



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 7 November 2023 to 30 May 2024

EUROPEAN AFFAIRS COMMITTEE

CONTENTS

SCRUTINY OF EU DOCUMENTS4

- 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 75/234
- WORKING ARRANGEMENT ON ESTABLISHING COOPERATION BETWEEN THE EUROPEAN BORDER AND COAST GUARD AGENCY (FRONTEX) AND THE HOME OFFICE, SIGNED ON 23 FEBRUARY 2024 – UNNUMBERED6
- 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 AND NORTHERN IRELAND, OF THE OTHER PART, ON THE ADOPTION OF THE GUIDANCE ON FRAMEWORKS FOR COOPERATION – COM (2024) 44.....6
- PROPOSAL FOR A COUNCIL DECISION ON THE POSITION TO BE TAKEN ON BEHALF OF THE EUROPEAN UNION IN THE PARTNERSHIP COUNCIL 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 AS REGARDS THE

TRANSITIONAL PRODUCT-SPECIFIC RULES FOR ELECTRIC ACCUMULATORS AND ELECTRIFIED VEHICLES – COM (2023) 950.....	6
• COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS COMMISSION WORK PROGRAMME 2024: DELIVERING FOR TODAY AND PREPARING FOR TOMORROW - 13917/23 + ADD I COM (2023) 638	9
• PROPOSED EU REGULATION ON AUTOMATED DATA EXCHANGE FOR POLICE COOPERATION (“PRÜM II”), AMENDING COUNCIL DECISIONS 2008/615/JHA AND 2008/616/JHA AND REGULATIONS (EU) 2018/1726, 2019/817 AND 2019/818 - COM (21) 784.....	18
• MEMORANDUM OF UNDERSTANDING ON OFFSHORE RENEWABLE ENERGY COOPERATION - UNNUMBERED	19
• COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS COMMISSION WORK PROGRAMME 2023 A UNION STANDING FIRM AND UNITED- COM (22) 548.....	19
• 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	20
GENERAL CORRESPONDENCE.....	20
• REFORMS TO THE EU SETTLEMENT SCHEME.....	20
• SANDEEL DISPUTE.....	22
• LAUNCH OF UK-EU COMPETITION COOPERATION AGREEMENT NEGOTIATIONS.....	22
• AMENDMENTS TO THE IMMIGRATION (LEAVE TO ENTER AND REMAIN) ORDER 2000.....	23
• IMMIGRATION RULES CHANGES.....	24
• SUMMARY OF ACTIVITIES UNDERTAKEN BY THE PARTNERSHIP COUNCIL, TRADE PARTNERSHIP COMMITTEE AND SPECIALISED COMMITTEES UNDER THE TRADE AND COOPERATION AGREEMENT (TCA)	26
• EXTENSION TRADE AND COOPERATION AGREEMENT’S (TCA) CURRENT RULES OF ORIGIN FOR ELECTRIC VEHICLES AND BATTERIES.....	26
• PRIORITIES OF THE BELGIAN EU COUNCIL PRESIDENCY, JANUARY TO JUNE 2024.....	27
• STATEMENT OF CHANGES IN IMMIGRATION RULES	28

- CHANGE OF UK CO-CHAIR ARRANGEMENTS ON THE WITHDRAWAL AGREEMENT JOINT COMMITTEE AND TRADE & COOPERATION PARTNERSHIP COUNCIL..... 30
- THE APPLICATION OF RETAINED EU EMPLOYMENT LAW 30
- NEGOTIATIONS FOR 2024 UK-EU, UK-EU-NORWAY, AND UK-NORWAY FISHERIES AGREEMENTS FOR 2024 32
- EU RELATED SCRUTINY ARRANGEMENTS..... 35
- WELCOME AND INTRODUCTORY LETTER..... 35
- RIGHTS OF EU CITIZENS IN THE UK AND UK CITIZENS IN THE EU UNDER THE WITHDRAWAL AGREEMENT 36
- THE EUROPEAN POLITICAL COMMUNITY..... 43
- INTERIM REVIEW OF THE OCTOBER 2022 SCRUTINY COMMITMENT AGREEMENT 44
- HORIZON EUROPE AND COPERNICUS UPDATE..... 45
- TREATY ON UK WITHDRAWAL FROM THE EUROPEAN UNIVERSITY INSTITUTE..... 46

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 541 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 54I 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 54I, 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

WORKING ARRANGEMENT ON ESTABLISHING COOPERATION BETWEEN THE EUROPEAN BORDER AND COAST GUARD AGENCY (FRONTEX) AND THE HOME OFFICE, 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

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 AND NORTHERN IRELAND, OF THE OTHER PART, ON THE ADOPTION OF THE GUIDANCE ON FRAMEWORKS FOR COOPERATION – COM (2024) 44

PROPOSAL FOR A COUNCIL DECISION ON THE POSITION TO BE TAKEN ON BEHALF OF THE EUROPEAN UNION IN THE PARTNERSHIP COUNCIL 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 AS REGARDS THE TRANSITIONAL PRODUCT-SPECIFIC RULES FOR 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

COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS COMMISSION WORK PROGRAMME 2024: DELIVERING FOR TODAY AND PREPARING FOR TOMORROW - 13917/23 + ADD I COM (2023) 638

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

Commission's Annual Work Programme 2024

Thank you for your Explanatory Memorandum (EM) on the Commission's Annual Work Programme 2024. It was considered by the European Affairs Committee at its meeting of 23 January 2024.

We find the regular submission of a Government EM on the Commission's Annual Work Programme (AWP) a valuable opportunity to consider, in broad terms, the Commission's plans for the forthcoming year and, also, the Government's reaction. We note, as you do similarly, that this latest iteration reflects the current political cycle of the EU's institutions - the forthcoming European Parliamentary elections in June and the end of the current Commission's mandate in October – and the fact the bulk of the work highlighted in the AWP is about consolidating action already taken and fulfilling promises made by the Commission President in 2019.

As you know, before Christmas the Committee concluded taking evidence in its current inquiry on the implications of Russia's invasion of Ukraine for UK-EU relations - the subsequent report will be published on 31 January 2024. A great deal of the most important aspects of the AWP, particularly on 'Europe and the World' and on EU defence policy, overlap with the Committee's current inquiry and report. This includes matters relating to EU enlargement; access to projects operating under Permanent Structured Cooperation (PESCO); EU legislation addressing defence cooperation and procurement

including its impact on NATO; and recent successful UK-EU cooperation on sanctions cooperation. We would not wish to overcomplicate our consideration of these matters by opening an additional line of correspondence with you and look forward to considering your response to our Report.

Also, as you note throughout your EM, many of the most significant legislative developments for the Single Market highlighted by the Commission in the AWP and commented on by you (for example, on the regulation of AI; reform of the EU's Customs Code; and reform of Geographical Indications) are already being scrutinised by our Windsor Framework Sub-Committee.

These issues aside, your EM raises a number of questions across the subjects dealt with below that we wish to discuss with the Government.

Climate change

This Committee has corresponded with the Government on the implications of the EU's Emissions Trading Scheme (ETS) and its Carbon Border Adjustment mechanism (CBAM) in discussions of previous iterations of the AWP and in the context of our Report, "The future UK-EU relationship" (4th Report of Session 2022-23, published 29 April 2023, HL Paper 184) and your subsequent response. We also raised these issues with the Foreign Secretary when he gave evidence to us in December 2023, but he felt unable to comment in any detail "because there is a government consultation going on about how we respond to the issue of CBAMs and, indeed, the differential carbon pricing between us and the EU" (Q 30).

