Ireland Protocol.

Association to these Programmes remains the UK's preference and we continue to press the EU at all levels. However, the UK cannot wait much longer; the continued delays are causing intolerable uncertainty for our research and business community. That is why we are now entering into consultations with the EU, with the aim of finalising the UK's association to EU Programmes. We hope the EU will engage constructively to fulfil its obligations.

At the same time, we continue to develop plans for domestic alternative arrangements, should the EU continue to fail to meet its commitments. The Government's priority remains to support the UK's research and development sector through this period and ensure continued collaboration. This is why the Government has already put in place a guarantee for eligible, successful UK applicants to Horizon Europe who expect to sign grant agreements by December 2022. The Department for Business, Energy and Industrial Strategy (BEIS) released a publication on 20 July and the Business Secretary separately wrote to Select Committee chairs, setting out further detail on these plans. If the delays continue, the Government will be forced to decide whether to put these arrangements in place.

We hope it does not come to this. UK association would be a win-win for the UK and the EU, allowing our respective science and research communities to continue to collaborate under these Programmes to tackle some of the greatest challenges we face.

The Government is ready to work together with the European Commission swiftly to resolve this issue.

16 August 2022

CHANGE OF UK CO-CHAIR ARRANGEMENTS ON THE WITHDRAWAL AGREEMENT JOINT COMMITTEE AND TRADE & COOPERATION AGREEMENT PARTNERSHIP COUNCIL

Letter to the Chair to the Rt Hon James Cleverly MP, Secretary of State for Foreign, Commonwealth and Development Affairs

I am pleased to confirm that following my appointment as Secretary of State for Foreign, Commonwealth & Development Affairs, I will serve as the UK's co-chair of the Withdrawal Agreement Joint Committee (WAJC) and for the Trade & Cooperation Agreement Partnership Council. I can also confirm that Leo Docherty MP, Minister of State for Europe at the Foreign, Commonwealth & Development Office will serve as the UK's alternate co-chair of the WAJC.

The Minister for Europe and I look forward to the continued cooperation my predecessor shared with yourselves and your committees in ensuring the effective scrutiny of the implementation and application of the Withdrawal Agreement and Trade & Cooperation Agreement.

5 October 2022

WELCOME AND INTRODUCTORY LETTER

Letter from the Chair to the Rt Hon James Cleverly MP, Secretary of State for Foreign, Commonwealth and Development Affairs

May I take this opportunity to congratulate you on your appointment. The Committee and I very much look forward to working with you as the UK's relationship with the EU continues to evolve.

As you will be aware, an agreement on the Committee's scrutiny of EU documents and His Majesty's Government's actions in respect of the relationship with the EU has now been agreed and was confirmed in writing by your predecessor prior to her appointment as Prime Minister. A letter confirming the Committee's agreement to the terms set out in her letter to the Committee will be sent at the same time as this letter.

In that agreement, there is a commitment for the Europe Minister to appear before the Committee at least twice a year to answer general questions on the UK's relationship with the EU, and for the Foreign Secretary to appear once a year. The Committee was pleased to welcome you to the Committee in your capacity as Europe Minister in June this year. However, this was the first such appearance since October last year, when the Committee heard evidence from Rt Hon Lord Frost of Allenton. Furthermore, no Foreign Secretary has appeared before the Committee since it was established in March 2021.

The Committee is, therefore, keen to establish a rhythm for your attendance before the Committee and would greatly welcome your assistance in facilitating the arrangements for these appearances. Prior to resignation of the former Prime Minister, there was an agreement at official level that your predecessor would appear before the Committee at some point during this parliamentary term. The Committee very much hopes that you will be able to honour this commitment and looks forward to welcoming you in the near future.

12 October 2022

**Letter from the Chair to Leo Docherty MP, Minister for Europe, Foreign,
Commonwealth and Development Office**

May I take this opportunity to congratulate you on your appointment. The Committee and I very much look forward to working with you as the UK's relationship with the EU continues to evolve.

As you will be aware, an agreement on the Committee's scrutiny of EU documents and His Majesty's Government's actions in respect of the EU has now been agreed and confirmed in writing by the former Foreign Secretary prior to her appointment as Prime Minister. A letter confirming the Committee's agreement to the terms set out in the then Foreign Secretary's letter to the Committee will be sent at the same time as this letter.

In that agreement, there is a commitment for the Europe Minister to appear before the Committee at least twice a year to answer general questions on the UK's relationship with the EU. The Committee was pleased to welcome Rt Hon James Cleverly MP to the Committee in this capacity in June this year. However, this was the first such appearance since October last year, when the Committee heard evidence from Rt Hon Lord Frost of Allenton. The Committee is, therefore, keen to establish a rhythm for your attendance before the Committee and would greatly welcome your assistance in facilitating the arrangements for these appearances.

In addition, it would be enormously helpful to meet you in person at your earliest convenience. Such meetings were extremely helpful in establishing a constructive working relationship with both of your most recent predecessors. I would very much appreciate your assistance in getting such a meeting in the diary as quickly as possible.

12 October 2022

INTRODUCTORY LETTER FROM LEO DOCHERTY MP

**Letter to the Chair from Leo Docherty MP, Minister for Europe, Foreign,
Commonwealth and Development Office**

Following my appointment as Minister for Europe, I am writing to introduce myself to your Committee and its Sub-Committee, and to express my appreciation of the scrutiny you conduct.

I value highly the work and expertise of your Committee on the various aspects of the UK's relationship with the EU. The Government wants a positive relationship with the EU, and your Committee plays an essential role in scrutinising the work of the FCDO in this area.

One of my aims as Minister of State for Europe is to ensure that your Committee and the FCDO have a positive working relationship through our engagement and constructive dialogue. I would be glad to meet with you informally to discuss the work of the Committee and my priorities in my new role, ahead of my first appearance before the Committee.

14 October 2022

EU PROGRAMMES – PACKAGE OF IMMEDIATE INVESTMENT FOR THE UK'S R&D SECTOR

Letter to Chair from George Freeman MP, Minister for Science, Research and Innovation, Department for Business, Energy & Industrial Strategy

Today I'm pleased to announce **up to £484m funding** to invest and retain talent in the UK R&D sector and to secure the UK fusion sector's commercial leadership and capabilities. The ongoing uncertainty over access to EU Programmes (Horizon, Copernicus, Euratom Research & Training and Fusion for Energy) is placing increasing pressure on UK universities and research organisations, as well as causing significant issues for the UK's Fusion and Earth Observation sectors. UK researchers should already be part of these programmes; however the EU have now delayed our association for 19 months. The UK has done everything it can to secure association, including entering formal consultations with the EU.

It remains the Government's preference to associate to EU R&D programmes and the Government remains ready to discuss association with the EU, however we cannot wait forever. My priority is to invest in the UK's R&D sector, whether through association or, if the EU do not implement their obligations, alternative measures. In September, the Government announced an extension of the Horizon Guarantee scheme, protecting funding for UK researchers, businesses, and innovators. The guarantee provides vital support to eligible, successful UK applicants to continue their important work in research and innovation and is in place to cover all eligible Horizon Europe calls that close on or before 31 December 2022. As of 31 October 2022, we have already issued £512.6m of Grant Offer Letters for the guarantee.

