



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 29 July 2024 to 31 October 2024

EUROPEAN AFFAIRS COMMITTEE

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SCRUTINY OF EU DOCUMENTS

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON THE AUTOMATED SEARCH AND EXCHANGE OF DATA FOR POLICE COOPERATION, AND AMENDING COUNCIL DECISIONS 2008/615/JHA AND 2008/616/JHA AND REGULATIONS (EU) 2018/1726, (EU) 2019/817 AND (EU) 2019/818 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL (THE PRÜM II REGULATION) - PE-CONS 75/23

Letter from the Chair to The Rt Tom Tugendhat MP, Minister of State for Security, Home Office

Thank you for your Explanatory Memorandum (EM) dated 20 March 2024. It was considered by the European Affairs Committee at its meeting of 30 April 2024.

The Committee agreed that the new EU Regulation establishing Prüm II raises important issues of public policy for the UK. It will inevitably have implications for law enforcement cooperation between the UK and EU under Part Three of the Trade and Cooperation Agreement (TCA). We note that this is the first time since the entry into force of the TCA that the EU has decided to amend an important aspect of the European legal framework for police cooperation.

The nature of the changes to the current Prüm system highlighted in your EM are very substantial, including:

- *an expansion of the categories of data covered*: when operational, in addition to DNA, fingerprint and vehicle registration data, Prüm II will allow for the exchange of facial image data for biometric matching and police records; biometric searches for missing persons; and the identification of human remains (where this is allowed under national law).
- *the introduction of a “centralised router model”*: whereby Prüm II will operate on the basis of on a single database to be built and managed by the EU’s IT Agency eu-LISA; and,
- *an expanded role for Europol*: aimed at enhancing the ability of the participating states to automatically check third country-sourced biometric data held at the agency

Consultation

However, we do not feel able to scrutinise the Government’s approach to this issue on the basis of the information provided in your EM. We recall that in 2015 the decision to participate in the original Prüm arrangements during the UK’s membership of the EU was the subject of a formal lengthy Parliamentary process including: a Command Paper setting out the Government’s case for the UK’s participation (Cm 9149, November 2015); a report from the EU Select Committee: “*The United Kingdom’s participation in Prüm*”, 5th Report of Session 2015-16, 7 December 2015, HL Paper 66; and, debates in both Houses, the Commons on 8 December 2015 followed, the day after, by a debate in the Lords.

Your EM says nothing about replicating any of these procedures; offers no Government undertakings to keep Parliament informed about the process and the progress of the UK’s negotiation with the EU under Article 541 TCA; or any planned public consultation on the merits. We therefore look forward to considering, in your response to this letter, your proposals for addressing these omissions and the timetable you have in mind for engagement with Parliament.

We note also that a number of European civil liberty groups (including six UK based stakeholders) have raised concerns about the changes agreed to the system, including a call from Statewatch for a democratic debate on the choice facing the UK Government. Concerns raised include: the expansion of the data categories to include facial imagery which, they argue, could see unlawfully retained photos of millions of individuals who have never been charged with a crime opened up to searches by police forces in EU Member States; fears that the broad definition of "police records" would encompass vast quantities of files, including on people who have never been charged nor convicted of an offence; and, access to driving licence data which is not routinely available for policing purposes. These concerns show the importance of wide consultation on decisions about participation in Prüm II.

Article 54I TCA

The TCA includes a mechanism for handling the choice facing the UK (Article 54I TCA). Bearing this process in mind:

- (i) does the Government consider the changes introduced by Prüm II to be “substantial” and thereby engaging Article 54I TCA? and,
- (ii) has the EU formally initiated the Article 54I TCA process? If so, when does the (initial) nine-month period expire? If not, has the Government discussed with the EU any potential timetable for doing so?

Beyond the issue of formal EU notification, the EU Justice Sub-Committee asked the Government, during its 2021 inquiry, about the implications of EU reform for the UK’s continued participation in the Prüm system. At that time, the Government emphasised 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”. However, in our view, this does not reflect the practical reality because it is difficult to conceive of circumstances in which the UK could continue to cooperate with the EU on the exchange of data covered by the Prüm I system on the basis of a reformed and amended EU law (Prüm II) – a fact you acknowledged in correspondence with us during 2022.

As the Committee anticipated in 2021, this leaves the UK with a stark decision: either the UK aligns with the new EU rules in this field, or it ceases Prüm based cooperation with the EU. Do you agree?

In your EM, you emphasise the time it will take before Prüm II will be operational (noting the requirement for the EU to act further via-tertiary legislation) and conclude that “UK participation [in Prüm II] will require an analysis of the costs of the new systems against the benefits to law enforcement”. We understand the need for this. But the practical reality is that if the Government chooses not to participate in Prüm II it is effectively bringing the UK’s access to this EU data to an end. Do you agree that this is a further significant factor in any assessment of whether or not to align with the Prüm II Regulation?

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

2 May 2024

Letter to the Chair from The Rt Tom Tugendhat MP, Minister of State for Security, Home Office

Thank you for your letter of 2 May 2024 in response to the Explanatory Memorandum (EM) on Prüm II dated 20 March 2024, in which you have raised the following questions:

- The Government's plans to involve Parliament in the decision on whether to participate in Prüm II.
- Plans for wider consultations, noting concerns raised by organisations such as Statewatch.
- The timetable for this work, including whether Article 541 of the Trade and Cooperation Agreement (TCA) has been triggered by the European Commission.

I would like to take this opportunity to thank you and the Committee for your interest in this law enforcement cooperation capability, and for acknowledging the important issues Prüm II raises for public policy in the UK.

At present, I do not have any further details on the processes that may be invoked under the TCA in respect of Prüm II. The EU has not formally notified the UK under Article 541, meaning the UK has not yet entered the formal negotiation period with the EU. However, my officials are actively engaged with EU partners, and are committed to obtaining further information through dialogue with the Commission. This will inform the options for the UK participating in Prüm II, and the future of the UK's current participation in Prüm.

I echo your views on the need to account for the concerns raised by several civil liberty groups about the new data sharing framework. I certainly want to ensure that in due course, once further information on Prüm II is available, and before deciding on UK participation, adequate checks and balances are in place to safeguard UK data and the privacy of our citizens. I also agree that the question of having access to EU data, and whether this will come to an end if the UK chooses not to participate in Prüm II, is an important factor that will also be accounted for during the Government's decision-making process.

In your letter, you note some of the changes that will be made to the current Prüm system, as highlighted in the 20 March 2024 EM. As referenced in this EM, there is no immediate impact for the UK. This is because Article 541 of the TCA has not been triggered and the Prüm II framework cannot be operationalised without new technology, which will be governed by future implementing acts. The precise nature of these implementing acts is not yet clear, as the current Prüm II Regulation only refers to the fact they will be set out by the Commission, and subsequently adopted.

We will engage with Parliament further on the topic of Prüm II participation once we are able to provide further information about the practical and legal implications for the UK, and whether the UK should enter into this framework. I recognise that Parliament will have views on the decision regarding participation, and I will ensure that you and the Committee are kept fully up to date on any key developments during this discourse.

16 May 2024

Letter from the Chair to Dan Jarvis MBE MP, Minister of State for Security, Home Office

The previous Security Minister wrote to us on this issue on 16 May 2024, responding to a letter from the Committee of 2 May 2024.

The calling of the General Election on 22 May 2024 has led to an inevitable delay in our following up on this correspondence. It was considered by the European Affairs Committee at its meeting of 10 September 2024. We have decided to retain our interest in this matter.

We note that the Government has expressed a desire to explore a wider defence and security agreement with the EU which will inevitably overlap with any discussion concerning the impact of the EU's decision to reform the operation of Prüm on the UK's future participation in these data sharing arrangements. We would therefore welcome an early opportunity to discuss this matter directly with

the relevant Minister and note that our officials have already been in contact to arrange a mutually convenient time.

We do not expect a response to this letter.

11 September 2024

WORKING ARRANGEMENT ON ESTABLISHING COOPERATION BETWEEN THE EUROPEAN BORDER AND COAST GUARD AGENCY (FRONTEX) AND THE HOME OFFICE OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND, SIGNED ON 23 FEBRUARY 2024 – UNNUMBERED

Letter to the chair from the Rt Hon Michael Tomlinson MP, Minister of State for Countering Illegal Migration, Home Office

Frontex working arrangement with the UK.

I am pleased to announce that discussions on a working arrangement (WA) between Frontex (the European Border and Coastguard Agency) and the UK have now concluded, and the WA is due to be signed. The text of the WA and an accompanying Explanatory Memorandum (EM) will be deposited in the libraries of both Houses shortly (please see attached).

23 February 2024

Letter from the chair to the Rt Hon Yvette Cooper MP, Home Secretary, Home Office

The previous Government sent us an Explanatory Memorandum (EM) dated 23 February 2024. It was considered by the European Affairs Committee at its meetings of 21 May and 10 September 2024. We have decided to retain an interest in this matter.

The calling of the General Election in late May has unavoidably delayed our response to this letter.

On the basis that dialogue, and cooperation are vital to tackle the problems of irregular migration and cross-border crime currently faced by both the EU and UK, the Committee broadly welcomes this Working Arrangement (WA) between the EU's border agency (Frontex) and the Home Office. However, the context within which we are considering this matter has changed significantly since the EM was first deposited.

As the new Government has expressed a desire to explore a wider defence and security agreement with the EU, we would welcome an early opportunity to discuss this matter (and others) directly with you. We note that our officials have already been in contact to arrange a mutually convenient time.

We do not expect a response to this letter.

11 September 2024

PROPOSAL FOR A COUNCIL DECISION ON THE POSITION TO BE TAKEN ON BEHALF OF THE EUROPEAN UNION WITHIN THE EU-UK SPECIALISED COMMITTEE ON ENERGY ESTABLISHED BY THE TRADE AND COOPERATION AGREEMENT BETWEEN THE EUROPEAN UNION AND THE EUROPEAN ATOMIC ENERGY COMMUNITY, OF THE ONE PART, AND THE UNITED KINGDOM OF GREAT BRITAIN

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ELECTRIC ACCUMULATORS AND ELECTRIFIED VEHICLES – COM (2023) 950

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

Thank you for your Explanatory Memorandum (EM) on a proposal on UK/EU Trade and Cooperation Agreement (TCA) Governance Document on electric vehicles (EVs) and their batteries. It was considered by the European Affairs Committee at its meeting of 26 March 2024.

We welcome the removal of the tariffs outlined in this amendment to the TCA, and the Government's intention to support the UK electric vehicle and battery manufacturing industries and continue to increase exports to EU nations. We commend the Government for taking this step.

We share your regret that this amendment to the TCA occurred too late for us to undertake scrutiny, because we agree that it has significant implications for the UK/EU motor industries and for UK/EU relations more broadly. We encourage the Government to provide as much notice as possible of any potential future amendments to deadlines within the TCA. That would enable us to fulfil our scrutiny role to the full.

Below are a series of questions on which we seek your response, in the interest of supporting successful UK-EU cooperation in the area of electric vehicles and batteries.