We remind you that our 2023 Report concluded that: "[T]here could be serious risks in terms of trade diversion and damage to mutual UK-EU trade if their respective CBAMs on third country trade were to diverge substantially" (paragraph 235) and we argued that "the potential implications of the EU CBAM for the UK, including for trade between Great Britain and Northern Ireland, further strengthens the argument for linking the UK and EU Emissions Trading Schemes" (paragraph 236).

We note that your EM confirms your continued engagement with the EU on "respective climate ambitions" including on the ETS but, it offers little detail about the precise steps you have taken recently and to what end. We note that on 18 December 2023, you published the outcome of your consultation on your own plans to launch a UK CBAM in which you state that the "best solution to carbon leakage is an international one". Despite this, however, the consultation document says nothing about UK/EU cooperation on this issue and the related ETS. We ask you to rectify this by providing an update on the Government's discussions with the EU and any plans to coordinate on these respective policies designed to address climate change.

Digital markets

As we have said in correspondence on previous iterations of the Commission's Annual Work Programme, legislative developments in this field by either the UK or the EU will remain an area of interest for this Committee given the possibility that reform could lead to the creation of new non-tariff barriers to UK/EU trade. In your EM, you highlight the importance of the EU's Regulation on Artificial Intelligence (RAI) saying that it will "impact UK businesses that sell AI tools to EU clients", you also promise to engage the EU "as needed" through the relevant TCA Specialised Committee. While the Windsor Framework Sub-Committee is engaged in scrutiny of this legislation and its implications for Northern Ireland, we would welcome your explanation of your concerns about the RAI for wider UK/EU relations and an update on your discussions of this matter with the EU in the relevant Specialised Committee.

Economy, trade and competitiveness

We note that the EU's Critical Raw Materials Act (CRMA) and its accompanying Critical Raw Materials Club remain, on the basis of the AWP, important developments for the Commission and the Member States. Indeed, you say in your EM that the CRMA is "in our collective interests" and you are considering its implications for UK industry and how you "might work with our European partners on the issue". However, you provide little detail on how you may engage with the EU to promote what you describe as "our collective interests" and to what end. For example, you do not say whether (or not) you would seek to participate in the EU's nascent 'Critical Raw Materials Club' an obvious mechanism through which the UK might engage.

You also say nothing about the forthcoming Draghi report on the competitiveness of the Single Market (which we recognise is not due until June) but we would welcome your assurance that you will provide us with a copy accompanied by an EM when it is published later this year; we would seek a similar approach to the forthcoming Enrico Letta report on the future of the Single Market which we understand is due in March. Similarly, you say nothing about the EU's work with the USA, and now India, through their respective Trade and Technology Councils. In our view, these are interesting examples of international cooperation with the EU in which the UK does not participate, and we ask, therefore, whether you wish to rectify this issue and whether you believe that a similar UK/EU body would be worth creating.

Justice and Home Affairs

We are not surprised to read that both the Commission and you in your EM identify action on migration and people smuggling as key priorities. You will recall that we have already engaged in lengthy correspondence with you on these issues, including the problem of small boats crossing the Channel, in relation to previous iterations of the AWP. However, in our view it remains the case, based on the contents of the Communication and your EM, that there is very little evidence of any coordinated UK/EU action to address these problems; we believe this to be a significant oversight given the obvious shared priority. Why might this be so? We note that your EM highlights the European Political Community's (EPC) discussion of the problem but as we have said before the EPC is by design nothing to do with the EU. The Commission notes in the AWP the importance it attaches to the recent EU-led conference on migration held on 28 November 2023; it appears, however, that no Government Home Office Minister responsible participated. We would be grateful to know why, and on what basis, the Government took this decision.

In correspondence on the Commission's Annual Work Programme for 2023, you signalled that the Government was negotiating a UK/Frontex agreement, clarifying in October, that "Our priority is finalising the deal and starting cooperation as soon as possible" (emphasis added). What is the latest status of these negotiations? If agreement was close in October is there a delay? If so, what is the cause of the delay? When do you expect that Frontex will present the draft to the European Parliament (given that imminent EP elections will curtail opportunities during 2024)?

One further/significant development in this context is that in December the EU agreed its 'New Pact on Migration and Asylum'. We ask you to deposit the 'Pact' in Parliament with an accompanying EM paying particular attention to your assessment of the 'Pact' and its potential impact on UK/EU cooperation on migration.

Finally, we note your efforts to seek a solution to the lack of post-Brexit UK/EU cooperation on civil justice. We ask that you provide an update on the resolution of this problem when you respond to this letter.

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

24 January 2024

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

Commission's Annual Work Programme 2024

I am writing in response to your letter of 24 January regarding the Commission's Annual Work Programme (CWP) for 2024, and the FCDO's Explanatory Memorandum (EM) published on 15 November 2023.

I am pleased that you continue to find these CWP EMs valuable. We continue to value your Committee's engagement. We also note that your report on the implications of Russia's invasion of Ukraine for UK-EU relations was published on 31 January. We will respond to that report in due course through the usual processes.

I should note that overall responsibility for many of the areas you mention sits, or is shared with, other Government Departments, but we have endeavoured to provide the fullest answers possible working with colleagues across Government.

Climate change

You asked for an update on the Government's discussions with the EU on the Carbon Border Adjustment Mechanism (CBAM) and the Emissions Trading Scheme (ETS).

The first and best solution to carbon leakage risk would be international coordination on decarbonisation and carbon pricing and we are taking active steps to work with our international partners, including the EU, on global carbon pricing and carbon leakage mitigations. This includes working with the EU through forums such as the Climate Club, launched at COP28, which seeks to increase ambition in the field of industrial decarbonisation.

The UK has been an observer on the EU expert group that provides advice and guidance on the implementation of the EU CBAM, and we will continue to engage with the EU on implementation at a technical level. The UK and EU also discussed the EU's CBAM at the TCA Trade Specialised Committee on Goods in November, as well as the Trade Partnership Committee in December. At these meetings we also updated the EU on the UK's consultation on carbon leakage, although we were not at that stage able to talk about the outcome as the meetings took place prior to this being published.

The Government recognises the importance of international co-operation on carbon pricing. As we transition to net zero, it is important that we work across international borders to drive climate ambition, maintain competitiveness, and minimise the risk of carbon leakage. Under the terms of the TCA, the UK Government and EU agreed to consider linking our respective carbon pricing schemes and to cooperate on carbon pricing. We are open to the possibility of linking the UK ETS internationally and will continue to work with other jurisdictions to tackle shared challenges and learn from the experience of others as we develop the UK ETS. The UK and EU discussed our respective Emissions Trading Schemes at the Trade Specialised Committee on the Level Playing Field in October, as well as the Trade Partnership Committee.

I am confident we will continue to have further discussions throughout the course of this year, including on the UK CBAM now that it has been announced.

Digital markets

You asked for further information on the EU's AI Act and our discussions with the EU in the relevant Specialised Committee.