Whilst the guarantee is an important means of protecting the UK sector, we're committed to going further. That's why over the last few months, officials and I have consulted widely with the research community - this package responds to what we have been hearing are their biggest challenges. These investments will provide targeted support during this time of uncertainty. They will support staff retention and local talent strategies at eligible universities and research organisations; ensure the UK's labs remain world class and at the cutting edge of R&D; and offer universities George Freeman MP Minister of State for Science, Research and Innovation Department for Business, Energy & Industrial Strategy 1 Victoria Street London SW1H 0ET and research organisations the discretion to apply the funding in ways that best suit their local needs. It will also stimulate and accelerate the growth of the UK's fusion industry, delivering a thriving UK fusion ecosystem and strengthening the UK's position in the future global fusion market.

Further to the funding announced today, I will shortly be announcing new investment and projects to boost the Earth Observation community and mitigate the challenges caused by the delays to association to Copernicus.

To reiterate, it remains the Government's preference to associate to EU programmes as envisaged under the TCA, but we cannot wait forever to invest the funding set aside for association in our world-leading R&D sector. While the EU continues to delay our participation, this package ensures that universities and research organisations are able to continue to attract and retain talent, invest confidently in their research infrastructure and protect the UK's reputation for excellent research.

21 November 2022

GOVERNMENT INVESTMENT IN UK EARTH OBSERVATION

Letter to Chair from George Freeman MP, Minister for Science, Research and Innovation, Department for Business, Energy & Industrial Strategy

I am writing to inform you of the announcement today that the Government is launching a package of up to £200m funding to invest in the UK Earth Observation sector to protect the future of UK talent and industry in earth observation and mitigate the impact of ongoing delays to UK participation in the EU Copernicus programme, while the EU continues to block our association.

Earth observation (EO) is a vital science and a growing industry. This is the right time to invest in projects which benefit our planet and grow our economy – EO supports the UK to become a science superpower and prioritises our space and Net Zero ambitions – more than half of key climate data comes from space.

The UK has a vibrant landscape of world leading EO academic and industrial organisations and a well-founded reputation for excellence in EO. For example, in climate science, leading UK research institutions have been measuring Sea and Land Surface Temperature from space for over three decades (RAL Space, Leicester University, Reading University and Oxford University) brought together through NERC's National Centre for Earth Observation. This data is used by meteorological agencies, including the Met Office, around the world to improve weather forecast accuracy – helping to save lives, infrastructure and crops.

In the National Space Strategy, HMG committed to remain at the forefront of earth observation technology and knowhow. The investments announced today will deliver an essential funding boost to recognise the importance of this work/market and will benefit academia and industry and build our national capability. The funding is spread across 17 projects delivered through the following government partner organisations:

- £122.6m European Space Agency (ESA, through UKSA)
- £15m UK Space Agency (UKSA)
- £19.3m Natural Environment Research Council (NERC)
- £14.7m Science and Technology Facilities Council (STFC)
- £11.7m Met Office
- £4.2m Innovate UK

These projects will deliver benefits across the UK and include a broad range of activities from measuring wind speeds to improving the accuracy of climate data, and from funding SME projects to additional PhD places. Some projects will involve new or extended collaborations with international partners such as Australia.

Investing in the UK EO sector is a vital part of achieving our ambitions in space and with the range of applications of EO data including Net Zero targets, but it is just the first step.

Over the last few months, my officials have begun discussions with the earth observation community about the longer term plans for the sector. The package announced today provides an interim response to what we have been hearing are their biggest challenges. We will continue to work with the sector to identify strategic priorities to keep building on the world-leading excellence in UK earth observation.

These investments are UK wide and will provide targeted support during this time of uncertainty. They aim to support the retention of talent and firms across the sector, and we have particularly focused on how to ensure both academia and industry can benefit from these projects.

Context

The EU has now delayed our association for nearly two years. The UK has done everything it can to secure association, including entering into formal consultations to encourage the EU to implement their obligations. The Government remains ready to discuss association with the EU, but with the EU continuing to refuse our request to formalise association, we cannot wait forever. Our priority is to invest in the UK's EO sector, and protect our knowledge and capabilities.

23 November 2022

MEMORANDUM OF UNDERSTANDING ON OFFSHORE RENEWABLE ENERGY
COOPERATION BETWEEN
THE UK AND THE PARTICIPANTS OF THE NORTH SEAS ENERGY COOPERATION

**Letter from the Chair to Rt Hon Graham Stuart MP, Minister of State for Energy and
Climate, Department for Business, Energy and Industrial Strategy**

At its meeting on 20 December, the European Affairs Committee noted the Memorandum of Understanding on offshore renewable energy cooperation between the UK and the participants of the North Seas Energy Cooperation, which you signed on 18 December.

In line with arrangements recently agreed with the Government concerning scrutiny of EU related matters, the Committee considered that its scrutiny of this agreement would benefit from it being deposited in Parliament with an accompanying Explanatory Memorandum. We ask you to confirm that you would be willing to do this in response to this letter.

We look forward to receiving a response within the usual 10-day deadline.

21 December 2022

THE EUROPEAN POLITICAL COMMUNITY

**Letter from the Chair to Rt Hon James Cleverly MP, Secretary of State for Foreign,
Commonwealth and Development Affairs, Foreign, Commonwealth and Development
Office**

The Committee welcomes the Prime Minister's attendance at the inaugural meeting of the European Political Community in Prague on 6 October. We are following the development of the EPC with interest.

As the EPC falls within the remit of the European Affairs Committee, the Committee is keen to be kept up to date with the EPC's activities and the Government's interactions with the EPC. We therefore ask that you provide a readout of the Prague meeting, covering the plenary and subsequent roundtable discussions. We would also be grateful if you could explain the Government's understanding of the EPC, its aims for this new forum, and the principles it will adopt to guide early UK engagement.

We would also ask that you provide this Committee with a briefing in advance of all subsequent meetings of the EPC, and a readout of the meeting afterwards.

We look forward to receiving your response within the usual 10-day deadline.

21 November 2023

**Letter to the Chair from Rt Hon James Cleverly MP, Secretary of State for Foreign,
Commonwealth and Development Affairs, Foreign, Commonwealth and Development
Office**

Thank you for your letter about the European Political Community (EPC).

The former Prime Minister's participation in the EPC meeting in Prague in October 2022 delivered progress on cooperation on illegal migration, energy and a range of bilateral relationships. It sent a strong signal of European unity to Moscow and was a tangible example of the point made by the Prime Minister in his Mansion House speech about the value of a mature relationship with our European partners.

Due to the informal nature of the meeting, there are no formal readouts of the plenary or working groups at the Prague summit to share. However, I attach copies of the [Czech host's opening statement](#) and [No 10's summary of the meeting](#) which detail the progress the former Prime Minister secured on energy and illegal migration with France (set out in further detail in the [UK-France Joint Statement](#)) and others.

The Government believes the EPC should be an informal, intergovernmental grouping that regularly brings European leaders together to focus on matters of common concern. The UK will pursue outcomes with individual partners, sub-groupings or with the entire EPC. We intend that the programme of meetings should minimise institutionalisation, adopting only what is needed to progress outcomes. The opportunity for candid discussions between leaders representing the breadth of the continent does not exist in other existing institutions and we consider that a valuable opportunity in itself – for example for the Prime Minister to meet many of his opposite numbers.

The Government looks forward to the next summit, which will be hosted by Moldova in June 2023. We will seek to support Moldova in its hosting. The third summit will be in Spain later this year. The former Prime Minister agreed to host the fourth meeting in the UK in 2024, and the Prime Minister remains supportive of this. The summit in Moldova will act as a high-profile demonstration of support to Ukraine and Moldova, and of European unity in the face of Russian aggression.