Automotive manufacturer confidence

Given the varied readiness of UK car manufacturers to produce EVs, we agree there is as you indicate a strong case for providing "long term certainty to the sector" (paragraph 9 of your EM). However, there is little evidence of this long-term certainty thus far. The late-notice delay in introducing tariffs risks undermining investor confidence in the stability of the policy and regulatory framework set by the Government. To what extent has the Government consulted automotive and battery manufacturers on tariffs and incentives? Has the Government discussed the implications of this late change to the TCA with the UK's automotive and battery manufacturers? If so, what was their response?

Ready for 2027:

We note the new date for the implementation of a 10% tariff has been delayed three years until 2027. Does the Government have a plan to support domestic manufacturers in order that they are ready to produce commercially competitive cars with the requisite components of UK/EU origin by 2027?

In the European Commission's supporting documents, they outline "semi-annual dialogues" with their automotive and battery industries. This focus on continuous assessment is an interesting approach, aiming to achieve the 70% domestic battery sourcing target alongside improved battery sustainability.²¹

We would be interested to learn if similar dialogues with the UK automotive and battery industries are planned to foster collaboration and achieve shared sustainability goals.

Ready for 2032 rules of origin:

Given the broad powers in the TCA for the Parties to agree to amend almost any aspect of its application, can you confirm that this extension will be a one-off move to give the UK and EU motor manufacturers time to prepare for these changes (the rationale behind the original deadline of 2024)? Has the Government considered cooperating with the EU to ensure that we are jointly ready to compete openly with China and other manufacturing nations by 2032?

UK/EU trade deficit:

There is a trade deficit between the EU and UK on vehicle trade (1.3 million EU exports to the UK in 2022, valuing €30 billion, against 0.75million UK exports to the EU in the same period, valuing €10.3 billion, according to the European Automobile Manufacturers' Association (ACEA)). Does the Government have plans to ensure the UK's competitiveness in EV manufacture to reduce the current trade deficit with the EU?

Level playing field.

We note that the amendment also includes provisions for the Commission to set aside additional funding of up to €3 billion to boost the EU's battery manufacturing industry.²² Such action could go to the heart of the so-called level-playing field aspects of the TCA which seek to regulate the Parties' policies in areas including state subsidies, competition, state-owned enterprises, taxation, and environmental policies.

Is the Government, therefore, content with the EU's plans to assist its motor-manufacturing and battery industry in this way? Does the Government have any concerns that these plans may breach aspects of the so-called level playing field provisions of the TCA? If the Government is concerned that these plans pose a potential breach of the TCA's level-playing field, what action do you intend to take to address the EU's undertakings to its EV and battery industries? Do you have similar plans to boost the UK's EV and battery industries?

We look forward to considering your response within the usual deadline of 10 working days.

27 March 2024

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

Thank you for your letter of 27 March on UK/EU Trade in Electric Vehicles.

I am pleased that the Committee welcomes the agreement we reached with the EU on extending the TCA's electric vehicle rules of origin. This agreement will support our carmakers and consumers while we scale up battery supply and work to deliver our net zero commitments.

I note your point on timing. In this case, agreement with the EU was only reached on 21 December 2023, which regrettably left a short window to implement the extension ahead of the 1 January 2024 deadline. We will endeavour to provide as much notice as possible for any potential future amendments to deadlines within the TCA, so that the Committee can fulfil its scrutiny role to the full.

I would like to respond to the questions in your letter in turn.

Automotive manufacturer confidence

The UK automotive industry is an export-focussed sector and trade agreements that reduce or eliminate tariffs are essential. The Government continues to engage industry in our free trade agreement programme to understand positions that can deliver the best outcome for UK businesses.

The rules agreed in the TCA were developed alongside industry, designed to reflect existing and developing supply chains and provide manufacturers with time to adapt. However, since the TCA was agreed in 2020, manufacturers in both the UK and EU have been affected by unforeseen and shared external shocks to supply chains, increasing the costs of key raw materials and battery components that cannot be sourced in the UK or EU. This meant that UK and EU industry were not ready to meet the original 2024 rules.

This was a joint UK-EU issue, affecting manufacturers across Europe, and we worked with the EU to ensure UK manufacturers could benefit from export-led growth and maximise the opportunities provided by the TCA.

Throughout 2023, we engaged closely with industry stakeholders to understand overall industry readiness for the TCA's EV and battery rules, which informed our position. We continue to engage closely with the sector.

Readiness for 2027

The Government is making significant investments in the sector to support electrification. At the Autumn Statement last year, we announced the single biggest Government investment in UK auto manufacturing: £2 billion in new capital and R&D support for batteries and zero emission vehicles out to 2030. As part of the Advanced Manufacturing Plan, the Government also launched a battery strategy and extended our successful Made Smarter programme.

And industry is responding. Last summer, Tata Group announced a new gigafactory investment of over £4bn supplying batteries for Jaguar Land Rover. In September 2023, BMW announced a £600m investment to make new EVs at its Mini plant in Oxford. And in November 2023, Nissan announced up to £2bn of new investment to produce two new EVs in Sunderland.

We continue to engage closely with UK industry on the challenges it faces and on how to ensure it remains competitive and a global leader in innovation. The Government developed the UK Battery Strategy following a Call for Evidence and in partnership with an expert Taskforce comprised of industry and academia. A Taskforce will continue to be convened to help ensure implementation of the strategy and to advise on its delivery. The first Taskforce meeting of 2024 took place in March.

Readiness for 2032

As you note, in agreeing the extension to the TCA's rules of origin for electric vehicles and batteries, we also agreed with the EU to remove the Partnership Council's ability to further amend these rules until 1 January 2032. This reflects our shared commitment with the EU that this is a one-off extension to provide long term certainty to the sector as we continue to scale up our domestic battery supply chain and work to deliver our net zero commitments. As I've set out above, Government and industry are working to make sure the sector is ready.

The UK and EU automotive sectors are closely interlinked, and the TCA offers a strong basis for cooperation on both automotive and on the green transition. The relevant TCA Specialised Committees and the Working Group on Motor Vehicles and their parts – which will meet for the first time in the coming months – provide a platform for regular engagement between the UK and the EU on these important issues.

UK/EU trade deficit

The UK hosts Europe's second largest auto manufacturing industry, a sector that generated £71 billion of turnover in 2022, directly accounted for 166,000 jobs, and indirectly supports a further 371,000 jobs. UK industry is firmly export-oriented: exports were worth £34.4bn in 2022, with almost 8 out of 10 domestically produced cars exported to over 130 markets worldwide, mainly to the EU.

Through the investments I have set out above, we are committed to ensuring the sector continues to thrive and compete globally as we transition to net zero. Electric and hybrid vehicle manufacturing has indeed increased rapidly over the past few years, rising from 15% of total UK automotive production in 2019 to 30% in 2022.

Level playing field.

The Government actively scrutinises patterns and trends in EU subsidies and their potential or actual impact on trade and investment between the UK and EU. We will continue to closely monitor and analyse EU subsidies and their impacts, including the scheme identified in your letter.

If the UK has specific concerns, we can raise questions with the EU directly, including through the TCA committee structures. In recent months we have raised a number of subsidy control matters with the EU through the Trade Specialised Committee on Level Playing Field and the Trade Partnership Committee.

25 April 2024

MEMORANDUM OF UNDERSTANDING ON OFFSHORE RENEWABLE ENERGY
COOPERATION - UNNUMBERED

**Letter from the Chair to Andrew Bowie MP Minister for Nuclear and Renewables,
Department for Energy Security & Net Zero**

Thank you very much for the letter you sent to the Department on 21st June last year. I appreciate that you did not ask for a response to your letter, but in my role as Minister responsible for international energy, I wanted to provide you, and colleagues of the European Affairs Committee, with an update on our progress as participants of the North Seas Energy Cooperation (NSEC).

In November last year, former Minister, Graham Stuart, attended the NSEC Ministerial meeting in the Hague, alongside ministers from Belgium, Denmark, France, Germany, Ireland, Luxembourg, the Netherlands, Norway, Sweden, and the European Commission.

At this meeting, Graham endorsed the NSEC 2023-2024 Action Agenda, which looks to lower barriers to the development of offshore wind projects, through sharing best-practice and speeding up permitting procedures, developing a more integrated offshore energy system, resilient supply chains, and a better balance between energy and nature in the North Seas through coordinated maritime spatial planning.

This year sees Denmark take over the Co-presidency of NSEC, alongside the European Commission. The Danish Co-presidency's priorities for the year include Realising ambitions for offshore renewable infrastructure projects, strengthening European supply chains and industry, and an increased focus on offshore green hydrogen. On 19 February, I had a call with Lars Aagaard, Danish Minister for Climate, Energy, and Utilities, to discuss what we are both looking for from NSEC and, following this conversation, I am confident that Denmark's priorities align with our own.

I trust you will find this update useful, and we will continue to make the Committee aware of our progress in this important policy area.

7 May 2024

PROPOSAL FOR A COUNCIL DECISION ON THE POSITION TO BE TAKEN ON BEHALF OF THE EUROPEAN UNION WITHIN THE TRADE SPECIALISED COMMITTEE ON ADMINISTRATIVE COOPERATION IN VAT AND RECOVERY OF TAXES AND DUTIES ESTABLISHED BY THE TRADE AND COOPERATION AGREEMENT BETWEEN THE EUROPEAN UNION AND THE EUROPEAN ATOMIC ENERGY COMMUNITY, OF THE ONE PART, AND THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND, OF THE OTHER PART – COM (2023) 504 = 12523/23

Letter from the Chair to Victoria Atkins MP, Financial Secretary to the Treasury, HM Treasury

Thank you for your Explanatory Memorandum (EM) dated 3 October 2023 which was considered by the European Affairs Committee at its meeting of 8 November 2023.

We welcome the developments highlighted in the EM as indicative of improved UK/EU relations. We recall, however, that during our 2021 inquiry into “Trade in Goods between Great Britain and the EU” (4th Report of Session 2021-22, 16 December 2021, HL Paper 124) we heard evidence about the negative impact caused by the post-Brexit rules on VAT; in particular, the friction caused to the movement of goods and the related “burden” the changes imposed on small businesses (see paragraphs 94 – 101 of our report).

Since we published our report in 2021, what consideration has the Government, alongside the EU, given to measures beyond those highlighted in your EM that might alleviate this friction?

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

8 November 2023

Letter to the Chair from Nigel Huddleston MP, Financial Secretary to the Treasury, HM Treasury

Thank you for your letter of 8 November to my predecessor with regards to her Explanatory Memorandum of 3 October.

We continue to press the EU on the issue of fiscal representatives, and the unnecessary burdens that this requirement imposes on UK businesses. This matter was discussed at the Trade Specialised Committee on Administrative Cooperation in VAT and Recovery of Taxes and Duties when it met in London on 19 October.

While the EU continues to maintain its position, this remains a priority of the Government and we continue to seek a resolution. We will continue to raise this issue with the EU where suitable opportunities arise.