A compromise version of the AI Act is currently going through the final stages of the legislative process. It will impact UK firms insofar as they will need to consider the provisions of the legislation while exporting AI products to the EU. We will monitor this as the Act is adopted and implemented and raise any issues which arise.

At the last Specialised Committee on Services, Investment and Digital Trade on 9 October 2023, UK and EU officials discussed approaches to AI regulation in both jurisdictions, collaboration in international fora and the UK's AI Safety Summit. The Government will continue to engage with the EU on AI policy.

Economy, trade and competitiveness

You raised critical minerals in your letter. UK-EU cooperation on critical minerals is key to supporting our mutual economic resilience and incentivising responsible, diversified supply chains. We work closely with the EU on economic security and critical mineral supply chains through multilateral fora such as the Minerals Security Partnership, International Energy Agency and G7.

In October 2023, the UK and EU discussed our respective supply chain initiatives and their close alignment, including the UK's Critical Minerals Strategy and the EU's Critical Raw Materials Act. This was at the third meeting of the UK-EU Trade Specialised Committee on Goods under the TCA. This was also touched on at the Trade Partnership Committee meeting in December 2023.

Our exchanges confirmed that we agree that activities across the critical mineral supply chain should be carried out to the highest standards of environmental, social, and corporate governance (ESG) possible. We agreed that our international engagement efforts should always include discussion of how to collectively promote a greater focus on sustainability so we can avoid undesirable practices that harm the environment and society whilst also decreasing long-term risks to businesses. Both the UK and EU are also clear that the extraction of critical minerals should work for the benefit of all, including countries that extract and produce the minerals. We are united in our calls for greater transparency

and engagement on supply chain measures. Furthermore, I am of course aware that Lord Jay and Greg Hands are in correspondence about other potential impacts of the EU's Critical Raw Materials Act.

Regarding the proposed Critical Raw Materials Club, the UK has not yet taken a decision on participation. However, we do support the objectives of the Club to develop principles to bring together consumer and producer countries, and foster cooperation to allow resource-rich developing countries to move up the value chain. It is important that the Club is complementary to existing multilateral initiatives.

With respect to the upcoming reports by Mario Draghi and Enrico Letta, I would like to reassure you that we are following their progress and will be happy to consider your request to submit an Explanatory Memorandum upon the publication of each report, when the nature and content of each is clearer.

You also asked about the EU's trade and technology cooperation with the US. The UK remains committed to working closely with both partners to further our shared technology objectives. I would highlight that neither the US nor India have a comprehensive trade agreement with the EU as we do.

Justice and Home Affairs

You raised illegal migration and people smuggling, referring to our previous correspondence. The UK works closely with a range of European partners, including the EU, to tackle illegal migration. Ministers and officials undertake regular engagement on joint priorities, as is demonstrated by the EPC side meeting co-chaired by the Prime Minister and PM Meloni attended by President von der Leyen where they, alongside France, The Netherlands and Albania, agreed coordinated action to tackle the shared challenge of illegal migration. We also engage through other fora such as the Calais Group, which is due to meet shortly.

The UK and EU have close alignment across several key areas, including the fight against people smuggling. In November, the EU hosted an International Conference on a Global Alliance to Counter Migrant Smuggling. Like many of our partners, the UK was represented by a delegation at senior official level. At the conference, the EU called for a 'Global Alliance' to tackle migrant smuggling and announced new legislative proposals on tackling the facilitation of illegal migration. We welcomed this announcement and noted that we hope to see it adopted as soon as possible. We will continue engagement across all available channels, and through forums such as the Calais Group, which is due to meet shortly.

Good progress continues to be made on the UK-Frontex Working Arrangement, and we hope to conclude it as soon as possible to allow us to begin cooperation. We will provide a further update to Parliament accordingly, and an Explanatory Memorandum will be shared with the relevant committees.

You asked about the EU's Migration and Asylum Pact. As you know, in December, the EU announced that it has reached political agreement on the central elements of its migration and asylum reforms – this is a welcome development including because a strengthened EU border is also in our interest. The Migration and Asylum Pact is though of course for the EU itself, and proposals will need to be formally adopted by the European Parliament and Council in due course.

Finally, you asked about our efforts to further UK-EU cooperation on civil justice. The Government continues to seek options for strengthened civil judicial cooperation with the EU. In January this year, we signed the Hague 2019 Convention on recognition and enforcement of foreign judgements, and we are now moving at pace to implement and ratify the Convention. The Convention will come into force for the UK 12 months after we deposit our Instrument of Ratification. Once in force, Hague 2019 will improve legal certainty for UK citizens and businesses and those of other contracting states, including the EU and Ukraine, involved in cross-border litigation, and support international trade, investment, and cross border mobility.

We continue to believe that UK membership of the Lugano Convention is a sensible, pragmatic basis for continued civil judicial cooperation with the EU and other partners, and that addressing the remaining gaps in the framework for this cooperation will be of mutual interest to ordinary UK and EU citizens, families and businesses, who live and work across borders. The UK's Lugano application remains pending, and the government makes the case for UK membership to EU counterparts as opportunities arise.

I trust that those clarifications are useful, and I would like to repeat the standing offer of technical briefings from my officials for further clarification on any of the matters you raise, including on migration issues, if necessary. I look forward to my continued engagement with you and your Committee.

5 February 2024

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

Thank you for your letter dated 5 February 2024 which was considered by the European Affairs Committee at its meetings of 27 February and 12 March 2024. We retain an interest in this matter.

As we have said, we find the annual consideration of the Government's Explanatory Memorandum (EM) on the Commission's Annual Work Programme (AWP) "a valuable opportunity to consider, in broad terms, the Commission's plans for the forthcoming year and, also, the Government's reaction". We note that in your response you state that you "continue to value [the Committee's] engagement".

Our letter dated 24 January 2024, put a number of questions to you across four areas of post Brexit UK/EU cooperation: climate change; digital markets; the economy, trade and competitiveness; and justice and home affairs. Our questions, drawing on the contents of your EM, focussed on those matters of UK/EU cooperation where your comments suggested that:

- (i) solutions could be found through cooperation with the EU (for example, the availability of critical raw materials or measures to combat climate change).
- (ii) EU action gave rise to questions or concerns for the UK (for example, the regulation of Artificial Intelligence (AI)); and,
- (iii) the UK/EU's policy goals aligned (for example, cooperation on migration or people smuggling).

We are disappointed, however, with your lack of engagement with our questions as your letter offers little detail to assist us in our consideration of the state of UK/EU relations as summarised in the Commission's Annual Work Programme (AWP) and your accompanying EM.

Critical raw materials

The Government said in its EM that the EU's Critical Raw Materials Act (CRMA) is "in our collective interests" and that it was considering ways in which the UK "might work with our European partners". We asked for detail about any discussions and whether the Government would consider participating in the so-called CRMA's Club. In response you say nothing about the policy of whether or not the UK should engage the EU on this subject which you acknowledge is in our collective interests. What is the Government's assessment of the utility of the CRMA club? Would membership of the club offer opportunities for the UK?

Artificial Intelligence

You said in your EM that the EU's forthcoming AI Regulation "would impact UK business that sell AI tools to EU clients", confirming also that you are discussing this in the relevant Specialised Committee. In response to our request for further detail, you repeat your statement that it "will impact UK firms insofar as they will need to consider the provisions of the legislation while exporting AI products to the EU" – a statement which takes our understanding of your concerns no further forward. You do confirm in your letter, however, that you "will continue to engage with the EU on AI policy". How will you assess the impact of EU AI regulation on UK firms; having done so, what form will your engagement with the EU take? And what issues do you anticipate you will discuss?