I appreciate your point about keeping the Committee informed of these new developments. In the future, the Government will lay a Written Ministerial Statement in both Houses after every EPC summit, summarising the discussions and the key outcomes. Officials are of course available to support the work of the Committee if the Clerks would like to discuss aspects of the EPC. This approach strikes the right balance given the informal nature of the meeting, and is in line with that taken for other summits the Prime Minister attends.

12 January 2023

**Letter from the Chair to Rt Hon James Cleverly MP, Secretary of State for Foreign,
Commonwealth and Development Affairs, Foreign, Commonwealth and Development
Office**

Thank you for your letter dated 12 January 2023, which was considered by the European Affairs Committee at its meeting of 7 February 2023.

The Committee is pleased to hear that the Government considers that the then Prime Minister's attendance at the inaugural meeting of the European Political Community on 6 October 2022 was valuable in securing progress in several areas of keen interest to us, including energy and the UK's bilateral relationships with Member States.

The documents that you refer us to, which have been publicly available since October 2022, mention several outcomes from the summit that are highly relevant to our remit to scrutinise matters relating to the UK's relationship with the EU and the EEA. It is therefore disappointing that you did not provide us with further information about these developments in the letter itself, which would have been a more appropriate response to the Committee's request for information than referring us to documents that we were already aware of. It is also disappointing that you have not provided the readouts from the plenary and roundtable discussions that we requested. We do not accept your argument that the informal nature of the EPC makes it impossible for such a readout to be shared with the Committee.

We note with interest your explanation of the Government's understanding of the EPC and the principles that it will adopt to guide early UK engagement. The Committee appreciates that the EPC is an intergovernmental body and is sympathetic to the argument for keeping institutionalisation to a minimum. Given that you indicate that the Government intends to use the EPC to "pursue outcomes with individual partners, sub-groupings or with the entire EPC", we would appreciate it if you could provide us with a more specific indication of the Government's aims for future meetings and the issues that the Government intends to focus on.

On the matter of arrangements for scrutiny of the Government's participation in the EPC we are disappointed by your response. Given that you have emphasised the significance of the EPC as a forum for engaging with European partners and pursuing outcomes, and that the then Prime Minister's attendance at the first summit resulted in several important developments relevant to the Committee's work, it is important that we are kept updated by the Government. The relatively informal nature of the EPC is not in itself a satisfactory reason for not providing the Committee with basic information about the priorities of the Government within the EPC and the content of its meetings.

We reiterate our request to be briefed in advance of future summits, in order to get a better sense of the Government's priorities and the issues that are expected to be discussed. We note that ahead of

the first summit an indication of the Government's priorities was provided in an article in The Times by the then Prime Minister on 6 October 2022, but these priorities were not formally communicated to parliamentary committees until we received your reply to our letter.

While we acknowledge the commitment to laying a written ministerial statement in both Houses following future meetings, this is a basic expectation when Ministers attend major international summits and we do not see it as an acceptable substitute for the Government writing directly to the select committees which are responsible for scrutiny of the UK's relationship with EU and EEA countries. We therefore also reiterate our request for a Minister to write to us directly with a readout following future summits to summarise the discussions and key outputs.

8 February 2023

Letter to the Chair from the Rt Hon James Cleverly MP, Secretary of State for Foreign, Commonwealth and Development Affairs, Foreign, Commonwealth and Development Office

Thank you for your letter in response to my letter on the European Political Community (EPC).

My original response was in line with the approach to other international summits attended by the Prime Minister, such as the G7. The informal nature and leaders only discussions at the EPC summit means that there are no formal communiques or detailed readouts of leaders' working groups, so these could not be provided to the Committee. The summit in Prague was a test case for this new grouping and we are still developing our approach. As I am sure the Committee are well aware, the EPC does not legally or institutionally obligate the UK in any way making the level of scrutiny required significantly different to that required by EU membership.

However, I appreciate the Committee's interest in the EPC and the importance of keeping the Committee informed as the institution develops. I am happy to agree that, in addition to laying a Written Ministerial Statement in both Houses after every EPC summit, officials will brief the Clerks of both the European Affairs Committee and the Commons' European Scrutiny Committee ahead of EPC summits on UK objectives. I or my FCDO ministerial colleagues will also write directly to both Committees after each summit summarising the key points of discussion and outcomes. I am therefore copying this letter to the Chair of the European Scrutiny Committee, Sir William Cash MP, to inform him of this approach. I hope this is satisfactory to the Committee.

As for further details about the outcomes reached in Prague, as above, leaders took part alone in the working group sessions with no additional officials present. As a result, I have no further documents to share with the Committee. I hope that the arrangements detailed above will go some way to mitigating the challenges of keeping the Committee informed due to the unique nature of these meetings, and that in future we can share further details of the discussions and outcomes reached at subsequent summits.

Since Prague, however, I am pleased that there have been several developments on the outcomes secured by the former Prime Minister. The Minister of State for Energy and Climate, Graham Stuart MP signed the North Sea Energy Cooperation MoU on Sunday 18 December, signalling renewed cooperation with the EU and North Seas neighbours to meet our respective net zero commitments. The Home Secretary attended a meeting of the Calais Group Interior Ministers on 8 December, as was agreed in Prague: a key step to improving pan-European cooperation on illegal migration. In the margins of the EPC summit, the former Prime Minister and French President Macron committed to closer cooperation on illegal migration and energy. The UK Government and France have since the summit agreed a €72.2 million investment package to tackle small boats and finalised a £700m investment in Sizewell C alongside EDF. Further bilateral initiatives will be confirmed at the UK-France summit next month.

The Prime Minister has accepted the invitation from the Moldovan government to the second EPC summit in Chişinău on 1 June. Whilst the exact focus of the summit is still under discussion, we aspire for it to be a tangible demonstration of European unity in support of Ukraine and Moldova at a critical time. Officials are considering UK objectives, working with the Moldovan hosts and Spanish officials too, to promote coherence with the next summit in Spain in the autumn. We will update the committee ahead of the Moldova summit on the UK's objectives.

24 February 2023

Letter from the Chair to the Rt Hon James Cleverly MP, Secretary of State for Foreign, Commonwealth and Development Affairs, Foreign, Commonwealth and Development Office

Thank you for your letter dated 24 February 2023, which was considered by the European Affairs Committee at its meeting of 7 March 2023.

We are very pleased that you have now accepted our requests to be provided with a briefing on the Government's priorities prior to each meeting of the European Political Community and a readout from the meeting afterwards. These will greatly assist us in monitoring the Government's future engagement with the EPC, in accordance with our remit to scrutinise matters relating to the UK's relationship with the EU and the EEA.

We are also pleased to hear that the Prime Minister has accepted the Moldovan government's invitation to attend the second summit on 1 June 2023. We look forward to learning more about the Government's objectives for that summit in due course.

8 March 2023

UK-EU FISHERIES NEGOTIATIONS FOR 2023

Letter to the Chair from the Rt Hon Mark Spencer MP, Minister of State for Food, Farming and Fisheries, Department for Environment, Food & Rural Affairs

I am writing to confirm the UK has reached agreement with the EU, Norway and other coastal States in the North-East Atlantic on catch opportunities for 2023. Across these negotiations, the UK has secured agreement on 86 Total Allowable Catches (TACs), providing £750 million of potential fishing opportunities.