The Implementing Decisions mark significant progress in creating a legal framework to routinely exchange relevant information between the UK and EU Member States. This will enhance cross-border tax compliance and facilitate a coordinated approach towards debt recovery.

21 November 2023

GENERAL CORRESPONDENCE

CONGRATULATORY LETTER AND EVIDENCE SESSION REQUEST

Letter from the Chair to The Rt Hon Nick Thomas-Symonds MP, Paymaster General - Minister for the Constitution and European Union Relations, Cabinet Office

House of Lords European Affairs Committee

Following the decision by the House of Lords on 29 July 2024 to reappoint the European Affairs Committee, I write as Chairman to congratulate you on your appointment. Given the importance the Government has placed on the UK/EU relationship, I know that the Committee will look forward to working closely with you and your team on the many important issues involved.

I realise that the Government will want to consider how it will engage with Parliament on European issues, but in the light of your central role as the Minister for EU Relations, I wanted to lose no time in requesting an initial evidence session with you as soon as your diary allows. I will ask the Committee clerks to discuss this further with your staff.

I will be writing separately about the Committee's EU document-based scrutiny role.

29 July 2024

CONGRATULATORY LETTER AND EVIDENCE SESSION REQUEST

Letter from the Chair to The Rt Hon David Lammy MP, Secretary of State for Foreign, Commonwealth and Development Affairs - Foreign, Commonwealth and Development Office

House of Lords European Affairs Committee

Following the decision by the House of Lords on 29 July 2024 to reappoint the European Affairs Committee, I write as Chairman to congratulate you warmly on your appointment as Foreign Secretary. Given the importance the Government has placed on the UK/EU relationship, I know that the Committee will look forward to working closely with you and your team on the many important issues involved.

The arrangements agreed with the previous Government for scrutiny of the UK's post-Brexit relationship with the EU provided for the Foreign Secretary to appear once a year; the most recent appearance by your predecessor took place in December 2023. There was also an agreement that the Europe Minister would come to us at least twice a year. I realise that the Government will want to consider how it will engage with Parliament on European issues, but I wanted to lose no time in requesting an initial evidence session with you as soon as your diary allows. I will ask the Committee clerks to discuss this further with your staff.

29 July 2024

CONGRATULATORY LETTER AND EVIDENCE SESSION REQUEST

Letter from the Chair to Stephen Doughty MP, Minister of State (Europe, North America and Overseas Territories) - Foreign, Commonwealth and Development Office

House of Lords European Affairs Committee

Following the decision by the House of Lords on 29 July 2024 to reappoint the European Affairs Committee, I write as Chairman to congratulate you warmly on your appointment as Minister for Europe. Given the importance the Government has placed on the UK/EU relationship, I know that the Committee will look forward to working closely with you and your team on the many important issues involved.

The arrangements agreed with the previous Government for scrutiny of the UK's post-Brexit relationship with the EU provided for the Europe Minister to give evidence to the European Affairs Committee at least twice a year. There was also an agreement that the Foreign Secretary would appear once a year. I realise that the Government will want to consider how it will engage with Parliament on European issues, but I wanted to lose no time in requesting an initial evidence session with you as soon as your diary allows. I will ask the Committee clerks to discuss this further with your staff.

29 July 2024

CONGRATULATORY LETTER AND EVIDENCE SESSION REQUEST

Letter from the Chair to The Rt Hon Yvette Cooper MP – Secretary of State for the Home Department – Home Office

House of Lords European Affairs Committee

Following the decision by the House of Lords on 29 July 2024 to reappoint the European Affairs Committee, I write as Chairman to congratulate you warmly on your appointment as Home Secretary. I know that the Committee will look forward to working closely with you and your team.

The Committee has taken a close interest in a number of issues on which the Home Office leads, including law enforcement cooperation, citizens' rights and mobility. I therefore wanted to take this early opportunity of requesting an evidence session as soon as your diary allows. I will, if I may, ask the Clerks to follow up with your officials.

29 July 2024

Letter to the Chair from The Rt Hon Yvette Cooper MP – Secretary of State for the Home Department – Home Office

Thank you for your letter of 29 July, and for your welcoming me into my role.

I recognise the crucial role that the Committee's oversight plays, and I am eager for the Department to foster a constructive and collaborative partnership moving forward. However, owing to diary commitments I am not able to appear to give evidence to the Committee before Christmas.

I hope it will be possible to arrange a session at a suitable alternative date in the future, and in the interim, I would of course be happy to discuss any matters that the Committee wishes to raise via correspondence.

30 September 2024

NEGOTIATIONS WITH THE EUROPEAN UNION IN RESPECT OF GIBRALTAR.

Letter to the Chair from Stephen Doughty MP, Minister of State for Europe, North America and UK Overseas Territories – Foreign, Commonwealth & Development Office.

Following our introductory meeting, I wanted to write with an update on negotiations between the UK and the EU in respect of Gibraltar.

As Gibraltar was excluded from the Trade and Cooperation Agreement, it has been without a legal framework governing its relationship with the EU since January 2021. I want to assure you that this Government, within the context of resetting our relationship with the EU, is committed to reaching an agreement which provides certainty for Gibraltar's people as soon as possible. We are therefore working hand in hand with HM Government of Gibraltar to conclude a treaty that secures the future prosperity of Gibraltar and the wider region while protecting sovereignty and the autonomy of the UK military facilities.

The Foreign Secretary, the Chief Minister of Gibraltar Fabian Picardo and I met European Commission Executive Vice-President Maroš Šefčovič and Spanish Foreign Minister José Manuel Albares in Brussels on 19 September. Discussions were constructive and productive, resulting in further progress on the most complex issues under negotiation, namely in the areas of mobility of people and goods. We agreed to remain in constant contact, with teams working closely and intensely on outstanding areas. The negotiations have been technically, and politically complex but significant progress has been made.

We remain steadfast in our support for Gibraltar and will only agree to terms that the Government of Gibraltar is content with. The UK Government is committed to the double lock – that we will never enter into arrangements under which the people of Gibraltar would pass under the sovereignty of another State, against their freely and democratically expressed wishes. And we will never enter into a process of sovereignty negotiations with which Gibraltar is not content. While in Gibraltar, I resolutely communicated our commitments to Gibraltar publicly at the National Day celebrations (10 September) and our desire to work constructively with the Government of Gibraltar, Spain and the EU to find a way forward, within the key parameters we have set out.

Our priority is concluding a treaty that delivers for the people of Gibraltar, but it is only prudent to prepare for any eventuality, and we have long been working with the Government of Gibraltar to do so if a non-negotiated outcome materialises. During my visit to Gibraltar on their National Day, I saw these preparations first-hand and took stock of negotiations and non-negotiated outcome preparations with the Chief and Deputy Chief Ministers. The UK will stand fully behind Gibraltar in either scenario.

I look forward to appearing before your committee in due course, to discuss progress in the Gibraltar negotiations as well as the UK's wider bilateral relationships with Europe. In the meantime, my officials are available to provide a private briefing to your committee at any point, should that be helpful.

08 October 2024

EU FOREIGN AFFAIRS COUNCIL ATTENDANCE, 14 OCTOBER

Letter to the Chair from The Rt Hon. David Lammy MP, Secretary of State for Foreign, Commonwealth and Development – Foreign, Commonwealth and Development Office.

On 14 October I attended the EU's Foreign Affairs Council in Luxembourg at the invitation of EU Member States and the High Representative for Foreign Affairs and Security Policy (HRVP), Josep Borrell.

I wanted to draw your attention to a Written Ministerial Statement that I have laid today regarding my attendance at the Foreign Affairs Council, and that my colleague, the Minister for Latin America and the Caribbean, Baroness Chapman, has laid in the Lords. The HRVP and I agreed to establish a regular, six-monthly strategic dialogue, with the first meeting in early 2025 reflecting the importance of the foreign and security policy relationship between the UK and the EU and strengthening our cooperation in this difficult geopolitical context. In addition, we agreed to launch four new regular working groups on Russia/Ukraine, the Indo-Pacific, the Western Balkans and on Hybrid Threats. We also agreed to advance work towards a formal security partnership to address common threats and challenges.

As I note in the Statement, this was the first time a UK Foreign Secretary has attended this meeting of EU Foreign Ministers in over two years. My visit, following that of the Prime Minister's to Brussels on 2 October, marks a significant moment in our reset with Europe and has established a course towards much enhanced cooperation to address common threats and challenges. My ministerial colleagues and I will be continuing this work over the coming months.

22 October 2024

EU CITIZENS' RIGHTS AND THE EU SETTLEMENT SCHEME

Letter from the Chair to Rt Hon James Cleverly MP, Secretary of State for the Home Department, Home Office.

Firstly, we would like to congratulate you on your appointment as Home Secretary. We hope that you will be prepared to engage with the Committee in the same constructive manner in this capacity as when you were Foreign Secretary.

As you may be aware, the Committee has been engaged in correspondence with your predecessor regarding the rights of EU citizens in the UK and UK citizens in the EU under the Withdrawal Agreement. We thank your predecessor for her most recent letter, dated 26 October 2023, in response to our letter dated 20 September 2023. It was considered at the Committee's meeting on 14 November 2023.

We are grateful for the detailed and helpful responses that your predecessor provided to the majority of the questions that we posed. We also thank the Parliamentary Under Secretary of State for Migration and Borders for the letter that he sent to the Earl of Kinnoull on 18 October as follow-up to the debate in Grand Committee on citizens' rights that took place on 11 September, which addresses similar issues.

We thank your predecessor for the additional information that she has provided about the Government's plans for implementation of the changes to the EU Settlement Scheme (EUSS) that have been proposed following the High Court judgment of December 2022 regarding the approach to those granted pre-settled status. We note the distinction that your predecessor has drawn between the residual right of permanent residence under the Withdrawal Agreement and settled status under the EUSS. It would help us to understand the implications of the Government's proposed approach if you

could set out clearly the differences between the specific rights of individuals with settled status and those relying on the residual right of permanent residence under the Withdrawal Agreement. We would also welcome a more detailed explanation as to how your preferred approach is compatible with (i) the relevant sections of the Withdrawal Agreement; and (ii) the High Court's December 2022 judgment. We ask you also to explain how these rights can be demonstrated by individuals and to summarise the discussion you have had about this approach with the Independent Monitoring Authority and the European Commission. Finally, we ask you to indicate in reply to this letter whether the Home Office has made an assessment of the number of individuals who have a right of permanent residence but do not currently have settled status and, if so, to share this information with the Committee.

We acknowledge the complexity of the work to upgrade individuals to settled status automatically but, in light of the fact that the High Court judgment was issued in December 2022 and that the Government announced their plans to upgrade status automatically in July 2023, we are disappointed that implementation of this will not begin until an unspecified date in 2024. We are concerned about the implications of this for individuals since an increasing number of holders of pre-settled status will by now already be eligible for settled status, given that it was previously anticipated that deadlines for upgrading to settled status would begin to be reached from August 2023. If our understanding of your proposals is accurate, these individuals may face difficulty in demonstrating their right of permanent residence during the period until the work to upgrade their status automatically has been completed. We urge you to commit additional resources to this project to ensure that it is delivered without undue delay.