Justice and Home Affairs

The Commission's AWP and your EM highlighted clear policy alignment on concerns about migration and people smuggling. As a consequence, our letter focussed intentionally on UK/EU cooperation to address these problems. In response, you highlight the Government's focus on the European Political Community (EPC) and the so-called Calais Group – we note that neither body has any formal connection to the EU.

The Foreign Secretary told us in a letter dated 20 November 2023 that the Government "value the EPC as an important platform for leader-level coordination on pan-European issues" and you express

similar positive statements about the utility of the EPC in your response. Nevertheless, having been due to host the latest summit in Spring 2024, the Government has said nothing publicly about any plans. We would be grateful to know when the Government are planning to hold the meeting given the value you clearly attach to it as a forum for engagement with other European Governments on migration.

Deposit of Ems

We also included in our letter three requests for EU documents to be deposited in Parliament, accompanied by an EM, to facilitate our scrutiny. (Two forthcoming reports on the operation of the Single Market (Draghi and Letta reports) and another on the EU's New Pact on Migration.) We note that you say you will be "happy" to consider our requests once the reports' "nature and content are clearer" and your statement that the Migration Pact is a matter "for the EU itself". In our view, your response fails to make the clear commitment to Parliamentary scrutiny that these subject areas with significant implications for UK/EU relations deserve. More positively, however, we welcome the recent deposit of the UK/EU Frontex agreement and look forward to scrutinising its contents shortly.

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

14 March 2024

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

I am writing in response to your letter of 14 March regarding the Commission's Annual Work Programme (CWP) for 2024, and the FCDO's Explanatory Memorandum (EM) published on 15 November.

You have requested further detail on a number of areas set out in the Commission's Work Programme and the implications for the UK – EU relationship. I am sorry that you did not find all aspects of the previous correspondence helpful in your considerations. We have set out further responses below that I hope will assist your Committee.

I look forward to engaging with you and your Committee in my new role. In summary, and as the Foreign Secretary outlined in his recent evidence session with you, we judge that our relations with the EU are positive and driving good results in the areas where we want them.

Critical Raw Materials

You asked for a more detailed assessment of the EU's Critical Raw Material Club. Since its conception, the plan for such a club has been evolving – entirely understandably, given that lots of us are thinking this work through and that it involves different sets of partner countries. A key part of that evolution has been the question of how the Club relates to other initiatives.

As the Committee may have seen, the ambition of the EU's proposal for a Critical Raw Materials Club – to bring together producer and consumer countries to collaborate on critical raw minerals – has now been incorporated into a new pillar of the Minerals Security Partnership (MSP), an existing collaboration of 15 countries and the EU designed to catalyse public and private investment in responsible critical minerals supply chains. On 5 April, the MSP Forum was formally launched in Brussels, aimed at expanding engagement with mineral producing countries, taking forward individual projects with high ESG and labour standards, and promoting policies that contribute to diverse and resilient supply chains.

The UK, as a founding member of the MSP, is automatically a member of the MSP Forum. This supports the UK's ambition to ensure that producer countries enjoy more of the economic benefits from their natural resources than they have so far done. The proposal to enlarge the MSP Forum also reduces the risk of multilateral platforms duplicating effort, which some partners raised as a hypothetical risk of the Critical Raw Material Club as initially proposed.

The answer to the Committee's question is, therefore, yes: this kind of cooperation and collaboration is valuable to the UK across our green transition and economic security objectives, and we are most certainly engaged and see the EU as a key part of that work. The specific value of the new Forum will – as you can see from developments over recent months – depend on how things evolve and whether we are able collectively to build productive partnerships across consumer and producer countries and identify specific projects which take us forward.

Artificial Intelligence

You raised the EU's forthcoming AI regulation and its expected impact on UK firms and asked about our engagement with EU. I hope it is helpful to take bits of that in turn, as it involves looking at new technologies from different perspectives, starting with the Act itself.

The AI Act will, as you know, introduce new, risk-based obligations for all AI companies – whether UK or EU-based – that wish to offer products and services in the EU market. Under the Act, certain AI use cases will be banned (e.g., emotion recognition in workplaces and in education, behaviour-manipulating AI, AI exploiting an individual's vulnerabilities). Other AI uses are categorised into high, limited, and minimal risk. Under the EU's AI Act, any high-risk AI systems (e.g., medical devices, AI used in recruitment, AI used in the context of elections, AI used for biometric identification) are subject to the strictest obligations, which include fundamental rights impact assessments as well as governance and transparency obligations. In addition, there are specific rules for foundation models, enforced by a central EU AI Office, which include mandatory evaluations and adversarial testing to ensure these models are safe.

While we understand the motivation behind the EU's approach, our own is different in some ways. For example, while safety is also a core element of our work as it is for the EU, our approach is deliberately designed to be adaptable and agile. That is why our model envisages individual existing regulators being responsible for applying a set of shared core principles within their own (sectoral) remit, rather than a new, cross-cutting law.

On the impact of EU AI regulation on UK firms, the requirements will mean that, in some cases, they need to adapt products or models in order to access the EU market. That said, since our previous correspondence, and the finalisation of the EU Act, we have not received substantive concerns from business. That probably reflects the rapidly evolving nature of the industry as well as the fact that the relevant EU institutions are not yet up and running. We remain in very close contact with the sector, including to monitor implementation and impact of the Act which will probably emerge over time. Should any concerns emerge, we would look to engage the EU bilaterally, including through the relevant TCA Trade Specialised Committees.

The last point I would make in this area is that we have a collective need to remain coordinated in monitoring and shaping the safe innovation and use of AI. Following the Bletchley AI Safety Summit, the EU and UK have continued discussions on how we can cooperate and collaborate on matters of AI Safety – including in the context of the upcoming follow-up Summits in Korea and France. The UK's AI Safety Institute and the EU's new AI Office are also exploring ways they can best work together to ensure the safe and responsible development of AI.

Justice and Home Affairs

You rightfully highlight shared concerns with the EU on migration and people smuggling and ask for more detail on our engagement through various fora on this issue. The Government's view is that the EU is a unique kind of international actor, and that to advance our cooperation we need to work with individual member states (e.g., France and Bulgaria to cite two prominent examples), with groupings of them like the Calais Group, with the EU institutions directly, and with all of those actors in wider international fora like the European Political Community (EPC). Not all elements of our approach will touch each of those categories, but their intersection is essential. For example, some of the TCA framework is what enables us to work operationally with individual countries to share information and tackle smuggling gangs.

That is the nature of the legal and operational set-up on the continent. So, for example, the EU's involvement in the EPC discussions on migration is relevant to enable us to work more closely together on the issue. I note, for example, that progress on the Frontex partnership was accelerated through engagement at the EPC and the launch of discussions announced in the margins of last year's Council of Europe Summit.

On the specific question of our collaboration with the EU institutions, our focus in this period has been completing agreement on the UK-Frontex Working Arrangement, which we were pleased was signed during Commissioner Johannsson's visit to London this February, and on which we recently published an Explanatory Memorandum. The next steps will be to begin cooperation under the Working Arrangement as soon as possible, with an initial focus on sharing knowledge, expertise, and information

on mutual priorities. Our cooperation will evolve over time, and over the coming months we will develop a detailed agenda to support collaboration across the areas covered in the Working Arrangement.