In these negotiations the UK Government worked closely with the Scottish Government, Welsh Government and Northern Ireland Executive, and the outcomes secured by the UK will enable us to improve the sustainable management of our fish stocks in support of the whole of the UK fishing industry in the short and long term.

UK-EU Agreement

The UK has agreed 69 TACs and arrangements for non-quota stocks with the EU for 2023, providing fishing opportunities of more than 140,000 tonnes. In total, this is worth around £282 million, based on historic landing prices. As a result of quota share uplifts agreed in the Trade and Cooperation Agreement, the UK has around 30,000 tonnes more quota from these negotiations than it would have received with its previous shares as an EU Member State.

An initial estimate suggests the number of TACs that align with scientific advice from the International Council for the Exploration of the Sea (ICES) has increased by 13% compared to last year. This is the largest increase since 2020 when the UK first started using this metric. The Government will publish early in 2023 a full assessment of the number of TACs set consistent with ICES advice across all annual negotiations.

For non-quota stocks (NQS), we agreed a roll-over of access arrangements for 2023 to ensure continued access to fish NQS in EU waters, worth around £25 million per year to the UK fleet. This is alongside further flexibility for seabass management measures within the ICES advice.

For 2023 we have also agreed access arrangements outside of the TCA provisions for the first time in the UK-EU written record. This will include access for spurdog in the North Sea and for albacore tuna.

The UK and EU have also made additional commitments in the written record to work together through the Specialised Committee for Fisheries to improve the management of particular stocks. These include further commitments on progressing the management of deep-sea stocks, as well as reviewing the effectiveness of technical measures, with a view to supporting recovery of vulnerable stocks.

UK-EU-Norway Trilateral Negotiations

The UK has also reached agreement with Norway and the EU on catch limits for 2023 for six stocks, worth over £202 million to the UK fishing industry in the North Sea and a further £11 million in other waters around the UK, based on historic landing prices.

The Parties agreed increases in TACs for five of the six stocks, including North Sea cod. They have agreed to a cut in North Sea Herring. All TACs are at or below the level advised by ICES. For two stocks (haddock and whiting), the Parties agreed to take a more precautionary approach than the scientific advice to avoid risks to the recovery of North Sea cod given the close interactions between the stocks, and set a 30% increase on each.

The Parties renewed their commitment to deliver Long Term Management Plans for their shared stocks, and have agreed to develop new and more effective management measures for the North Sea herring fishery, focusing on stability for industry and sustainability.

The Parties also agreed to continue building on the work undertaken this year on Monitoring, Control and Surveillance of their shared stocks.

UK-Norway Bilateral Negotiations

The UK has agreed with Norway on continuing to allow vessels to access our respective waters for demersal fisheries, as well as exchanges of quota worth around £5 million to the UK fleet. UK vessels will be able to fish their North Sea whitefish quotas, such as hake and cod, in Norwegian waters, up to a total of 30,000 tonnes. We also agreed to reciprocal access for herring, up to 20,000 tonnes. On exchanges, we secured around £3 million worth of North Sea quota from Norway (including valuable stocks such as monkfish), together with around £2 million worth of stocks in Arctic waters. This complements over 5,200 tonnes of cod in waters around Svalbard, worth an estimated £10 million, that Norway has allocated to the UK under a separate arrangement.

The mutual access will also allow respective fleets more flexibility to target the stocks in the best condition throughout the fishing year, supporting a more sustainable and economically viable fishing industry.

Multilateral 'coastal State' negotiations

The UK has agreed TACs at the level advised by ICES on the three stocks we share with other coastal States in the North-East Atlantic: mackerel, blue whiting and atlanto-Scandian herring (ASH). The opportunities will be worth over £250 million to the UK fleet in 2023.

The UK also chaired negotiations throughout 2022 on a new quota-sharing arrangement for mackerel. These negotiations are making steady progress, and the UK remains committed to securing a fair, sustainable and comprehensive sharing arrangement. Negotiations will resume in early 2023, with an aim of concluding them by 31 March, alongside parallel discussions to agree new quota-sharing arrangements for blue whiting and ASH.

4 January 2023

Letter from the Chair from the Rt Hon Mark Spencer MP, Minister of State for Food, Farming and Fisheries, Department for Environment, Food & Rural Affairs

Thank you for your letter of 4 January 2023, confirming the conclusion of fisheries negotiations with the EU, Norway, and other coastal states in the North-East Atlantic. This was considered by the European Affairs Committee at its meeting of 31 January 2023. The Committee has asked me to pass on its gratitude for what was another detailed, comprehensive and helpful letter.

The Committee notes your statement that the UK has negotiated this year's Total Allowable Catches (TACs) taking full account of sustainability principles, and that a full assessment of these TACs and their consistency with the advice of the International Council for the Exploration of the Sea (ICES) will be published in early 2023. We ask that you write to inform this Committee as soon as this assessment is published. The Committee welcomes the fact that the initial estimate suggests the number of TACs that align with scientific advice from the International Council for the Exploration of the Sea (ICES) has increased by 13 per cent compared to last year.

However, the Committee is concerned that the TAC's agreed during the UK-EU-Norway Trilateral Negotiations are at or below the level advised by ICES. We acknowledge the justification provided for two of the stocks (haddock and whiting) but would expect a more detailed explanation of why the negotiated TACs do not align with scientific advice.

We retain an interest in this subject and look forward to considering your response within the usual 10 working-day deadline.

1 February 2023

Letter to the Chair from The Rt Hon Mark Spencer MP, Minister of State for Food, Farming and Fisheries, Department for Environment, Food & Rural Affairs

Thank you for your letter of 1 February 2023 following up on the conclusion of fisheries negotiations with the EU, Norway, and other coastal states in the North-East Atlantic.

You asked for a more detailed explanation of the Total Allowable Catches (TACs) set for two stocks - North Sea haddock and whiting - agreed during the UK-EU-Norway Trilateral Negotiations.

In those negotiations, all of the TACs were set either in line with the scientific advice provided by the International Council for the Exploration of the Sea (ICES) or at more precautionary levels than that recommended by ICES. In the cases of North Sea haddock and whiting, the TACs were set at more precautionary levels than set out in the ICES single-stock advice sheets given that to have taken the full potential increase on offer risked having a detrimental impact on the health of North Sea cod, a stock which is often caught in a mixed fishery with North Sea haddock or whiting. This position received strong support from representatives of industry and environmental NGOs.

We have noted your request to keep the committee informed of when the Government will publish a full assessment of the number of TACs set consistent with ICES advice across all annual fisheries negotiations, and we will share a copy of that assessment with the committee in due course.

27 March 2023

PRIORITIES OF THE SWEDISH EU PRESIDENCY, JANUARY TO JUNE 2023

Letter to the Chair from Leo Docherty MP, Minister for Europe, Foreign, Commonwealth & Development Office

I am writing to let you know the priorities of the Swedish Presidency of the Council of the European Union (EU).

Sweden took up the Presidency of the Council of the EU on 1 January 2023, which it will hold until 30 June 2023. On 14 December Prime Minister Ulf Kristersson confirmed Sweden's EU Presidency priorities as **security, resilience, prosperity, and democratic values and the rule of law**. Ukraine will be the defining issue of the Presidency. Sweden will also make a concerted effort to put economic competitiveness at the top of the EU's political agenda, alongside wider aspects of European security including criminality, migration, cyber, economics and energy.