We thank your predecessor for providing the information that we requested about how many EUSS applications have been awaiting a decision for longer than six months, longer than one year and longer than two years. We are concerned that 27% of cases have been waiting for longer than six months and that as many as 12% of cases have been waiting for longer than two years. We acknowledge the complexity of some cases, but such delays can be expected to cause considerable anxiety and stress. We therefore ask you to indicate what steps are being taken to reduce this backlog.

We note the data provided by your predecessor which suggests that on average 71% of users of the 'View and Prove' system were satisfied with its operation in the first half of 2023. This implies that 29% of users were dissatisfied. We are concerned that this may disproportionately include more vulnerable groups such as the elderly and digitally challenged. We remain dissatisfied that the Government will not give further consideration to offering holders of (pre)-settled status the option of requesting a physical proof of status document.

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

15 November 2023

Letter to the Chair from Rt Hon James Cleverly MP, Secretary of State for the Home Department, Home Office

Thank you for your letter of 15 November regarding the rights of EU citizens in the UK and UK citizens in the EU under the Withdrawal Agreement (WA). I look forward to working with you in my new role.

Your questions are addressed below. I have summarised some for brevity.

It would help us to understand the implications of the Government's proposed approach if you could set out clearly the differences between the specific rights of individuals with settled status and those relying on the residual right of permanent residence under the Withdrawal Agreement.

The High Court judgment found that a holder of pre-settled status under the EU Settlement Scheme (EUSS) acquires the right of permanent residence under the WA automatically once the conditions for it are met.

The substantive rights obtained through settled status – a grant of indefinite leave to enter or remain under the EUSS – are the same as the rights associated with the acquisition of the right of permanent residence under the WA. A person with the right of permanent residence under the WA (but not settled status under the EUSS) has the same rights to reside, study, work and access benefits and healthcare as a person with settled status.

The main differences between the two statuses are set out below:

Means of acquisition

As mentioned in my predecessor's letter of 26 October, settled status must be applied for and granted under the EUSS, whereas the right of permanent residence is acquired automatically by a holder of pre-settled status once the WA conditions for it are met.

Scope of individuals who may benefit.

A person with pre-settled status can apply for and obtain settled status under the EUSS as soon as they meet the mainly residence-based conditions for it, which are more generous than the WA requires. The conditions for them to acquire the right of permanent residence under the WA are more stringent. If they are not a joining family member, they also need to have been lawfully resident in the UK under the EU Free Movement Directive at the end of the transition period on 31 December 2020, and to have been such a 'qualified person' (e.g., a worker), or their family member, for the requisite period of continuous residence in the UK (usually five years).¹

Therefore, a person who holds pre-settled status under the EUSS, but who has not resided in the UK in accordance with the detailed requirements of the Directive as reflected in the WA, may become eligible for settled status under the EUSS, but never acquire the right of permanent residence under the WA.

As described in my predecessors in the letter of 26 October, a person may have acquired the right of permanent residence under the WA, but not yet have obtained settled status under the EUSS even though they are eligible for it. In these circumstances, the judgment does not require the UK to do more than ensure that they can benefit from the associated rights and the onus is on them to prove their status when seeking to access those rights. This is consistent with the approach taken to UK nationals by EU member states with a constitutive system for residence status under the WA.

We would also welcome a more detailed explanation as to how your preferred approach is compatible with (i) the relevant sections of the Withdrawal Agreement; and (ii) the High Court's December 2022 judgment. We ask you also to explain how these rights can be demonstrated by individuals.

Compatibility with the WA and the High Court judgment

¹ The detailed guidance on the conditions that need to be satisfied for the acquisition of a Withdrawal Agreement right of permanent residence can be found at this link: EEA nationals qualified persons: caseworker guidance - GOV.UK (www.gov.uk)

The UK's domestic legislation, namely section 7A of the European Union (Withdrawal Agreement) Act 2020,² provides for the incorporation of the WA into UK law. This means that the rights under the WA (as interpreted by the High Court) are available now and directly effective in the UK.

As a result, the right of permanent residence under the WA is acquired by a pre-settled status holder by operation of law once the conditions for it are met. This means that compliance with the WA and the judgment is achieved, with all beneficiaries of a WA right of permanent residence able to benefit from the rights associated with that status.

We are now finalising our implementation to ensure that relevant individuals can rely on their WA right of permanent residence in practice where they wish to do so. This includes through updating relevant customer and caseworker guidance to reflect the judgment. We are in the process of doing so, with the following items already updated and published:

- Naturalisation as a British citizen: caseworker guidance - GOV.UK (www.gov.uk)
- Registering children as British citizens: caseworker guidance - GOV.UK (www.gov.uk)
- Registering other British nationals: caseworker guidance - GOV.UK (www.gov.uk)
- Automatic acquisition of British citizenship: caseworker guidance - GOV.UK (www.gov.uk)
- EEA nationals qualified persons: caseworker guidance - GOV.UK (www.gov.uk)

We are also planning to amend the Immigration (Leave to Enter and Remain) Order 2000³ to reflect the additional permitted absence from the UK associated with a WA right of permanent residence. In the interim, we will address this point in guidance.

The UK Government is also liaising with the Devolved Administrations, public bodies and (given their interest in relevant UK policy) the Crown Dependencies to ensure we have identified all relevant issues, and that similar provision is made in those few areas where this aspect of the judgment is relevant to an individual's rights. In the area of benefits, for example, the main departments (the Department for Work and Pensions and HM Revenue & Customs) already test for the acquisition of the right of permanent residence and so there is no need for further steps.

We will also be updating the GOV.UK main page on the EUSS to explain this aspect of the judgment to the public.

How rights can be demonstrated by individuals

The High Court judgment means that the right of permanent residence under the WA is acquired automatically in relevant circumstances. It does not require us to automatically issue a document to prove that right or to grant the person settled status. This is similar to the position under EU law, when it was in force in the UK before the end of the transition period. Although a person could choose to apply for documentation confirming a right of permanent residence in the UK, they were not required to do so, and relevant public bodies have experience in assessing whether a person enjoys such a right.

There will therefore be situations where a person's digital status under the EUSS (pre-settled status) does not match their underlying WA rights (permanent residence). This is inherent in a quasi-

² [European Union \(Withdrawal Agreement\) Act 2020 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2020/23/section/7A)

³ [The Immigration \(Leave to Enter and Remain\) Order 2000 \(legislation.gov.uk\)](https://www.legislation.gov.uk/uksi/2000/1073)

declaratory system in which no application is required to benefit from the right of permanent residence and that right is accrued automatically by operation of law. The same applies to UK nationals in EU member states who hold a residence card with a pre-permanent right of residence, but who have since automatically acquired the right of permanent residence.

In the UK the mismatch between a person's pre-settled status and right of permanent residence will be of limited practical consequence, as most rights are the same whether a person has permanent or temporary status, for example the right to work.

Where there are further rights attached to permanent residence, we are ensuring, as described in the section above, that the person can rely on their right of permanent residence (and, where relevant, the date of acquisition of that right) by updating relevant customer and caseworker guidance to reflect the judgment. However, obtaining settled status under the EUSS is the easiest way for a person to prove their right to live permanently in the UK, and we will continue to encourage pre-settled status holders to apply for settled status as soon as they are eligible.

We ask you to summarise the discussion you have had about this approach with the Independent Monitoring Authority and the European Commission.

As set out in the letter of 26 October, we have kept both the Independent Monitoring Authority and the European Commission informed of our plans, and this engagement – including on how EU member states' implementation of the WA is compatible with the judgment – will continue.

We ask you to indicate whether the Home Office has made an assessment of the number of individuals who have a right of permanent residence but do not currently have settled status and, if so, to share this information with the Committee.

Given that the right of permanent residence under the WA requires the fulfilment of the relevant conditions (including continuity of residence, suitability criteria and evidence of status as a 'qualified person' or their family member), the Home Office is unable to assess this without engagement with individuals on their specific circumstances.

We acknowledge the complexity of the work to upgrade individuals to settled status automatically but, in light of the fact that the High Court judgment was issued in December 2022 and that the Government announced their plans to upgrade status automatically in July 2023, we are disappointed that implementation of this will not begin until an unspecified date in 2024. We are concerned about the implications of this for individuals since an increasing number of holders of pre-settled status will by now already be eligible for settled status, given that it was previously anticipated that deadlines for upgrading to settled status would begin to be reached from August 2023. If our understanding of your proposals is accurate, these individuals may face difficulty in demonstrating their right of permanent residence during the period until the work to upgrade their status automatically has been completed. We urge you to commit additional resources to this project to ensure that it is delivered without undue delay.

As noted in my predecessors' letter of 26 October, the planned automated conversion of pre-settled to settled status in relevant cases is not a requirement of the judgment, just as EU member states are not required automatically to issue permanent residence cards to relevant UK nationals.

The work to automate the conversion of pre-settled status to settled status without the person needing to apply is a significant piece of work and will take time to deliver. We have provided sufficient resources to the project while balancing this against other departmental priorities.

However, pre-settled status holders do not need to wait to be automatically converted to settled status. Those who wish to secure evidence of their right of permanent residence in the UK can continue to apply for settled status and are encouraged to do so as soon as they become eligible. We have been clear on this in all our communications to pre-settled status holders, including within the emailed reminders we began issuing in March this year (as set out in the letter of 2 August). We are pleased that, to 30 September 2023, 676,850 people have already moved from pre-settled to settled status.

Irrespective of the automation work, the judgment noted that the onus is on individuals to demonstrate that they have acquired the right of permanent residence under the WA when seeking to access rights based on that status.

The action we have so far taken ensures that the WA rights of EU citizens and their family members are already fully respected and can be exercised in practice.

We are concerned that 27% of cases have been waiting for longer than six months and that as many as 12% of cases have been waiting for longer than two years. We acknowledge the complexity of some cases, but such delays can be expected to cause considerable anxiety and stress. We therefore ask you to indicate what steps are being taken to reduce this backlog.

EUSS applications are concluded as swiftly as possible and, as noted in the letter of 26 October, where applications have been waiting for longer periods, this is usually due to suitability concerns, such as a pending prosecution.

30 November 2023

Letter from the Chair to Rt Hon James Cleverly MP, Secretary of State for the Home Department, Home Office.

At its meeting of 12 December, the European Affairs Committee considered the recent changes to the UK's immigration rules set out in your statement dated 7 December 2023. As the Committee responsible for scrutinising UK/EU relations post-Brexit we were disappointed that you did not write to us setting out the detail of the changes while providing us with the reasons behind the changes and their impact, especially given our ongoing correspondence with the Government on EU Citizens' Rights.

In particular, we want to hear the Government's assessment of the impact of the changes to the EU Settlement Scheme and whether they are compatible with the Withdrawal Agreement signed with the European Union.

You should note that all issues pertaining to the status of the rights of EU citizens living in the UK and UK citizens living in the EU remain an important issue for the Committee.

We look forward to receiving your response by 15 January 2024.