We previously wrote to you about the EU's International Conference on a Global Alliance to Counter Migrant Smuggling, held in November last year. We welcomed the call for a new "Global Alliance" to tackle migrant smuggling, and we plan to actively participate in upcoming expert and political level engagements. We also welcomed the EU's proposed new legislation on the facilitation of migrant smuggling. We are working with partners to help ensure legislative frameworks and operational responses keep pace with the evolving business model of migrant smugglers, including by addressing the range of destinations and transit routes being used and the breadth of criminal activity in which migrant smugglers are involved.

You asked about the EU's Pact on Migration and Asylum, which the European Parliament voted in favour of on 10 April and the Council will likely approve soon. While not reaching the threshold for an Explanatory Memorandum there are implications for the UK which I am happy to cover.

As the Committee knows, the Pact introduces a new set of rules for managing migration and reforming the EU's common asylum system. It is made up of four key ambitions: securing the external borders; faster asylum processes; ensuring solidarity across the Union; and working with partners to tackle migration upstream. It may be helpful to draw out some of the key decisions aiming to deliver those objectives:

- a. a new solidarity mechanism providing Member States with a 'menu of options' for offering solidarity to Member States under migratory pressure via financial support, relocations of migrants, or operational support.
- b. revised criteria for deciding which Member State is responsible for asylum claims (replacing former Dublin rules);
- c. new rules for crisis situations, whereby Member States under migratory pressure can derogate from the usual standards e.g. for processing times and reception conditions.
- d. new screening processes (including ID, health and security checks, collection of biometric data) for irregular migrants; and
- e. common border procedures, including an accelerated procedure to be applied to migrants with low chances of being granted international protection.

While the Pact is obviously a matter for the EU, I would make several points in terms of our interests.

First, while not all the elements in the package would have been attractive to us during our period of membership (e.g. burden sharing), measures which strengthen the EU's external border and speed up asylum decisions are in our interest, not least given that virtually all migrants arriving in the UK have travelled through the EU. The Pact may therefore contribute to containing secondary movements and potentially reduce the number of people making dangerous crossings.

Second, outcomes will be driven by implementation, which will likely take several years with several issues likely to be subject to debate or interpretation, such as the definitions around crisis situations.

Third, given the intense focus of EU policy making on these pieces of legislation and the challenges of getting them agreed over recent years, it is possible that completing internal discussions and reaching consensus on the Pact will now create more bandwidth for the EU to pursue cooperation with third countries including the UK.

Last, the work the EU does upstream, including as we saw in their recent agreement with Egypt, is also potentially relevant for us, either for the impact it has itself, or through our ability to work with, or to coordinate our areas of focus with, the EU and/or the Member States.

European Political Community

I am pleased that the Prime Minister will host leaders from across Europe at Blenheim Palace for the EPC Summit on 18 July, as confirmed by the Foreign Secretary in his letter to the Committee dated 18 March. We are working closely with partners on the priorities for the Summit. These will include

migration, but also crucially supporting Ukraine and other issues which countries will want to make space for. Officials will keep the Committee updated on preparations for the Summit.

Economic Reports

I am grateful for your views on how to maximise our support to the Committee and want to reassure that, while systems rightly have changed following our departure from the EU, our ongoing commitment to parliamentary scrutiny is something I take very seriously. I suggest that we continue to monitor the Draghi and Letta reports and that my officials discuss any further interests your Committee has in the reports upon their publication.

I trust that these further responses are helpful, and I would like to repeat the standing offer of technical briefings from FCDO officials for further clarification. I look forward to my engagement with you and your Committee.

22 April 2024

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

Thank you for your letter dated 22 April 2024 which was considered by the European Affairs Committee at its meeting of 14 May.

We are grateful for your positive engagement with our questions. Your detailed answers were constructive, comprehensive and offered us a clear update on our concerns addressing UK/EU cooperation on critical raw materials; artificial intelligence; and Justice and Home Affairs. We also welcome your additional explanation of the recently agreed EU pact on migration and its potential impact on the UK.

We note your reassurances on parliamentary scrutiny and accept your offer to review the decision to deposit once the impact of the forthcoming Draghi and Letta reports on the EU's Single Market are assessed post-publication.

In the meantime, this letter brings our consideration of the Commission's 2024 Annual Work Programme to an end. We do not expect a response to this letter.

15 May 2024

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

Letter to the Chair from The Rt Hon Tom Tugendhat MP, Security Minister, Home Office

Prüm Vehicle Registration Data (VRD) Exchange – Initiating Evaluation Procedures

I am writing to notify you that the UK has implemented the obligations in Title II of Part 3 of the UK-EU Trade and Cooperation Agreement (TCA) in relation to the exchange of vehicle registration data (VRD) and keeper information with EU Member States. The UK is ready to initiate the evaluation procedures under Article 540 of the TCA and Chapter 4 of Annex 39.

Through the Prüm VRD system, law enforcement agencies across the UK will be able to access EU Member States' keeper and vehicle information, including make, model, colour and chassis number. Search results will be returned in under a minute via a secure web portal. This will be of significant benefit in areas where there is substantial throughput of EU-registered vehicles, such as Northern Ireland, Kent and Essex and London.

The UK Chair of the Specialised Committee on Law Enforcement and Judicial Cooperation will write to Commission counterparts to signal UK readiness to begin the evaluation. I will provide an update once the evaluation procedures have concluded.

20 May 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

COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE
COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE
COMMITTEE OF THE REGIONS COMMISSION WORK PROGRAMME 2023 A UNION
STANDING FIRM AND UNITED- COM (22) 548

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

Thank you for your letter dated 26 October 2023 which was considered by the European Affairs Committee at its meeting of 21 November.

We note that you left the majority of the questions we put to you unanswered and remain disappointed with your level of engagement with the issues we raised with you concerning any UK/Frontex agreement; the EU's Migration Pact; and the Government's desire to discuss a UK/EU migration agreement. Nevertheless, we are pleased that you have promised to share the detail of the prospective UK/Frontex agreement with us "soon". We therefore expect that, in order to facilitate our scrutiny, it will be deposited in Parliament with an accompanying Explanatory Memorandum.

This letter draws our consideration of the Commission's 2023 Annual Work Programme to an end, and we do not expect an answer to this letter.

22 November 2023

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).

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

REFORMS TO THE EU SETTLEMENT SCHEME

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

SANDEEL DISPUTE

Letter to the Chair from Nus 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 & Nus 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

AMENDMENTS TO THE IMMIGRATION (LEAVE TO ENTER AND REMAIN) ORDER 2000

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

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 2022¹ 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.² 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.

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 EU³ 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.⁴ Any such decision will be subject to a right of appeal.

¹ [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 \(Admin\) \(21 December 2022\) \(bailii.org\)](#).

² 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).

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

⁴ After absence(s) from the UK of more than six months in any 12-month period, subject to certain exceptions.

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.⁵

11 March 2024

IMMIGRATION RULES CHANGES

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 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.