The Swedish Presidency programme acknowledges the UK as an important EU partner, primarily alongside the US in the response to Russia's invasion of Ukraine and on European security. The Presidency also commits to "support the Commission's efforts in the day-to-day implementation of the EU-UK agreements and thus work to establish a forward-looking and deeper relationship".

Security - Unity

The Swedish Presidency will focus on economic and military support for Ukraine, and support for Ukraine's path towards the EU, including reconstruction and reform towards EU integration. It will seek to build consensus towards a robust European security and defence policy and, in close cooperation with partners, implement the EU Strategic Compass for Security and Defence. Sweden will also continue work to counter cross-border organised crime, to review the EU migration and asylum system "in

strategic terms”, to continue to build on the EU’s efforts to prevent and deal with cyber threats, and to strengthen and improve the EU’s crisis preparedness and crisis management capabilities – all areas of joint interest with the UK. In its approach, the Swedish Presidency will prioritise “unity”, noting that this and a joint readiness to act are key to EU security, resilience and prosperity.

The UK welcomes the Swedish Presidency’s focus on security in particular in relation to Ukraine and its commitment to enhance cooperation with key partners including the UK. We expedited our ratification of the NATO Accession Protocols for Sweden and Finland, recognising the imperative to bring both countries quickly into NATO. We are encouraging all Allies to also ratify swiftly. The accession of both countries will make all Allies safer, NATO stronger and the Euro-Atlantic area more secure. We will continue to work closely with the EU and Swedish Presidency to encourage partners to maintain our shared resolve, increase military support to Ukraine, deliver an effective reconstruction platform, and maximise momentum and impact of sanctions.

Resilience – Competitiveness

While noting the “most urgent political attention is by necessity devoted to the war in Ukraine and its short-term consequences”, the Swedish Presidency sees competitiveness as central to the EU’s long-term resilience. It will seek to anchor a concerted approach to European competitiveness at the top of the political agenda. Arguing that the EU’s economy relies on free competition, private investment and successful digitalisation, the Swedish Presidency will focus attention on efforts to drive economic growth to meet long-term challenges, closely linked to strengthening the single market and seizing global trade opportunities. Sweden is likeminded with the UK on economic competitiveness, sharing our commitment to free trade, and we look forward to working with them. The UK will continue to monitor the EU’s approach to boosting competitiveness, both for opportunities to cooperate and to ensure compliance with Trade and Cooperation Agreement and WTO commitments.

Prosperity - Green & Energy transition

The Swedish Presidency will continue efforts to tackle volatile energy prices and to undertake long-term energy market reform. They want the EU to lead by example by delivering on ambitious climate goals, while boosting growth and competitiveness. Putting the FitFor55 climate package into action will be a key priority, as will ensuring the EU has the right regulatory framework and policies to attract the investments needed for the green transition. The UK will continue to work closely with the Swedish Presidency on our shared climate goals while seeking to ensure EU energy and climate policies do not adversely affect UK security of supply or put UK based green producers at a comparative disadvantage.

Democratic values and the rule of law

Sweden will seek to make upholding democratic values and the rule of law (which it sees as the foundations of the European Union), a priority of their Presidency.

9 January 2023

Letter from the Chair to Leo Docherty MP, Minister for Europe, Foreign, Commonwealth & Development Office

Thank you for your letter dated 9 January 2023, which was considered by the European Affairs Committee at its meeting of 7 February 2023.

The letter was helpful to the Committee, both in providing us with an overview of the priorities of the Swedish Presidency of the Council of the European Union and in offering us an indication of the Government’s perspective on this agenda.

The Committee is pleased to hear that the Government plans to continue to work closely with the EU and the Swedish Presidency over the coming months, including on Ukraine and on climate and energy. We also welcome your indication that the Government will be monitoring relevant EU policy developments for their potential implications for the UK.

I am copying this letter to Sam White, Departmental Scrutiny Coordinator, Foreign, Commonwealth and Development Office.

We do not expect a response to this letter.

8 February 2023

HIGH COURT JUDGMENT 21 DECEMBER 2022: THE KING ON THE APPLICATION OF
THE INDEPENDENT MONITORING AUTHORITY AND THE SECRETARY OF STATE
FOR THE HOME OFFICE

**Letter from the Chair to the Rt Hon James Cleverly MP, Secretary of State for Foreign,
Commonwealth and Development Affairs, Secretary of State for Foreign,
Commonwealth and Development Affairs**

At its meeting of 17 January 2023, the European Affairs Committee considered the High Court judgment of 21 December 2022 in the judicial review brought by the Independent Monitoring Authority challenging the legality of the UK's EU Settlement Scheme (EUSS) and its application to the estimated 2 million people granted pre-settled status.

We note Mr Justice Lane's view that "properly interpreted" the relevant sections of the Withdrawal Agreement (WA) mean "that the rights conferred by the grant of new residence status ... to those who do not, at that point, have a right of permanent residence, includes the right to reside permanently in the United Kingdom ... once the five-year period has been satisfied". And, his finding that the Government's implementation through the EUSS of the relevant sections of the WA is "wrong in law" and "unlawful" insofar as it (i) "abrogates rights of residence arising under the Agreements in respect of those granted" pre-settled status and, (ii) "abrogates the right of permanent residence", in part, because the WA makes it "plain the constitutive scheme established by Article 18 requires a person to make one, and only one, application for a new residence status".

On the day that the judgment was handed down, the Home Office Minister, Lord Murray of Blidworth, said that the Government took its "obligations to securing [EU citizens'] rights in the UK very seriously", adding that the "EU settlement scheme goes above and beyond our obligations under the withdrawal agreement, protecting EU citizens' rights and giving them a route to settlement in the UK". He expressed the Government's disappointment with the judgment, confirming that "we intend to appeal".

You will, of course, be aware that but for the High Court's decision, the first deadlines for those granted pre-settled status to (re)apply for settled status would have expired in August this year, and we are concerned therefore that time is running out for the Government to address this important problem. While we welcome Lord Murray's statement that the Government takes EU citizens' rights in the UK "very seriously", we fear that the Government's failure to implement legally the relevant sections of the Withdrawal Agreement places the estimated 2 million people granted pre-settled status into immediate legal uncertainty; uncertainty exacerbated by the Government's decision to appeal, in particular given the additional time another hearing will take. How long does the Government estimate it will take for the appeal to be heard, and for judgment to be handed down?

Given the significant legal uncertainty now facing the estimated 2 million people granted pre-settled status, what steps are the Government taking to reassure these individuals and to inform them about your actions going forward? Have you, for example, communicated with them directly about the outcome of this hearing and your intention to appeal? We note in this regard that in your response to our July 2021 Report that you reassured us that the Home Office "continues to communicate with EUSS status holders with information relevant to their status, including pre-settled to settled status applications".

18 January 2023

**Letter to the Chair from Lord Murray of Blidworth, Parliamentary Under Secretary of
State, Home Office**

Thank you for your letter dated 18 January to the Secretary of State for Foreign, Commonwealth and Development Affairs, which has been passed to me for a response. I apologise for the delay in responding.

You express concerns relating to the High Court judgment in the judicial review proceedings brought by the Independent Monitoring Authority for the Citizens' Rights Agreements (IMA) challenging aspects of the EU Settlement Scheme (EUSS). For context, the judgment contained two main conclusions: first, the Withdrawal Agreement residence right of an individual with pre-settled status does not expire for failure to make a second application to the EU Settlement Scheme; secondly, an individual with pre-settled status acquires the right of permanent residence under the Withdrawal Agreement automatically once the conditions for it are met.