13 December 2023

Letter to the Chair from The Rt Hon James Cleverly MP, Secretary of State, Home Office

Thank you for your letter of 13 December 2023 regarding the changes to the Immigration Rules for the EU Settlement Scheme (EUSS) in Appendix EU. These were contained in the Statement of Changes

HC 246, laid on 7 December 2023 for implementation, where the EUSS is concerned, on 16 January 2024.

You asked us to set out the impact of these changes to the EUSS and their compatibility with the Withdrawal Agreement (WA). I have set out further information for each of the changes below.

1) To reflect that Appendix Returning Resident now applies to those whose EUSS settled status has lapsed.

Appendix Returning Resident was added to the Immigration Rules by the Statement of Changes HC 1780, laid on 7 September 2023, and replaced paragraphs 18, 18A, 19, 19A and 20 in Part 1 of the Immigration Rules, to which Appendix EU currently makes reference. The new Appendix provides clarity and consistency on the requirements for those applying for entry clearance as a returning resident after their indefinite leave to enter or remain has lapsed after an absence from the UK. For those with indefinite leave to enter or remain granted under the EUSS (also known as settled status) this would be after an absence of more than five consecutive years (or more than four consecutive years for Swiss nationals and their family members).

The 7 December 2023 changes to Appendix EU clarify that Appendix Returning Resident applies where a person whose settled status under the EUSS has lapsed and who wishes to return to and settle in the UK. They do not alter the period of absence permitted before settled status lapses, for which, in line with Article 15(3) of 2 the WA, Article 13 of the Immigration (Leave to Enter and Remain) Order 2000 provides, as set out above.⁴

2) To prevent irregular arrivals and illegal entrants from making a valid application to the EUSS as a joining family member

On 9 August 2023, the Home Office implemented a change to Appendix EU to prevent illegal entrants from being able to submit a valid application to the EUSS as a joining family member. This was set out by Lord Murray of Blidworth during the 11 September 2023 House of Lords debate in Grand Committee on citizens' rights.

The 7 December 2023 changes clarify that this provision also applies to irregular arrivals, including those who arrive on small boats. This is a technical amendment to ensure that Appendix EU accurately reflects the policy intent, in reinforcing our approach to tackling illegal immigration.

The overall explanation for this provision, and of its consistency with the WA, remains as set out in my predecessor's letter to you of 26 October 2023. Article 14(3) of the WA permits the host State to require joining family members to obtain an entry visa. The EUSS family permit, available under Appendix EU (Family Permit) to the Immigration Rules, enables joining family members to obtain such a visa where the UK is concerned. As such, we consider that expecting joining family members to have entered the UK legally is compatible with the WA.

3) To require a person in the UK as a visitor to make any application to the EUSS as a joining family member within three months of their arrival.

Notwithstanding that Article 14(3) of the WA permits the host State to require joining family members to obtain an entry visa, the UK currently permits a person who entered the UK as a visitor to apply here to the EUSS as a joining family member.

Article 18(1)(b) of the WA states that persons who have a right to commence residence in the host State after the end of the transition period (such as joining family members) must apply for their

⁴ <https://www.legislation.gov.uk/ukSI/2000/1161/contents>

residence status within three months of their arrival in the host State or by the end of the grace period (30 June 2021 where the UK is concerned), whichever is later.

The 7 December 2023 changes clarify that a person seeking to apply to the EUSS as a joining family member, where they are in the UK as a visitor, is required to apply by the same three-month deadline, unless, in accordance with Article 18(1)(d) of the WA, there are reasonable grounds for any delay in applying.

4) To add a further ground for curtailing pre-settled status granted under the EUSS

The 7 December 2023 changes amend Annex 3 to Appendix EU to enable pre-settled status granted under the EUSS to be curtailed where it is proportionate to do so where the person never met the requirements of that Appendix (or, by extension, the requirements of the WA).

This is a technical amendment for the purpose of providing additional clarity. There is currently scope under Annex 3 to Appendix EU to curtail pre-settled status (limited leave to enter or remain granted under that Appendix) where it is proportionate to do so where the person ceases to meet the requirements of that Appendix. We consider it appropriate to make clear that such leave can also be curtailed where it is proportionate to do so where the requirements of Appendix EU were never met.

Although, by definition, such a person will not be considered in scope of Article 10 (Personal scope) of the WA, the safeguards required under Article 21 of the WA when restricting residence rights will be applied: the curtailment decision will be subject to a right of appeal.

16 January 2024

Letter from the Chair to Rt Hon James Cleverly MP, Secretary of State for the Home Department, Home Office.

Thank you for your letter dated 30 November 2023 in response to our letter dated 15 November 2023. It was considered at the Committee's meeting of 23 January 2024.

We are grateful for the detailed response that you have provided to the majority of the questions that we put to you. We are also grateful to you for the letter you sent us on 16 January, on the Statement of Changes in Immigration Rules HC 246.

We note the Government's intention to amend the Immigration (Leave to Enter and Remain) Order 2000 in order to reflect the additional permitted absence from the UK associated with the Withdrawal Agreement's right of permanent residence. We would welcome more details on the planned amendment and an indication of when the Government plans to introduce it.

We have also noted in your response that you consulted with the Independent Monitoring Authority on your plans to respond to the High Court judgment of December 2022. However, your position seems to contradict the press release published by the IMA on 1 December 2023, which outlined its concerns with the Government's reaction to the judgment. In this regard, we draw your attention to the note at the end of the press release where "the IMA notes that while plans for automatic upgrade from pre-settled status to settled status continue to be developed by the Home Office, the IMA does not have sufficient detail to make a full assessment of them" (emphasis added).

The IMA's main concerns include:

- "The extension of pre-settled status does not go far enough to implement the judgment and that therefore this element continues to be incompatible" with the Withdrawal Agreement.

The IMA continues: “The extension does not change the fact that pre-settled status is time-limited”.

- “Maintaining expiry period for pre-settled status may have practical effects on citizens exercising their rights, for example those who are seeking employment or accommodation”;
- The implementation of the second part of the High Court’s judgment. “This found that permanent residence rights under the Agreements accrue automatically to a pre-settled status holder where the relevant conditions in the Agreements are met. The IMA is concerned that there will remain a lack of clarity for citizens and public authorities regarding the rights of some citizens who hold pre-settled status but who are in fact in possession of permanent residence rights”.

The IMA’s concerns, which we share and which we note you did not draw to our attention, are, in our view, at odds with the repeated statements we have received from the Government that its response to the High Court judgment of December 2022 is compatible with the UK’s obligations under the Withdrawal Agreement. We therefore ask for an update on how the Government plans to address the IMA’s concerns.

We look forward to receiving your response within the normal 10-day deadline. In addition, we ask for a further report on work in progress on citizens’ rights by 3 June 2024.

24 January 2024

Letter to the Chair from Rt Hon James Cleverly MP, Secretary of State for the Home Department, Home Office.

Thank you for your letter of 24 January regarding the Independent Monitoring Authority’s (IMA) press release of 1 December 2023 on the Government’s implementation of the High Court judgment of 21 December 2022 concerning pre-settled status under the EU Settlement Scheme (EUSS).

Your questions are summarised and addressed below.

We would welcome more details on the planned amendment [to the Immigration (Leave to Enter and Remain) Order 2000] and an indication of when the Government plans to introduce it.

Under the Immigration (Leave to Enter and Remain) Order 2000 (‘the 2000 Order’), a person’s pre-settled status under the EUSS will lapse automatically if they are absent from the UK for more than two consecutive years (in line with the approach to limited leave in other routes) and a person’s settled status under the EUSS will lapse automatically if they are absent from the UK for more than five consecutive years (in line with the absence permitted in such cases by Article 15(3) of the Withdrawal Agreement).⁵ In both instances, there are exceptions for those posted overseas as a member of HM Forces or on Crown service and for those accompanying such a person.

However, following the High Court judgment a pre-settled status holder who has automatically acquired a right of permanent residence under the Withdrawal Agreement will also benefit from the five-year permitted absence provision. That will be so in any event, given the direct effect of the Withdrawal Agreement, but we plan to amend the 2000 Order to ensure that it does not conflict with this.

⁵ Or more than four consecutive years in the case of a Swiss citizen or their family member (in line with the Swiss Citizens’ Rights Agreement).

The Home Office is currently working through the detail of the changes. Once we have confirmed a laying date, I will write to the Committee to provide a further update.

We ask for an update on how the Government plans to address the IMA's concerns [on the UK's implementation of the High Court judgment] as set out in their press statement of 1 December 2023.

As set out in my letter of 30 November 2023, the UK's domestic legislation (namely section 7A of the European Union (Withdrawal) Act 2018, inserted by section 5 of the European Union (Withdrawal Agreement) Act 2020), provides for the incorporation of the Withdrawal Agreement into UK law. This means that the rights under the Withdrawal Agreement, as interpreted by the High Court, are available now and directly effective in the UK.

The Government's position is that it is compatible with the Withdrawal Agreement for pre-settled status to continue to have an expiry date. The High Court judgment did not say otherwise. It expressly distinguished between pre-settled status and the underlying Withdrawal Agreement right of residence,⁶ making clear that the underlying right cannot expire for failure to make a further EUSS application before the expiry of pre-settled status and emphasising that an expiry date for pre-settled status is: "unlawful insofar as it ... purports ... to abrogate rights of residence arising under the Agreements" (paragraph 193 of the judgment).

Pre-settled status is therefore to be regarded, in accordance with Article 18(1)(a) of the Withdrawal Agreement, as the document evidencing the Withdrawal Agreement residence status conferring the rights under Title II of Part Two held by that person, rather than as constituting that residence status in itself. Therefore, as the expiry date of pre-settled status no longer purports to abrogate the underlying residence right, the UK's approach is in accordance with the Withdrawal Agreement.

It is also equivalent to the approach in those EU Member States taking a constitutive approach to residence rights under the Withdrawal Agreement, where the residence document issued to UK citizens and their family members has an expiry date. On this point, I draw the Committee's attention to the fact that it is explicit under EU law that all Withdrawal Agreement residence documentation must have an expiry date, as set out within the [Commission Implementing Decision \(EU\) 2022/1945](#). It is also our understanding that, in some EU Member States, UK citizens and their family members will face difficulties accessing some of their Withdrawal Agreement rights unless they hold a valid residence document.

Where the acquisition of the right of permanent residence is concerned, we have ensured that in the small number of areas where there are further rights attached to permanent residence, a person can rely on their Withdrawal Agreement right of permanent residence without obtaining settled status under the EUSS. However, irrespective of how the UK ensures that a person can rely on the Withdrawal Agreement right of permanent residence once acquired, it is undoubtedly in the best interests of such a person to obtain secure evidence of their right to reside in the UK indefinitely. The quickest and easiest way of doing this – in all cases – is to obtain settled status under the EUSS as soon as they are eligible for it.

The Home Office has engaged with the IMA since the High Court judgment and continues to do so. While we do not accept that the judgment or the Withdrawal Agreement obliges us to make further changes on these issues, we continue to consider with the IMA the more practical concerns it has raised – while noting that such practical consequences will continue to exist for UK citizens and their family members in some EU Member States.