⁵ <https://www.gov.uk/government/statistics/eu-settlement-scheme-quarterly-statistics-december-2023>

14 March 2024

UPDATE ON THE IMPLEMENTATION PROGRESS OF THE PEACE PLUS PROGRAMME 2021-2027

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

Further to our previous correspondence, dated 8 June 2023, in which I committed to keeping the Sub-Committee updated on the progress of the PEACE PLUS programme's implementation, I am writing to provide that update, as well as an implementation timetable.

As you will be aware, PEACE PLUS is the new cross-border shared management programme that will contribute to a more prosperous and stable society in Northern Ireland and the Border Region of Ireland. The UK Government has contributed more than £730 million, including match funding contributions from the Northern Ireland Executive, into the PEACE PLUS programme to support economic stability, peace and reconciliation in Northern Ireland. This represents almost 75% of the total budget and delivers in full on the UK's commitments to the programme. Remaining funding has come from the European Commission and Irish Government.

Following entry into force of the UK-EU-IE PEACE PLUS Financing Agreement in June, the Programme was launched on 11 September in Belfast, with the Irish premier Leo Varadkar, European Commission vice-president Maros Sefcovic and myself all attending.

The PEACE PLUS programme is divided into six themes, each of which aims to address long standing social, environmental, and economic challenges which continue to impact Northern Ireland and the Border of Region of Ireland's communities. Within each theme there are several Investment Areas, with each being at a different stage of implementation. Annex A provides the latest funding call timetable for each Investment Area

I am pleased to inform you that on Wednesday 13th December, the SEUPB announced successful bidders for Investment Area 3.2 (Youth Programme). The funding announced will be used to support capacity building programmes for young people aged 14 to 24 who are disadvantaged, excluded, or marginalised, have deep social and emotional needs and are at risk of becoming involved in anti-social behaviour, violence or paramilitary activity. This investment is crucial in supporting and creating real change for many young people across Northern Ireland and the border counties of Ireland.

I believe there is a significant opportunity for the NIO to promote funding calls being opened and successful bidders to ensure that stakeholders across Northern Ireland are aware of the programme and its benefits but also provides further opportunities to highlight the UK Government majority investment into the programme's budget. My officials continue to work internally and with the SEUPB to coordinate promotional activities.

I would also like to provide an update to you on the PEACE PLUS evaluation process.

Evaluation is the responsibility of the SEUPB as the Managing Authority, however there is an evaluation budget within the programme that the NIO will work with the SEUPB and NICS to monitor this carefully across the various themes of the programme. Through the Financing Agreement, the UK Government has also safeguarded oversight through attendance at a Programme Monitoring Committee, the most senior decision-making committee for PEACE PLUS. Evaluation is at its early stages, on which I will provide more information once it has been finalised.

I appreciate your keen interest in this subject, and I am in no doubt that the PEACE PLUS Programme will contribute to a more prosperous and stable society in Northern Ireland.

16 January 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

EXTENSION TRADE AND COOPERATION AGREEMENT'S (TCA) CURRENT RULES OF ORIGIN FOR ELECTRIC VEHICLES AND BATTERIES

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

Today the UK and EU have agreed to extend the Trade and Cooperation Agreement's (TCA) current rules of origin for electric vehicles and batteries until the end of 2026. This follows successful dialogue between the Government and the Commission, including when I raised this personally with Executive Vice President Sefčovič in Brussels last month.

The TCA included transitional rules of origin that have ensured tariff-free trade in electric vehicles for the last three years. The current arrangements were scheduled to become more restrictive on 1 January 2024, before tightening up a final time from 1 January 2027. Today's agreement removes the interim stage of this transition period, ensuring the existing rules of origin will last for a further three years.

The agreement avoids a cliff edge which would have seen consumers in the UK and EU hit with £2-4bn of tariffs (on average over £3,000/car) and safeguards the position of UK manufacturers as they transition to net zero – protecting thousands of British jobs. This is a pragmatic change which recognises the disruption caused by the COVID19 pandemic and Russia's illegal invasion of Ukraine.

To demonstrate our shared commitment to developing domestic electric vehicle battery capacity, the UK and EU have agreed to remove our ability to further amend the TCA's rules of origin in respect of electric vehicles and batteries until 2032. This will put arrangements for electric vehicles on the same footing as most others in the TCA, which require a "supplementing agreement" to change the agreement's terms.

The decision to extend the TCA rules has been formalised today in the UK-EU Partnership Council by written procedure. The Preferential Trade Agreement (PTA) between the UK and Turkey will also be amended by decision of the Joint Committee established under that agreement. The PTA will reflect the updated TCA rules, to ensure consistency between the PTA and the EU-Turkey customs union.

HM Treasury will lay a statutory instrument (SI) in Parliament tomorrow, 22 December, to give effect to the Partnership Council and Joint Committee decisions in UK law. The Government regrets that this SI will breach the convention that SIs subject to the negative procedure should normally be laid before Parliament, and copies thereof provided to the Select Committee on Statutory Instruments, at least 21 days before the SI comes into force. Unfortunately, it was not possible to lay this instrument until agreement was reached with the EU and Turkey and the respective decisions under the TCA and PTA had been adopted, which only took place today, 21 December. The Government is committed to

implementing the extension to the current rules of origin before the 1 January 2024 deadline, in accordance with its international obligations, as agreed with the EU and Turkey.

This agreement is a further positive announcement for the UK's cutting-edge automotive sector. It follows the automotive package we announced at Autumn Statement, which earmarked £2 billion of capital and R&D support. Our thriving industry is why companies continue to invest billions in the UK, with Nissan, BMW and Tata accounting for £6 billion of investments in recent months.

21 December 2023

PRIORITIES OF THE BELGIAN EU COUNCIL PRESIDENCY, JANUARY TO JUNE 2024

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

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

Belgium will take over the Presidency of the Council of the EU on 1 January 2024, which it will hold until 30 June 2024. On 8 December, Prime Minister Alexander De Croo and Foreign Minister Hadja Lahbib confirmed Belgium's EU Presidency priorities as i) Defending rule of law, democracy, and unity; ii) strengthening competitiveness; iii) pursuing a green and just transition; iv) reinforcing the social and health agenda; v) protecting people and borders; and vi) promoting a global Europe. The Belgians have emphasised that continued support for Ukraine and engagement on Israel-Gaza will also be defining issues of their Presidency.

The Belgian Presidency is the last full-term Presidency of the current Commission's term in office; a new Commission will take office on 1 November following EU elections on 6-9 June 2024. Belgium's overriding priority will be to finalise as many legislative files as possible across the 2019-2024 strategic agenda before the European Parliament is dissolved in late April, including the Asylum and Migration Pact and the Net- Zero Industry Act, although non-legislative work will continue. As well as finalising work in this current institutional cycle, the Belgian Presidency wants to use its platform to shape the broad strategic direction of the next institutional mandate and to prepare the internal reforms needed to manage further EU enlargement; candidate countries will be invited to a celebration of the 2004 enlargement around the April Informal General Affairs Council.

Defending Rule of Law, Democracy and Unity

The Belgian Presidency will focus on defending the principles of democracy, rule of law and fundamental rights both inside and outside of the EU. Their focus will be on strengthening empowerment and inclusion of citizens – with a particular focus on fostering greater youth participation in civic activities – and through promoting democratic values by reinforcing media freedoms and pluralism. The UK will continue to work with the EU in our efforts to defend democracy by countering disinformation, promoting free and fair elections, supporting media freedom and pluralism.