As you are no doubt aware, since the date of your letter, we decided against pursuing the appeal, as we considered it to be in the best interests of all, both EU citizens in the UK and UK nationals in the EU, to bring this issue to a conclusion rather than prolong the continuing uncertainty for individuals and stakeholders. I sent a letter to the Home Affairs Select Committee on 15 February explaining the decision and setting out our full reasons. The letter can be found at this link: <https://depositedpapers.parliament.uk/depositedpaper/2284790/details>.

I trust this decision will go some way towards addressing your concerns regarding the potential for legal uncertainty post-judgment.

You ask what steps the Government is taking to reassure individuals who have been granted pre-settled status and to inform them of our actions going forward.

The first grants of pre-settled status, granted to applicants to the EUSS in its test phases, are set to expire in early September 2023 (the few that were to expire in August 2023 have already switched to settled status). The Government is working to ensure everything is in place to ensure smooth implementation of the judgment by that date and that all affected by the judgment are aware of the details well in advance (including through direct contact by email) and are provided with appropriate reassurance.

The main messages we are emphasising in our communications, including with stakeholder groups, are: no action is required by those who have pre-settled status as a result of the judgment; if action is required at any point, we will ensure all those concerned are fully informed with good notice; in the meantime individuals are encouraged to apply for settled status when they are eligible, as the best way of evidencing permanent residence.

In line with a public commitment to do so, the Home Office is emailing holders of pre-settled status who have held this status for approaching five years, encouraging them to apply for settled status when eligible. (Five years' residence is generally required to qualify for settled status.)

We are updating relevant GOV.UK pages and guidance and we will continue to monitor whether there is a need for any further or different communications.

This letter, I hope, addresses the concerns expressed in your letter. If it would help to have a meeting to discuss these issues I would, of course, be happy to do so. In any event, I will ensure Parliament continues to be updated on our approach to implementing the judgment.

13 April 2023

EUROPEAN AFFAIRS COMMITTEE REPORT DEBATE - "ONE YEAR ON – TRADE IN GOODS BETWEEN GREAT BRITAIN AND THE EUROPEAN UNION"

Letter to the Chair from Lord Ahmad of Wimbledon, Minister of State, Prime Minister's Special Representative for Preventing Sexual Violence in Conflict and Minister of State (Middle East, North Africa, South Asia and United Nations)

I'm writing with reference to the questions you raised in the debate on your Committee's report "One Year On – Trade in Goods between Great Britain and the European Union" on 2 February.

Firstly, you asked about the current state of UK trade with the EU and its impact on the UK's wider trade performance in light of recent statistics. Trade in goods with the EU was worth £381.9bn, in current prices, in 2016. According to the most recent ONS statistics, it was worth £480.7bn in the 12 months to September 2022. This is an overall increase of 26% and an increase of 9% when compared to pre-Covid levels. When adjusted for inflation, goods exports have broadly recovered to their pre-

Covid levels. We are opening new opportunities for UK businesses across the globe. The Government has secured free trade agreements with 71 non-EU countries to date.

Secondly, you asked for an update on the UK's future border control regime and the publication of the Target Operating Model. As an independent trading nation, we have a unique opportunity to shape our border controls and ensure there is a non-discriminatory, proportionate and risk-based approach to controls. Officials across government and the devolved administrations have been hard at work to construct a new regime that will deliver for the UK and support industry and consumers. The Government will shortly be publishing the Target Operating Model which will include full details of the new regime to give colleagues in this house, industry in the country and abroad and governments of our trading partners' time to comment.

Turning to your question on the steps the Government is taking to safeguard the UK's biosecurity in the absence of further Sanitary and Phytosanitary (SPS) controls on applied EU goods, the Department for the Environment, Food and Rural Affairs is responsible for assuring that SPS imports meet the UK's biosecurity standards. Full import controls on goods imported from outside of the European Union are in place. High-risk SPS goods from the EU (such as live animals) are already subject to certification, pre-notification and checks at destination. While the Target Operating Model is being developed, the Government is using the powers at its disposal to safeguard biosecurity using proportionate targeted measures.

Defra works closely with other government departments and agencies to identify and monitor overseas disease and pest outbreaks that could affect UK biosecurity. It responds to emerging risks by implementing import restrictions, which provide the basis for enforcement at borders or at destination. For example, as a result of the spread of African Swine Fever throughout the EU, on 1 September the Government announced a ban on unregulated non-commercial pork meat (over 2kg) entering the UK.

Finally, you asked about the assessment the Government has made of the compatibility of the Retained EU Law (REUL) Bill with the UK's commitments under the Trade and Cooperation Agreement (TCA), particularly the level-playing field provisions on employment and environmental standards - the TCA commits the UK and the EU to refrain from weakening or reducing levels of protection in the areas of labour, environment and climate that existed in our laws at the end of the transition period in ways that would affect trade and investment between the UK and EU.

The UK is already a world leader in these areas, and we have no plans to reduce standards. The UK's right to regulate and discretion in these fields is enshrined in the TCA, and the Government is rightly taking the opportunity to regulate in a way that suits the UK and unlocks growth. The Government has been clear that in reforming REUL, the UK will remain committed to upholding its international obligations, including the Withdrawal Agreement and Trade and Cooperation Agreement. The Government will take the necessary action to safeguard the substance of any retained EU law and legal effects required to operate our international obligations within UK domestic law.

I would like to once again thank you for the thorough report produced by the European Affairs Committee and the insightful debate, and to re-assure you that this Government is committed to a respectful and mature partnership with the European Union that benefits all the people of Europe.

A copy of this letter has been placed in the House of Lords Library.

16 February 2023

SHOWCASING THE UK'S AMBITION ON EU SCIENCE, INNOVATION AND TECHNOLOGY

Letter to the Chair from the Rt Hon Michelle Donelan MP, Secretary of State, Department for Science, Innovation and Technology

February marked a watershed moment for science, innovation and technology in the United Kingdom. For the first time in our history, we created a government department that concentrates our best minds around a single mission: making Britain a science and technology superpower – one that uses discovery and innovation to solve the problems that are priorities for the British people.

My Vision for the Department for Science, Innovation and Technology

This is a nation that last year joined only China and the United States by having a tech sector worth \$1 trillion. We beat China, Japan, Korea, France and Germany in the Global Innovation Index – and attract more tech investment than the latter two combined. On average, our universities have produced a Nobel Prize winner every year for the last two decades, and four of our universities make up the global top ten.

We have an incredibly unique and powerful platform from which to grow and innovate for the benefit of the British people, which is why I plan to take a ruthlessly outcome focussed approach to this new department - ensuring that in both the short-term and the long-term, our work is improving people's daily lives in ways they can feel and see around them.

This Government's vision for the future is an NHS that uses AI to find, treat and reduce illnesses like cancer and heart disease so we have more time with our loved ones. We should have local transport services that allow us to travel faster, safer and cleaner than our parents did. The schools of the future should be powered by the kind of technology that unlocks hidden talents in every child no matter where they live. As the 'Department for the Future', our focus will be on how we can use science, technology and innovation to ensure the British people live longer, safer, healthier, happier lives.

Immediate Action

I see this as a once-in-a-generation opportunity to send a clear signal around the world that Britain plans to lead the way in science, innovation and technology.