⁶ For example, at paragraphs 151 and 193 of the judgment

I note the Committee's request for a further report on work in progress on citizens' rights by 3 June, and understand that the Foreign, Commonwealth & Development Office has approached the Committee's clerks to arrange this.

2 February 2024

Letter from the Chair to Rt Hon James Cleverly MP, Secretary of State for the Home Department, Home Office.

Thank you for your letter dated 2 February 2024 which was considered by the European Affairs Committee at its meeting of 27 February. We are grateful for the detailed response that you have provided to the questions that we put to you.

The issues surrounding the implementation of the rights that EU citizens living in the UK and UK citizens living in the EU enjoy by virtue of the Withdrawal Agreement remain of interest to the Committee. We will continue to scrutinise the Government's policy in both areas and may return to questions related to either of these topics in the future.

We look forward to a further update from you on the issue of EU citizens' rights by 3 June.

28 February 2024

Letter to the Chair from Tom Pursglove MP, Minister of State for Legal Migration and the Border, Home Office

Amendments to the Immigration (Leave To Enter And Remain) Order 2000.

I am writing to draw your attention to a draft statutory instrument that has been laid before Parliament today.

In his letter of 2 February, the Home Secretary informed you of our plans to amend the Immigration (Leave to Enter and Remain) Order 2000 (the 'LTERO'), to ensure consistency with the High Court judgment of 21 December 2022⁷ concerning pre-settled status under the EU Settlement Scheme (EUSS).

As set out in that letter, under the current drafting of the LTERO, a person's pre-settled status under the EUSS (five years' limited leave to enter or remain) will lapse automatically if they are absent from the UK for a continuous period of more than two years; and a person's settled status under the EUSS (indefinite leave to enter or remain) will lapse automatically if they are absent from the UK for a continuous period of more than five years.⁸ As a result of the judgment, a pre-settled status holder who has automatically acquired a right of permanent residence under the Withdrawal Agreement will also benefit from the five-year permitted absence provision.

The draft statutory instrument laid today – (The Immigration (Leave to Enter and Remain) (Amendment) Order 2024) – removes the inconsistency between the LTERO and the judgment by permitting all status holders under the EUSS – whether they hold pre-settled or settled status – to be absent from the UK for a period of five consecutive years before their status automatically lapses.

⁷ [The Independent Monitoring Authority for the Citizens' Rights Agreements, R. \(On the Application Of\) v Secretary of State for the Home Department \[2022\] EWHC 3274 \(Admin\) \(21 December 2022\) \(bailii.org\)](#).

⁸ Or a continuous period of more than four years in the case of a Swiss citizen or their family member (in line with the Swiss Citizens' Rights Agreement).

The changes do not affect the scope for the Home Office to cancel or curtail pre-settled status by decision under the Immigration Rules for the EUSS in Appendix EU⁹ where the holder has not acquired the right of permanent residence and has ceased to be eligible for pre-settled status by exceeding the absence(s) permitted under the Withdrawal Agreement.¹⁰ Any such decision will be subject to a right of appeal.

Whilst these changes will help to ensure clear implementation of the High Court judgment, we continue to encourage pre-settled status holders who meet the eligibility requirements for settled status to apply to switch as soon as they are eligible to do so. This provides them with secure evidence of their right to reside in the UK indefinitely. As of 31 December 2023, nearly 746,000 people had already switched from pre-settled to settled status.¹¹

11 March 2024

Letter to the Chair from Lord Sharpe of Epsom, Parliamentary Under Secretary of State, Home Office

I am writing to inform you of changes to the Immigration Rules which are being laid today.

Changes relating to the EU Settlement Scheme (EUSS)

We are amending the relationship requirements under Appendix Victim of Domestic Abuse (VDA) to include all partners with pre-settled status under the EUSS.

As you know, the EUSS in Appendix EU enables EU, other European Economic Area (EEA) and Swiss citizens living in the UK by the end of the transition period on 31 December 2020, and relevant family members, to obtain immigration status. Appendix VDA provides access to immediate settlement for victims of domestic abuse who meet its relationship requirements. They currently include, together with their dependent children, any partner sponsored under Appendix FM by an EEA or Swiss citizen with settled status or (based on their residence in the UK before the end of the transition period) pre-settled status under the EUSS.

The changes expand the scope of those immediate settlement provisions to include a spouse, civil partner or durable partner with pre-settled status under the EUSS (meaning that the relationship was formed before the end of the transition period), and their dependent children. We will also include them within the scope of the Migrant Victims of Domestic Abuse Concession (outside the Immigration Rules) so that they can obtain leave outside the rules with access to public funds pending the outcome of an application in the UK under Appendix VDA. This will ensure that partners of EEA and Swiss citizens with EUSS status are treated equally under these domestic abuse provisions, regardless of whether the relationship was formed before or after the end of the transition period.

The changes do not affect the existing provisions under the EUSS, which are more generous than the Withdrawal Agreement requires, for the right of residence to be retained where a relevant family relationship has broken down permanently as a result of domestic abuse. In addition, a person granted immediate settlement under Appendix VDA will still be able to apply for settled status under the EUSS at the point at which they would otherwise have been eligible for it, based on their continuous residence in the UK. However, in line with Article 18(1)(h) of the Withdrawal Agreement, the changes also require a person resident in the UK before the end of the transition period – where they seek to obtain

⁹ Paragraphs A3.3 and A3.4 of Annex 3 to Appendix EU: Immigration Rules - Immigration Rules Appendix EU - Guidance - GOV.UK (www.gov.uk).

¹⁰ After absence(s) from the UK of more than six months in any 12-month period, subject to certain exceptions.

¹¹ <https://www.gov.uk/government/statistics/eu-settlement-scheme-quarterly-statistics-december-2023>

settled status under the EUSS in place of indefinite leave to enter or remain granted to them under another route – to have held their existing indefinite leave at the end of the transition period.

Appendix AR: Administrative Review EU has been redrafted and simplified in line with Appendix AR: Administrative Review. The latter has been redrafted in line with Law Commission recommendations on simplification of the Immigration Rules, but the policy remains unchanged. Appendix AR: Administrative Review EU has also been amended to remove the scope to apply out-of-time for administrative review of a relevant EUSS decision taken before 5 October 2023. Individuals will have had more than five months to apply out of-time for administrative review and will continue to be able to apply to the First-tier Tribunal to appeal out-of-time. The scope to apply for administrative review of a relevant EUSS decision taken from 5 October 2023 was removed by HC 1780.

The changes to the Immigration Rules are being laid on 14 March 2024 and will come into effect on 4 April 2024.

14 March 2024

Letter to the Chair from Tom Pursglove MP Minister of State for Legal Migration and the Border, Home Office

I am writing to update you on the changes being made to the EU Settlement Scheme (EUSS). These changes support the practical implementation of the High Court judgment in the judicial review proceedings brought by the Independent Monitoring Authority for the Citizens' Rights Agreements (IMA).

In its judgment, the High Court found that the underlying Withdrawal Agreement residence right of a person with pre-settled status does not expire for failure to make a second application to the scheme and a pre-settled status holder automatically acquires the right of permanent residence under the Withdrawal Agreement once the conditions for it are met.

The UK's domestic legislation (namely section 7A of the European Union (Withdrawal) Act 2018, inserted by section 5 of the European Union (Withdrawal Agreement) Act 2020), provides for the incorporation of the Withdrawal Agreement into UK law. This means that the rights under the Withdrawal Agreement, as interpreted by the High Court, are, and always have been, available to citizens.

Our implementation of the judgment has therefore focused on ensuring that it continues to be easy for citizens, government departments and third parties, such as employers and landlords, to evidence their rights, or to check that they are in place.

Since September 2023, we have been extending, by two years, the pre-settled status of those who had not switched to settled status before the original expiry date of their pre-settled status grant. This ensures that no pre-settled status holder loses their ability to easily evidence their rights because they have not made a further application to the EUSS. Later this year, we intend also to move to an approach where we are, where possible, either converting eligible pre-settled status holders to settled status without them needing to apply to the EUSS, or curtailing pre-settled status where an individual has ceased to meet the relevant requirements and we consider that it is proportionate to do so. This will support our aim of aligning people's EUSS status with their underlying rights.

We also recently amended the Immigration (Leave to Enter and Remain) Order 2000 to provide for all EUSS status holders' leave to lapse after an absence from the UK of more than five consecutive years. This ensures that pre-settled status holders who have automatically acquired a Withdrawal Agreement permanent residence right can benefit from the longer absence protection, and this addresses the

inconsistency between the Order and the rights under the Withdrawal Agreement, as clarified by the IMA judgment.

We therefore believe our legal framework to be compliant with the judgment. However, we have continued to work closely with the IMA on implementation to ensure that the changes we have made work in practice. Having listened to concerns raised by the IMA about some of the potential implications of our proposals, we have decided to make some further changes to support our implementation.

Changes to Home Office online checking services

The Home Office will remove the pre-settled status expiry date from the digital profiles shown to third parties, including employers and landlords, via the suite of online checking services (Right to Work, Right to Rent and View and Prove). The requirement to carry out a repeat check on pre-settled status holders for those conducting Right to Work and Right to Rent checks will also be removed from the Right to Work and Right to Rent checking services.

Changes were made to Home Office guidance for employers and landlords and the information displayed when undertaking a check using the online services in October 2023 to reflect the judgment, clarifying that a person's rights do not expire for failure to make a second application to the EUSS. However, we accept that there is a risk that the continued visibility of an expiry date on the online checking services, and the requirement to re-check status, may adversely impact pre-settled status holders in practice. These changes will provide clarity to third parties and help avoid that risk.

We expect these changes to be made, and the relevant guidance to be updated, in the next few weeks. We are also considering if amendments to related legislation are required to clarify these changes.

Changing the length of pre-settled status extensions

We will also change the duration of pre-settled status extensions from two to five years. This will provide additional assurance to pre-settled status holders of their continuing rights, in light of the judgment.

The EUSS has been a great success, with 5.7 million people obtaining a grant of status through the scheme. We have gone above and beyond our obligations under the Withdrawal Agreement, and equivalent agreements with the other EEA states and Switzerland, and are pleased that so many of our family, friends, and neighbours have obtained the status they need to remain in the UK. As set out above, we consider our legal framework to be compliant with the judgment and these changes, alongside the changes we had already made to the EUSS, will ensure that citizens can continue to easily exercise their rights in practice.

21 May 2024

Letter from the Chair to Tom Pursglove MP Minister of State for Legal Migration and the Border, Home Office

Thank you for your letter dated 21 May 2024, informing the Committee of the changes being made to the EU Settlement Scheme.

We are pleased that the Government has agreed to changes that support the practical implementation of the December 2022 High Court judgment in the judicial review brought by the Independent Monitoring Authority for the Citizens' Rights Agreements (IMA).

23 May 2024

Letter to the Chair from Lord Hanson of Flint, Minister of State, Home Office

I am writing to inform you of changes to the Immigration Rules which are being laid today.