Strengthening Competitiveness

The Belgian Presidency will press on the need to boost competitiveness across the bloc. This priority has several key pillars: first, the Belgians seek to strengthen the EU's internal market by completing the capital markets union and energy union; second, the Belgians will promote greater diversification of supply chains, to reduce dependencies; and third, the Belgians will seek to foster the EU's leadership in emerging industries, including AI and nanotech. The UK recognises the potential for collaboration in this space but will seek to ensure that EU policies do not adversely affect UK industries.

Pursuing a Green and Just Transition

The Belgian Presidency will continue efforts to address climate change, biodiversity loss, pollution and promote the green transition. Their focus will be on promoting a green transition that is fair, just and leaves no-one behind. The Presidency will identify policy initiatives and support measures to ensure the green transition is more socially equitable. The UK will continue to work with the Belgian Presidency on tackling climate change while seeking to ensure EU policies do not put UK industry at a comparative disadvantage.

Reinforcing the Social and Health Agenda

The Belgian Presidency will advocate for building a European society that is more inclusive and fairer for all. Strengthening the social dimension of the European Semester, which aims to coordinate socio-economic policies across the EU, will be a top priority. They will also seek to promote increased action to guarantee access to decent and affordable housing for all. The Belgians have also referenced the need to strengthen the security of medical supplies and to develop a clear strategy to boost the EU's health and social care workforce. The UK will continue to monitor the EU's social and health agenda, both for opportunities to cooperate and to monitor impacts in relation to level playing field provisions in the Trade and Cooperation Agreement.

Protecting People and Borders

As well as finalising the remaining legislative files on asylum and migration, the Belgian Presidency will focus efforts on boosting cooperation with African partners to combat migrant smuggling, strengthening border protections, improving readmission and reintegration procedures, and helping to address the root causes of outward migration. The Belgian Presidency will also intensify efforts on tackling organised crime, violent extremism, and terrorism. We welcome progress on the Pact and recognise the importance of cooperation with European partners to overcome the complex challenges of illegal migration.

Promoting a Global Europe

The final priority which the Belgian Presidency has set itself is working towards strengthening the EU's resilience and autonomy, with the confidence to rigorously defend its interests and values. The Belgians will advocate for the EU to fully mobilise its economic, security and defence capabilities as the only way to ensure the bloc meets its foreign policy objectives. The Belgian Presidency will also reaffirm the EU's commitment to the 2030 Agenda for Sustainable Development and promote global health. The UK will continue to work closely with the EU across our shared foreign policy interests and welcomes the EU's continued commitment to the 2030 Agenda.

19 December 2023

STATEMENT OF CHANGES IN IMMIGRATION RULES

Letter from the Chair to The Rt Hon James Cleverly MP, Secretary of State, 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 2023.

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.⁶

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 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).

⁶ <https://www.legislation.gov.uk/uksi/2000/1161/contents>

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

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

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

I am pleased to confirm that following my appointment as Secretary of State for Foreign, Commonwealth & Development Affairs, I will serve as the UK's co-chair of the Withdrawal Agreement Joint Committee (WAJC) and for the Trade & Cooperation Partnership Council. I can also reconfirm that Leo Docherty MP, Parliamentary Under Secretary of State for Europe at the Commonwealth & Development Office will continue to serve as the UK'S alternate co-chair of the WAJC. As you may recall, section 15B of the European Union (Withdrawal) Act 2018 requires Ministers of the Crown to act as the UK's co-chair and alternate co-chair of the WAJC.

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

4 December 2023

THE APPLICATION OF RETAINED EU EMPLOYMENT LAW

Letter to the Chair from The Earl of Minto, Minister of State, Department for Business and Trade

I am writing to let you know that today we are publishing the Government response to the retained EU employment law consultation and taking forward secondary legislation that will deliver the reforms by the end of the year. The Government response to the retained EU employment law consultation also includes the response to the separate consultation on calculating holiday entitlement for part-year and irregular hours workers. The Government response can be accessed via <https://www.gov.uk/government/consultations/retained-eu-employment-law-reforms>

The Retained EU law (Revocation and Reform) Act 2023 - 'the REUL Act' - enables government departments to amend, repeal and replace retained EU law and ends the principle of supremacy of EU law. This enables the UK Government to remove years of burdensome EU regulation in favour of a more agile, home-grown regulatory approach that benefits the UK – seizing the benefits of Brexit.

Our proposals seek to remove unnecessary bureaucracy allowing businesses to benefit from additional freedoms we have as a result of our exit from the EU.

The Government has been conducting a comprehensive review of all retained EU law to ensure that our regulations are tailored to the needs of the UK economy.

After a review of retained EU employment law we consulted on three areas which we believe could benefit from reform and where we could remove unnecessary bureaucracy:

- Record keeping requirements under the Working Time Regulations,
- Simplifying annual leave and holiday pay calculations in the Working Time Regulations,

- Consultation requirements under the Transfer of Undertakings (Protection of Employment), or 'TUPE', Regulations.

We have analysed the responses to the consultation and also considered the views of a wide range of stakeholders through an extensive engagement exercise. I can confirm that we are taking forward the following reforms:

Record keeping requirements under the Working Time Regulations

We will legislate to remove the uncertainty for employers about their record-keeping obligations under the 2019 judgment of the Court of Justice of the European Union (*Federación de Servicios de Comisiones Obreras (CCOO) v Deutsche Bank SAE*) which held that employers must have an objective, reliable and accessible system enabling the duration of time worked each day by each worker to be measured. Removing this retained EU case law could help save businesses around £1bn a year.

An employer will still be obligated to adhere to current requirements to keep records which are adequate to show whether the employer has complied with the Working Time Regulations and may create, maintain, and keep these records in such manner and format as the employer reasonably thinks fit.

Holiday pay and entitlement

The Government will legislate to:

- Introduce an accrual method to calculate entitlement at 12.07% of hours worked in a pay period for irregular hour workers (including part-year and agency workers) in the first year of employment and beyond.
- Introduce a 52-week reference period as a method to work out how much leave a worker has accrued when they take maternity/ family related leave or sick leave.
- Define irregular hour workers and part-year workers in relation to the introduction of the accrual method to calculate entitlement and rolled-up holiday pay.
- Remove the Working Time (Coronavirus) (Amendment) Regulations 2020 so that from 1 January 2024 workers can no longer accrue Covid carry over leave, however workers will still be able to use all leave accrued prior to 1 January 2024 on or before 31 March 2024.
- Maintain the current rates of holiday pay where 4 weeks is paid at normal rate of pay and 1.6 weeks paid at basic rate of pay, whilst retaining the two distinct pots of leave. To maintain the current rates of holiday pay we will also legislate to define what is considered 'normal remuneration'.
- Introduce rolled-up holiday pay for irregular hour workers (including part-year and agency workers). This will allow employers to include an additional amount with every payslip to cover a worker's holiday pay as opposed to them receiving holiday pay when they take annual leave.
- Ensure that employers using rolled-up holiday pay calculate it based on a worker's total earnings in a pay period. This is to avoid the complexity of having to apply the rolled-up holiday pay calculation to two separate rates of pay.