Today I have published the government's Science and Technology Framework, which sets out our goals and vision for science and technology in an enduring framework that will see us through to 2030.

It has been developed in close collaboration with the UK science and technology sector, and represents a commitment to scaling our ambition and delivering the most critical actions needed to secure strategic advantage through science and technology.

The Science and Technology Framework is the strategic anchor that government policy will deliver against, and which the government will hold itself accountable to. We will have a clear action plan for each strand of the framework in place by summer 2023 and delivery will be overseen by the National Science and Technology Council.

Immediate investments to get us started delivering against the Framework will include:

→ **£250 million to technology missions in AI, quantum and engineering biology.** This is part of our commitment to the five key technologies found in the Science and Technology Framework, which also includes semiconductors and telecoms.

→ **£50 million uplift for the UK Research Institute and Innovation (UKRI) World Class Laboratories Fund.** This will help research institutes and universities to get on with the cutting-edge scientific research that saves lives, supports our economy and society and protects our planet.

→ **Investing in the most powerful form of computing, the formidable 'exascale',** which has the ability to solve massive societal issues like energy, sustainability and support thousands of businesses.

→ A dedicated **public compute programme for AI research** of scientific importance.

→ **£10 million in the UK Innovation & Science Seed Fund (UKI2S),** an early-stage venture fund providing patient capital and support for businesses emerging from the UK's publicly funded science and knowledge base.

→ We are investing in a **research data cloud pilot,** to enable us to help ensure that our researchers can access the information they need to develop the transformative technologies of the future. The pilot will test methods for improving data sharing for research, and harnessing its value for science and innovation.

→ This Government is looking for opportunities to test different models of funding science, to support a range of innovative institutional models, such as **Focused Research Organisations (known as FROs),** working with industry and philanthropic partners to open up new funding for UK research. For example, we are working with a range of partners to increase investment in the world leading UK Biobank, to support the continued revolution in genetic science.

→ **Up to £50 million to spur co-investment in science from the private sector and philanthropy to drive the discoveries of the future**, subject to business case approval. We are delighted to confirm we are already talking to Schmidt Futures, a philanthropic initiative of Eric and Wendy Schmidt, about additional support of up to \$20 million.

→ **The return of PsiQuantum to the UK. Supported by £9 million in Government funding**, PsiQuantum's decision to establish a quantum computing research centre in Daresbury in the North-West marks a vote of confidence in the global competitiveness of the UK's quantum sector, built up over the years of government investment, and a vital boost to the regional economy.

Planning for the UK as a Science and Technology Superpower

My new department understands the importance of forward, strategic planning for achieving enormous goals like gaining superpower status. That is why we have published or are very shortly publishing responses to key reviews that will help to inform our work, these include:

→ **Publishing Sir Paul Nurse's Landscape Review of Research, Development and Innovation**. This sets out how our R&D organisations can work together to drive discoveries and innovations that will improve the lives of the British people.

→ **Publishing the Independent Review of The Future of Compute, led by world leading AI expert Professor Zoubin Ghahramani**. Our response will ensure we harness the power of compute to boost economic growth and address society's greatest challenges. We are announcing today that we will be implementing two of the most important recommendations with immediate effect and government will respond to the remaining recommendations in due course.

→ **Published our consultation response on Cyber-Physical Infrastructure (CPI)**. This response outlines our plan to put Britain right at the forefront of the increasing convergence of the physical and digital worlds, helping our researchers and entrepreneurs to solve real-world problems in everything from transforming our energy systems to enabling sectors like agriculture to manufacturing to be more efficient and innovative, securing sustainable growth in these sectors.

These are just a handful of what will be a drumbeat of clear, decisive and forward-thinking plans that will be coming out of my department, underpinned by our Science and Technology Framework – which sets out our clear strategic approach in a ten-point plan.

1. **Identify critical technologies**
2. **Signal the UK's strengths and ambitions**
3. **Invest in research and development**
4. **Create a pipeline of talent and skills**
5. **Finance innovative science and technology companies**
6. **Use procurement to drive innovation**
7. **Seize international opportunities**
8. **Improve access to physical and digital infrastructure**
9. **Pursue innovative regulation and influence global standards**
10. **Make the public sector more innovative**

The Chancellor recommitted in his Autumn Statement to the largest ever increase in public R&D funding over a Spending Review period, with annual spend rising to £20bn by 24/25. This significant underpinning investment will be geared towards delivering the Framework.

People, Talent and Horizon

Britain is home to some of the best scientists in the world, but this is no reason to be complacent; if we want to carry on punching above our weight in an increasingly competitive world, we must do more to secure better jobs for British people and attract international talent. That means making Britain the best place in the world to carry out cutting-edge scientific research, or start and grow a technology business.

Take Artificial Intelligence. We are focusing on training more specialists, proactively attracting them from around the world and ensuring they have the resources and equipment to innovate. We are investing an additional £117 million distributed by UKRI in Centres for Doctoral Training (CTDs) which will double the number of AI researchers we are training and comes on top of the existing commitments we made in the AI Sector Deal and continued in the National AI Strategy, including the initial £100 million for AI Centres of Doctoral Training, \$36 million in Turing AI Fellowships, and up to £30 million in AI and Data Science Conversion Course scholarship programme, all of which will help us to develop the best and brightest right here in the UK.

AI can speed up the discovery and development of life-saving drugs, and help us to monitor air pollution in our communities and find new ways to cut it. That is why Government today tasked our Trade Commissioners, Ambassadors and the wider Global Talent Network with finding the next generation of AI leaders from around the world, showcasing our fantastic offer, and matching them to specific opportunities. We will find and attract talented people before they have won a Nobel Prize or created the next unicorn and help them to achieve those goals in the UK. We will also be delighted to welcome exceptional young people to the UK in July, as part of the global RISE programme, an initiative of Schmidt Futures and the Rhodes Trust.

Horizon and the UK's position on it is an important issue to get right. Our research community needs to see that the government understand their need for stability, clarity and confidence. That is why I am announcing a further extension of the Horizon Europe Guarantee to protect thousands of researchers from uncertainty.

This extension will support eligible, successful applicants, covering calls that will close on or before 30th June 2023. It will ensure that eligible, successful UK applicants will continue to be guaranteed funding and will receive the full value of their funding at their UK host institution for the lifetime of their grant, supporting them to continue their important work in research and innovation. Successful awardees do not need to leave the UK to receive this funding.

Our position has always been one of openness to discussions on research collaboration and that very much continues to be our position. We welcome the EU's recent openness to discussions, following two years of delays. The EU have not yet made any proposals to address the financial terms of UK association, given we are now over 2 years into a 7-year programme. We continue to be ready to work swiftly and constructively together on a range of issues including UK association.

Next Steps

With the agenda being set, immediate actions already being announced and a commitment to delivery, there is one final important element that will help to ensure these ambitious goals are achieved – your input and support.

My approach will be guided and shaped by an open-door policy, where I invite colleagues to raise issues, concerns and ideas with me at any time. Government achieves at its best when we collaborate and give everyone a voice in setting the priorities and plans for the future of our country. I look forward to working with you closely to deliver lifechanging results for your constituents and for the future of the United Kingdom.