Changes to the EU Settlement Scheme (EUSS)

The EUSS enables EU, other European Economic Area (EEA) and Swiss citizens living in the UK before the end of the transition period on 31 December 2020, and their family members, to obtain the UK immigration status they need to continue living in the UK.

In accordance with the Citizens' Rights Agreements, the changes in respect of the Immigration Rules for the EUSS in Appendix EU are as follows:

- To refer to the scope for the Secretary of State to automatically convert pre-settled status under the EUSS to settled status (indefinite leave to enter or remain under Appendix EU) where the person qualifies for this and without the need for them to make a further valid application.
- To apply the procedural provisions in Annex 2 to the consideration of whether a person granted limited leave to enter or remain under Appendix EU continues to meet eligibility requirements.
- To enable a child applying to the EUSS who was resident in the UK before the end of the transition period, and has turned 21 years of age since then, to rely on the fact that they were aged under 21 at the end of the transition period and therefore have to meet no requirement as to dependency on their parent(s).
- To enable an EEA or Swiss citizen applying to the EUSS as a family member who has retained the right of residence, following the death or divorce of the relevant EEA or Swiss citizen who was resident in the UK before the end of the transition period, to meet simpler criteria.
- To require a joining family member to apply to the EUSS within three months of their first (not latest) arrival in the UK since the end of the transition period (or later where there are reasonable grounds for their delay).
- To enable limited leave to enter or remain granted under the EUSS (also referred to as pre-settled status) to be curtailed (subject to a right of appeal) for helping a person after the end of the transition period to obtain, or to attempt to obtain, EUSS leave or an EUSS family permit fraudulently.

These changes to the Immigration Rules are being laid on 10 September 2024 and will come into effect on 8 October 2024.

10 September 2024

SANDEEL DISPUTE

Letter to the Chair from Nusrat Ghani MP, Minister for Europe, Foreign, Commonwealth & Development Office

I am writing to inform you that the EU has initiated the first stage of the Trade and Cooperation Agreement's dispute process in relation to HMG and Scottish Government measures, which ban sandeel fishing in English North Sea waters and Scottish waters.

We received a letter on 16th April from the Secretary-General of the European Commission formally requesting that we enter consultations. Consultations must now take place within 30 calendar days, unless agreed otherwise, with the aim of endeavouring to reach a mutually agreed solution.

We took the decision to close our North Sea waters to all sandeel fishing to protect seabirds. This closure is fully compliant with our obligations under the EU-UK Trade and Cooperation Agreement and applies equally to UK and non-UK vessels. This was a necessary step to safeguard vulnerable seabird populations, including species like kittiwakes who are at serious risk, and builds on domestic measures already in place - the UK has not allocated any quota to fish sandeel to UK vessels in three years.

We will keep you updated on developments as the case progresses.

26 April 2024

LAUNCH OF UK-EU COMPETITION COOPERATION AGREEMENT NEGOTIATIONS

Letter to the Chair from Kevin Hollinrake MP, Minister of State, Department for Business & Trade & Nusrat Ghani MP, Minister for Europe, Foreign, Commonwealth & Development Office

We are writing to update you on the launch of negotiations between the UK and EU on a Competition Cooperation Agreement.

The UK-EU Trade and Cooperation Agreement provides for a separate agreement to be reached to facilitate cooperation on competition matters between the UK's and EU's competition authorities. This agreement will benefit the UK by creating a formal framework to cooperate and strengthen cross-border enforcement of competition law. It will create a forum for dialogue between the UK's and EU's competition authorities to discuss how best to face emerging and rapidly changing markets, and how to tackle anticompetitive business conduct within them.

This agreement complements the reforms included in the Digital Markets, Competition and Consumers Bill, which is currently progressing through Parliament. Part 5 of the Bill includes provisions to enhance cooperation between the UK's competition and consumer authorities and their overseas counterparts through the refinement of the UK's information sharing laws applying to those UK authorities, and the introduction of investigative assistance powers.

Officials in the Department for Business and Trade and the Foreign, Commonwealth and Development Office have contacted EU counterparts and are due to commence formal negotiations at the end of April. The Competition and Markets Authority will be involved with the negotiations by providing technical insights on how cooperation will work in practice.

We are committed to keeping Parliament updated on the progress of these negotiations. We will write again at the conclusion of talks to provide more detail on the negotiated terms of the agreement. Our officials are also available to provide a briefing to the clerks of your Committees during the course of negotiations, should that be helpful.

We have written in similar terms to Rt Hon. Liam Byrne MP, Chair of the Business and Trade Committee and Dame Meg Hillier MP, Chair of the Public Accounts Committee. We have also copied this letter to Lord Goldsmith KC, Chair of the House of Lords International Agreements Committee.

19 April 2024

SUMMARY OF ACTIVITIES UNDERTAKEN BY THE PARTNERSHIP COUNCIL, TRADE PARTNERSHIP COMMITTEE AND SPECIALISED COMMITTEES UNDER THE TRADE AND COOPERATION AGREEMENT (TCA)

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

Please find enclosed a summary of activities undertaken by the Partnership Council, Trade Partnership Committee and Specialised Committees under the Trade and Cooperation Agreement (TCA), covering the period from January to December 2023.

All Specialised Committees met at least once in 2023 and the UK and EU have had constructive discussions across a broad range of areas. These discussions have focussed on supporting proper implementation of the TCA so that UK businesses and citizens reap the full benefits of the agreement, as well as wider shared challenges such as supply chain resilience and the green transition. We look forward to continuing these discussions in 2024.

The government intends to report these activities to both the European Scrutiny Committee and European Affairs Committee on a regular basis.

9 January 2024

EU RELATED SCRUTINY ARRANGEMENTS

Letter from the Chair to The Rt Hon Nick Thomas-Symonds MP, Paymaster General - Minister for the Constitution and European Union Relations, Cabinet Office

Given the decision by the House of Lords to reappoint the European Affairs Committee, I am writing to you to explain a brief hiatus in the European legislative scrutiny work undertaken by my Committee and, previously, by the Windsor Framework Sub-Committee.

Following the dissolution of Parliament on 30 May 2024 the Windsor Framework Sub-Committee ceased to exist. It is expected that a decision on arrangements for scrutiny of Northern Ireland affairs will be taken once the House returns in October. Until then, it is unclear which Committee (or Committees) of the House will consider EU legislation relevant to Northern Ireland deposited in Parliament by Government Ministers. I note that the picture in the Commons is also unclear.

As a consequence, the process by which I and the Chair of the Sub-Committee used to 'sift' these documents to the relevant Committees of the House for consideration will be suspended until our EU related Committee structure is confirmed.

I hope that when the House returns from conference recess in October the picture will be clearer and, that between then and Christmas, we will be ready to return to our important document-based scrutiny role considering all new EU documents deposited in Parliament by the Government since late May 2024. The European Affairs Committee also retains an interest in a number of dossiers deposited for scrutiny earlier this year, including an agreement between the Home Office and Frontex, and an EU Regulation introducing reforms to the Prüm data sharing arrangements. Both of these documents are of relevance to the Government's plans to reform UK/EU security arrangements and the Committee will be in touch separately about these matters.

I would welcome an early informal discussion (with the Cabinet Office or Foreign, Commonwealth and Development Office, as appropriate) to consider a mutually convenient approach to how the European Affairs Committee works with the Government to scrutinise UK/EU relations, although formal discussions should wait until our Committee structure is clear. (Under arrangements agreed with the previous Government we were already due to undertake a review).

I am sure that the Members of the European Affairs Committee will also look forward to discussing future arrangements for scrutiny and note that both my and your officials have already begun to discuss these matters tentatively.

30 July 2024

Letter to the Chair from The Rt Hon Nick Thomas-Symonds MP, Paymaster General - Minister for the Constitution and European Union Relations, Cabinet Office

Thank you for your letters of 29 and 30 July, and for your warm wishes for my new role as Minister for the Constitution and European Union Relations. I look forward to working with your Committee as we seek to reset the UK's relationship with Europe and deepen the UK's relationship with the EU.

In my role, I will drive the Government's EU agenda, overseeing the existing relationship, and leading the cross-government work to deepen our relationship with the EU in the future. The FCDO will remain responsible for bilateral relationships, including with our European partners, and the Gibraltar negotiations using the department's diplomatic expertise.

I will be glad to discuss my priorities and your request for an evidence session, when we meet on the 4th September.

With regards to your letter on document-based scrutiny, I want to underline how important I consider the role of Parliament and your Committee in scrutinising the Government's work.

I have noted your Committee's decision to pause this work until there is clarity on arrangements for scrutiny of Northern Ireland affairs in Parliament. Our officials remain in close contact to ensure this important work can resume smoothly following the House's return from conference recess and look forward to beginning discussions about future arrangements for scrutiny in the autumn.

I highly value the work and expertise of your Committee on the various aspects of the UK's relationship with the EU and look forward to working with you over the coming months and years as the UK renews that essential relationship.

02 September 2024

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

Thank you for your letter dated 19 October 2023, which the European Affairs Committee considered at its meeting on 8 November 2023.

We are pleased that, in accordance with the commitments that you made to us in February 2023, the Department provided us with an official-level briefing on the Government's priorities prior to the EPC meeting and that you have written to us about its outcomes. We acknowledge that EPC summits are

an opportunity for a series of bilateral and multilateral meetings and ask you to provide us with more details about these in the letters sent to us following future summits, without references to joint statements and announcements published elsewhere.

We were disappointed not to hear more about plans for the forthcoming European Political Community summit in the United Kingdom in 2024. In response we ask you to provide us with an indication of the Government's objectives for the summit and the issues that are expected to be prioritised. Would you also be able to confirm that the summit will be held during the first half of 2024?

The Committee is also interested to learn why the final press conference in Granada, where it was expected that details about the summit in the UK would be announced, was cancelled.

We ask you to reply within the usual 10-day deadline.

8 November 2023

Letter to the Chair from the Rt Hon Lord Cameron, Secretary of State for Foreign, Commonwealth and Development Affairs, Foreign, Commonwealth and Development Office

I am delighted to have the opportunity to work with you once again, in my new role as Foreign Secretary. Thank you for your letter dated 8 November 2023, addressed to my predecessor. I am writing to update you on the government's work in relation to the European Political Community (EPC).

I recognise your Committee's interest in this area. We value the EPC as an important platform for leader-level coordination on pan-European issues. It is important that we continue to reflect on how the EPC can be most effective and that we consult with partners to find a model that delivers for all leaders. We are in the process of seeking these views and I look forward to updating you on plans for a UK-hosted summit.

As you know, The Prime Minister has successfully used previous summits to drive forward our interests on energy, illegal immigration, and security. I expect these themes to remain central to the EPC.

The Prime Minister was pleased with the discussions he held with a wide range of counterparts in Granada. With regard to future summits, I will endeavour to provide fuller details on these engagements. The decision not to hold a press conference at the end was taken by the hosts.

Thank you for your continued interest in the Government's work on Europe. I look forward to meeting you and your Committee soon.