6 March 2023

FINANCING AGREEMENT BETWEEN THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND, IRELAND AND THE EUROPEAN COMMISSION FOR THE PEACE PLUS PROGRAMME 2021-2027

Letter to the Chair from the Rt Hon Chris Heaton-Harris MP, Secretary of State for Northern Ireland, Northern Ireland Office

Following my predecessor's letter to you of 16 April 2021, I am now writing to update you and the Committee on the conclusion of technical negotiations with the European Commission and Ireland on the Financing Agreement for the PEACE PLUS Programme, and to set out our next steps to support implementation of the Programme.

You will recall the UK committed to continue to fund the PEACE PLUS Programme following the UK's exit from the European Union, reiterating its obligations as set out in the Belfast (Good Friday) Agreement and the institutions it created. This is why we continue to support the work of the Special EU Programmes Body (SEUPB) which oversees and implements the PEACE PLUS Programme.

The UK confirmed that it will be investing more than £730 million into the new PEACE PLUS Programme to support economic stability, peace and reconciliation in Northern Ireland. This represents almost 75% of the total budget, which together with contributions from Ireland and the EU take the total budget to almost £1 billion - the biggest PEACE Programme to date.

A standalone Financing Agreement was required to implement the Programme. Negotiations of this Agreement between the UK Government, the European Commission (DG REGIO) and the Irish Government have now concluded. I have set out below a brief summary of the critical elements contained within the Agreement, and the Minister of State for Northern Ireland will be in touch to provide further detail.

The Financing Agreement is an international treaty, which outlines how the funding will be used. It contains a substantial number of articles on sound financial management akin to those of the Programmes provisions in the UK-EU Trade and Cooperation Agreement (TCA).

We have also secured critical UK objectives within the Agreement as set out in the mandate for negotiations, namely:

- Parity for the UK Government crest alongside the EU emblem in Programme promotional material and communications, (the default was an EU emblem);
- Agreement that disputes are subject to international arbitration without any power of referral to the European Court of Justice;
- Confirmation that where the Agreement obliges the UK and Ireland to implement the Programme in accordance with a limited number of EU regulations, these will apply only until the closure of the Programme and only insofar as relevant to the Programme; and
- Securing a no fault termination clause for the Agreement, which provides the ultimate protection for UK interests, giving any party the right to unilaterally terminate.

The signed Treaty will be laid today for parliamentary scrutiny for 21 sitting days under the Constitutional Reform and Governance Act 2010 before it can be ratified and enter into force. The Government will also lay a statutory instrument in due course to make provision for the SEUPB to administer the Programme.

I appreciate your keen interest in this subject, and I am in no doubt that the Programme will contribute to a more prosperous and stable society in Northern Ireland. I would be happy to organise a briefing on PEACE PLUS if that would be of interest.

I am writing in similar terms to Sir William Cash and am copying this letter to Lord Jay of Ewelme (Chair of the Sub-Committee on Ireland/Northern Ireland), to the Clerks of both Committees, to the EU Document Scrutiny Manager in the Foreign, Commonwealth and Development Office, and to the NIO Policy Leads on PEACE PLUS.

24 March 2023

THE PEACE PLUS PROGRAMME (NORTHERN IRELAND) REGULATIONS 2023

Letter to the Chair from the Rt Hon Chris Heaton-Harris MP, Secretary of State for Northern Ireland, Northern Ireland Office

I wrote to you recently on the Financing Agreement between the United Kingdom of Great Britain and Northern Ireland, Ireland and the European Commission on the PEACE PLUS Programme 2021-2027. I am now writing to provide information on the necessary statutory instrument.

As you will recall in my previous letter, the Financing Agreement makes it clear that within the UK, the SEUPB will administer PEACE PLUS in accordance with UK law. The Financing Agreement also obliges the UK and Ireland to implement PEACE PLUS in accordance with a limited number of EU regulations

(which apply to all cohesion programmes of this type), but only insofar as relevant and for the duration of the Programme.

A statutory instrument is required, so that the UK, through the Special EU Programmes Body (SEUPB - the body who manages the fund) and the Department of Finance Northern Ireland, can meet its international obligations under the Financing Agreement.

This statutory instrument will ensure the SEUPB complies with the terms of the Financing Agreement when exercising its functions in relation to PEACE PLUS, including these regulations only insofar as relevant. This is the minimal application of EU law necessary to implement the Programme. The instrument ensures the duration of the SEUPB's requirement to comply is linked to the lifespan of the Programme and the Financing Agreement. The requirements will apply from the point of entry into force of the Agreement until 1 July 2032, being the long-stop date upon which the Agreement will expire if the Programme has not already concluded by then.

This instrument will also confer upon the Department of Finance Northern Ireland the two functions under the Financing Agreement to ensure UK representation in specific aspects of programme implementation: the "national authority" and the UK's representative on the "group of auditors".

I would be happy to organise a briefing on PEACE PLUS if that would be of interest and will provide further information on the programme's implementation.

This is a critical step ahead of the Programme launch and I am delighted we have reached this point. I have no doubt of the significant impact the Programme will bring and look forward to the launch which we expect in the Summer.

27 April 2023

DATA EXCHANGE UNDER THE TRADE AND COOPERATION AGREEMENT

PRÜM DATA EXCHANGE WITH THE EU: EXTENSION TO THE EVALUATION PERIOD

Letter to the Chair from the Rt Hon Damian Hinds MP, Minister of State for Security, Home Office

Thank you for your letter dated 9 February concerning the UK's continued participation in Prüm under the UK-EU Trade and Co-operation Agreement (TCA). You asked for an update on progress made in ensuring that the UK retains access to the Prüm capability at the end of the evaluation period.

As you will be aware, the evaluation procedure is composed of a number of stages, including a visit by technical experts, reports and a Council Decision to allow Member States to continue to exchange data with the UK. These steps must be completed by the end of June. There have been some significant developments since my last correspondence, and I am pleased to inform you that I am confident that we remain on course to meet this deadline.

Following the EU evaluation visit on the 24 - 25 November 2021, the evaluation team compiled detailed technical reports on UK implementation of Prüm DNA and fingerprint exchange mechanisms. These reports were based on the outcome of the pre-connection evaluations and key developments since, such as the inclusion of suspects' data in automated, anonymised biometric exchanges. The evaluators concluded that the UK had satisfactorily implemented the Prüm provisions pursuant to Article 539, Annex 39 of the TCA.

On 17 March, the reports were endorsed by the Council Working Party on Information Exchange and Information Management (IXIM). As a result, on 6 April, the Commission adopted its proposal for a Council Decision allowing Member States to continue to supply personal data to the UK as referred to in Article 540(2) of the TCA. The text of that Council decision can be found [here](#).

We expect this Decision to be adopted by the Council by the end of June deadline, bringing the evaluation to a successful conclusion. Given that the UK has satisfied all requirements under the TCA Prüm chapter, I remain confident that we will retain access to the capability. I will write to you once we have an outcome from the Council considering the draft Decision.

25 April 2022

**Letter from the Chair to the Rt Hon Damian Hinds MP, Minister of State for Security,
Home Office**

Thank you for your letter dated 25 April 2022 which was considered by the European Affairs Committee at its meeting of 5 July 2022.

We welcome what appears to be the successful conclusion of this aspect of Part Three of the Trade and Cooperation Agreement and your confirmation, as evidenced by the Commission's decision to bring forward the relevant legislation in April, that the important exchange between the UK and the EU of so-called Prüm data will, in all likelihood, continue.

Given that the June deadline has now passed, can you confirm that the UK satisfied the EU's evaluation successfully?

We look forward to considering your letter confirming the Council's decision in due course.

6 July 2022