20 November 2023

Letter to the Chair from the Rt Hon Lord Cameron of Chipping Norton, Secretary of State for Foreign, Commonwealth and Development Affairs, Foreign, Commonwealth and Development Office

I am writing to inform that the Prime Minister has agreed to host European leaders in the UK on the 18th of July 2024 for the fourth European Political Community (EPC) Summit.

The Summit will focus on preparing international challenges, including supporting Ukraine and countering illegal immigration.

Previous EPC summits have been valuable in galvanising pan-European cooperation outside of the EU framework. At the Prague Summit, the continent came together to send a powerful message of support

for Ukraine and the UK re-engaged with the North Seas Energy Cooperation. During the Chisinau Summit, the UK provided support to Moldova to counter Russian malign activity and launched new organised immigration crime cooperation with Bulgaria. And at the Granada Summit, the Prime Minister agreed an eight-point plan to tackle illegal immigration and led discussion on our collective approach to Artificial Intelligence.

The Government is working closely with EPC partners to promote coherence across this and future EPC summits.

I have instructed my officials to keep you update on preparations for the UK Summit.

18 March 2024

Letter to the Chair from the Rt Hon David Lammy MP, Secretary of State for Foreign, Commonwealth and Development Affairs, Foreign - Commonwealth and Development Office

EUROPEAN POLITICAL COMMUNITY AND MINISTERIAL RESPONSIBILITIES

Thank you for your letter dated 29 July.

By way of background, the Prime Minister gave an oral statement on the European Political Community to the House of Commons on Monday 22 July, which was repeated in the House of Lords on Tuesday 23 July.

Both the Prime Minister and I were delighted to host the summit so early in this government's tenure. At Blenheim, we demonstrated a shared, continent-wide commitment to work together to meet the challenges we face. It was the first step in the resetting of our relationship with Europe, which I am committed to delivering across this parliamentary term.

On Ukraine, the summit made clear once again that Europe will do what is required for as long as it take. 44 countries agreed in the margins of the EPC on the need to tackle the Russian Shadow Fleet.

I was also pleased that for the first time the EPC could directly address shared challenges posed by irregular migration, looking at how we could collectively tackle people smuggling and might take a whole of route approach to finding a more sustainable status quo.

On energy, we emphasised the need for regional solutions to finding more affordable, secure and sustainable energy. And on defending democracy, we set out the practical steps that we can take – both at national and international level – to build a more comprehensive and resilient response to foreign information manipulation and interference.

In future, I hope that the EPC will continue to provide an even more effective forum to demonstrate continental cooperation on these issues. We will now engage with Hungary, Albania and Denmark in a new Quad format to ensure that we are maximising continuity between meetings, whilst retaining the informality and space for bilateral conversations that makes this format such a success.

Separately, I wanted to draw your attention to the Written Ministerial Statement (WMS) that was laid on Wednesday 24 July (HLSW18 'Machinery of Government'), which detailed Machinery of Government changes across Government. The WMS announced that the FCDO will remain responsible for bilateral relationships, including with our European partners, the Gibraltar negotiations and Europe strategy, using my department's diplomatic expertise. The Ministerial structures under the UK's treaties with the European Union will move to the Cabinet Office. The Paymaster General, as Minister for the Constitution and European Union Relations, will drive the Government's European Union agenda,

overseeing the existing relationship, and leading the cross-government work to deepen our relationship with the EU in the future.

Finally, I note your request for an evidence session and have asked my officials to liaise with your Committee's clerks.

Please accept my thanks again for your engagement and interest in the EPC, and I look forward to working with you in the future as we reset our relations with our European partners.

17 September 2024

HORIZON EUROPE AND COPERNICUS UPDATE

Letter from the Chair to The Rt Hon Michelle Donelan MP, Secretary of State for Science, Innovation and Technology, Department for Science, Innovation & Technology UK association to Horizon Europe and Copernicus

Thank you for your letter dated 12 October 2023. This was considered by the Committee at its meeting on 14 November 2023.

As you note in your letter the Committee received an Explanatory Memorandum from HM Treasury relating to the agreement between the UK and the EU providing for UK association to Horizon Europe on 27 September 2023. This was useful to the Committee in providing us with additional detail about the terms of the agreement. We also thank you for the information that you have provided to us about the operation of the “corrective mechanism” designed to prevent the UK from paying a disproportionate net contribution to the scheme and note the information provided in the EM regarding arrangements in the event of UK overperformance.

We regret that you did not confirm in your reply that the Government believes that, in future, scientific collaboration should be considered on its own merits. This point is pertinent since the UK and EU will need to reach further agreements if the UK is to associate to future EU programmes, including any successor to Horizon Europe, which is currently funded until 2027.

It is unclear to us why no date for formal adoption of the agreement by the Specialised Committee on Union Programmes has yet been set, given the significance of this agreement, the fact that the draft decision has now been published and the apparent urgency, given that these arrangements are due to become binding on the UK and EU from 1 January 2024. We ask you to provide us with a further update on the anticipated timetable and to account for this delay.

We note that you suggest in your reply that the Government's decision not to pursue association to the Euratom research and training programme, and Fusion4Energy/ITER, was a consequence of the impact of the delay of over two years, compared to the timetable that was originally envisaged. We acknowledge that it may have proved difficult for UK researchers to resume their participation in these programmes after a two-year absence, but we nevertheless regret that this situation arose. In our view, this is a tangible example of the delay to UK association having had long-term implications for UK-EU scientific cooperation. We ask you to keep the UK's relationship with these programmes under review.

We welcome your indication that collaboration with the EU and other partners will form a “key part” of the Government's planned investment in the domestic fusion sector. We ask you to provide us with an update on this when more detail about these plans is announced.

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

15 November 2023

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

I know you have closely followed developments on the UK's association to EU Programmes, I am writing with an update to my previous letter on this issue on 6 September as well as in response to your latest letter on this issue on 15 November. I apologise for the delay in responding to this, but I wanted to provide you with a substantive update.

On Monday 4 December the UK and EU will sign our bespoke new agreement finalising the UK's association to the Horizon Europe and Copernicus programmes. This deal is set to create and support thousands of new jobs as part of the next generation of research talent. It will help deliver the Prime Minister's ambition to grow the economy and cement the UK as a science and technology superpower by 2030.

As part of the new deal negotiated over the last six months, the Prime Minister secured improved financial terms of association to Horizon Europe that are right for the UK – increasing the benefits to UK scientists, value for money for the UK taxpayer. It ensures:

1. UK taxpayers will not pay for the time where UK researchers have been excluded since 2021, with costs starting from January 2024.
2. The UK will have a new automatic clawback that protects the UK as participation recovers from the effects of the last two and a half years. It means the UK will be compensated should UK scientists receive significantly less money than the UK puts into the programme. This was not the case under the original terms of association.

Later today we expect UK and EU representatives to meet in the format of the Specialised Committee on Participation in Union Programmes, where they are due to sign a decision to adopt Protocols I and II and amend Annex 47 of the Trade and Cooperation Agreement, thereby formalising the UK's association to Horizon Europe and Copernicus.

I will meet in Brussels with EU Research and Innovation Commissioner Iliana Ivanova and members of the UK and EU R&D sectors to discuss and promote efforts to boost UK participation in Horizon Europe and Copernicus.

My visit to Brussels marks the start of joint UK-EU work to ensure that UK businesses and researchers and their international counterparts come together and seize the opportunity that UK association to the programmes brings.

Researchers, academics, and businesses of all sizes can confidently bid for a share of the more than £80 billion available through the two programmes, with calls for the 2024 Work Programme already open. It builds on the Government's record-breaking backing for R&D, with a commitment to invest £20 billion in UK R&D by 2024-25, borne out in recent announcements like the £500 million boost to the AI Research resource and £50 million for battery manufacturing R&D, announced in the Autumn Statement.

DSIT will shortly launch a communications campaign to maximise participation in Horizon Europe and Copernicus from researchers, academics and businesses of all sizes in the UK. Encouraging smaller businesses to pitch for, and win, Horizon and Copernicus funding supports DSIT's aim to help the UK's promising science and tech firms scale-up and grow. Officials will work closely with key sector

stakeholders to ensure this message reaches businesses of all kinds, who might not have previously considered applying, as well as researchers and academics in every part of the country.

4 December 2023

Letter to the Chair from Rt Hon Peter Kyle MP, Secretary of State for Science, Innovation and Technology – Department for Science, Innovation & Technology.

10th Research and Innovation Framework Programme (FP10)

I am writing to inform you that on 26 September 2024, my department will be publishing a [Position Paper](#) setting out initial UK views on the EU's 10th Research and Innovation Framework Programme (FP10), the successor to Horizon Europe, which will run from 2028 to 2034. The Position Paper is attached for your reference.

The UK is pleased to have been associated to Horizon Europe since the start of 2024, and as such, we have been following the developments around its successor Programme with interest, whilst focusing on boosting our participation and uptake of Horizon Europe opportunities amongst the UK research and business community.

The document we are publishing tomorrow is therefore our first step in supporting the work of the EU and its Member States to develop an impactful next Research and Innovation Funding Programme which delivers science of the highest quality to the benefit of all participants. Research and innovation will be critical to growing the economy, seizing the opportunities of net zero, rejuvenating healthcare systems and creating opportunities for citizens, the world over.

As you will see in the Position Paper, it is our view that an FP10 that addresses the pressing global problems we all face, and directly improves people's lives, should be grounded in the principles of excellence and openness. Excellence will be key to harnessing the full potential of Europe's research and innovation capabilities across the entire research pipeline. It is critical to maintain the principle of openness through the equal participation of likeminded associated countries in all areas of the programme from its very conception, with exclusions removed wherever possible to ensure collaboration between likeminded partners on key technologies. This will enable the best research capabilities to work together to tackle shared challenges.

FP10 should also keep what works in Horizon Europe, with stable and predictable support so that all our researchers and innovators have a programme which they understand and can easily access. Through a careful balance between curiosity-driven research and applied research and innovation, FP10 can remain flexible and responsive to future global challenges.

Having associated to Horizon Europe, we are keen to make UK participation in that Programme a success. We will continue to work with the research community, the EU, Member States and third countries to ensure that through our continued involvement in the European Framework Programmes, we can be at the forefront of what is a global competition, combining the deep strengths of our R&D systems for economic growth and resilience.

As such, the UK will, of course, be interested in potentially associating to FP10 assuming it is open, relevant and provides good value for our research community and the taxpayer. The UK Government will continue to follow developments on FP10 closely and will engage with the research sector, the EU and the Member States as this process moves forward over the coming months and years.

For information, this letter has also been sent to the respective chairs of the Science, Innovation and Technology Committee, the Science and Technology Committee, the European Affairs Committee, the

Treasury Committee, the Energy Security and Net Zero Committee, and the Foreign Affairs Committee. I will place copies of this letter and the position paper into the Libraries of both Houses.

We are grateful for previous engagement by Select Committees on the Horizon Europe Programme and look forward to continued collaboration as plans for FPI0 develop.

25 September 2024