TUPE Regulations

We will legislate so that small businesses (with fewer than 50 employees) undertaking a TUPE transfer and businesses of any size undertaking small TUPE transfers of fewer than 10 employees will be eligible to consult directly with their employees if they do not already have worker representatives in place. This is instead of requiring employers to facilitate the election of new worker representatives. This will make transfers easier and quicker for eligible businesses, introducing additional flexibility for businesses without undermining workers' rights. Microbusinesses (with fewer than 10 employees) are already permitted to consult with employees directly where they do not have worker representatives in place, so we will be legislating to extend this.

Employment Rights (Amendment, Revocation and Transitional Provision) Regulations 2023

The Employment Rights (Amendment, Revocation and Transitional Provision) Regulations 2023, laid in Parliament on 7 November, will implement the reforms I have set out above. In addition to restating the “normal” rate of pay for 4 weeks of leave (as above), using powers in the REUL Act, the SI will restate the following principles before the end of 2023 to retain existing rights, including:

- the right to carry over holiday entitlement where a worker has been unable to take it due to being on maternity/family related leave or sick leave.
- the right to carry over holiday entitlement where the employer has failed to inform the worker of their right to paid annual leave or enable them to take it

By ensuring that employment regulations are fit for purpose, entrepreneurial businesses will have more opportunity to innovate, experiment, and capitalise on the UK’s global leadership in areas like clean energy technologies, life sciences, and digital services. And important workers’ rights will be protected. This will cement our position as a world-class place both to work and to start and grow a business.

8 November 2023

NEGOTIATIONS FOR 2024 UK-EU, UK-EU-NORWAY, AND UK-NORWAY FISHERIES AGREEMENTS FOR 2024

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

Fisheries negotiations for 2024

I am writing to outline the approach the Government is taking to the fisheries negotiations taking place this autumn.

The UK will continue to be a pragmatic, forward-leaning negotiating partner and demonstrate leadership across all forums in which we operate. We will work to the objectives set out in the Fisheries Act and Joint Fisheries Statement, and seek to ensure the long-term sustainability of fisheries, support the blue economy and the long-term economic growth of the fishing industry across the UK.

We have recently agreed with coastal States to set the Total Allowable Catches (TACs) for the three main stocks we share in the North East Atlantic at the levels advised by scientists at the International Council for the Exploration of the Sea and will continue to advocate for sharing arrangements on these stocks that ensure we collectively do not fish above the TAC.

We have started bilateral negotiations with the EU and will shortly commence negotiations on the stocks we manage trilaterally with Norway and the EU. These negotiations focus on catch limits for 2024 for a range of species, access arrangements with the EU for certain species not covered by the UK-EU Trade and Cooperation Agreement, and other fisheries management measures including for non-quota stocks.

We will be attending a number of Annual Meetings of Regional Fisheries Management Organisations (RFMOs), for which our objectives are to ensure that fisheries for RFMO stocks are managed sustainably, to maximise fishing opportunities for the UK, and to ensure that RFMOs adopt measures that protect ecosystems and combat illegal, unreported and unregulated fishing.

Finally, we will be meeting with Norway and the Faroe Islands under our respective Fisheries Framework Agreements to negotiate possible quota exchanges and access to waters for 2024.

I will provide a Written Ministerial Statement once we conclude our negotiations.

8 November 2023

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

I am writing to confirm the UK has reached agreement with the EU and Norway on catch opportunities for 2024 through the UK-EU-Norway trilateral and UK-EU bilateral negotiations. Across these negotiations, the UK secured agreement on over 80 Total Allowable Catches (TACs), providing access

to £700 million of UK fishing opportunities. Alongside the Coastal State negotiations on stocks including mackerel, this brings the total UK fishing opportunities secured in 2024 to 750,000 tonnes, worth an estimated £970 million based on historic landing prices.

In these negotiations the UK Government worked closely with the Scottish Government, Welsh Government and Northern Ireland Executive to secure outcomes to improve the sustainable management of our fish stocks in support of the whole of the UK fishing industry.

As per the Trade and Cooperation Agreement (TCA), the UK has an increased share of joint UK-EU stocks compared to 2023, meaning it has an estimated 120,000 tonnes more quota in 2024 than it would have had as an EU Member State.

UK-EU Agreement

The UK has secured fishing opportunities of 130,000 tonnes, worth around £340 million based on historic landing prices, through agreement on around 70 TACs as well as agreement on arrangements for non-quota stocks.

An initial estimate suggests that approximately 35% of UK-EU TACs were set to align with scientific advice from the International Council for the Exploration of the Sea (ICES). This is a slight increase on last year. The Government will publish early in 2024 a full assessment of the number of TACs set consistent with ICES advice across all annual negotiations.

For non-quota stocks (NQS), the UK and the EU agreed to roll-over access arrangements for 2024 to ensure continued access to fish NQS in EU waters. UK fleet landings for these stocks are historically worth around £30 million a year. We also agreed to roll-over management measures for seabass and access arrangements for spurdog in the North Sea and albacore tuna.

Scientific advice for 2024 illustrates the declining health of many stocks, particularly in the Celtic and Irish Seas. The UK and EU therefore made additional commitments to work together through the Specialised Committee for Fisheries to address the management challenges of certain stocks. This includes reviewing the effectiveness of measures to protect spurdog, exploring options for the future management of pollack and continuing to progress work on technical measures to support the recovery of depleted stocks in the Celtic and Irish Seas.

UK-EU-Norway Trilateral Negotiations

The UK has also reached agreement with Norway and the EU on catch limits for 2024 for six jointly managed stocks in the North Sea, giving the UK fishing fleet access to opportunities worth around £360 million, based on historic landing prices.

The Parties agreed TACs in line with ICES headline advice for five of the six stocks. They have agreed an approach to Northern Shelf cod that reflects the new status of the stock following the new advice from ICES, and a modest increase in the TAC of 15% reflecting the increasing stock biomass. For two stocks (haddock and whiting), the Parties agreed to take a more precautionary approach than the scientific advice given the extent of the advised potential increases.

The Parties renewed their commitment to deliver Long-Term Management Plans for their shared stocks and have agreed to continue development in 2024 of more effective management measures for the North Sea herring fishery, focusing on stability for industry and sustainability. The Parties also agreed to the shared ambition to move northern shelf anglerfish (monkfish) to a trilaterally managed stock and agreed to continue building on the work undertaken this year on Monitoring, Control and Surveillance.

I will write to you again to provide an update on the outcomes of negotiations that are still underway, namely bilateral negotiations with Norway and the Faroe Islands.

8 December 2023

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

I am writing to confirm the UK has reached agreement with the EU and Norway on catch opportunities for 2024 through the UK-EU-Norway trilateral, UK-EU, and UK-Norway bilateral negotiations. Across these negotiations, the UK secured agreement on over 80 Total Allowable Catches (TACs), providing

access to £700 million of UK fishing opportunities. Alongside the Coastal State negotiations on stocks including mackerel, this brings the total UK fishing opportunities secured in 2024 to 750,000 tonnes, worth an estimated £970 million based on historic landing prices.

In these negotiations the UK Government worked closely with the Scottish Government, Welsh Government and Northern Ireland Executive to secure outcomes to improve the sustainable management of our fish stocks in support of the whole of the UK fishing industry.

As per the Trade and Cooperation Agreement (TCA), the UK has an increased share of joint UK-EU stocks compared to 2023, meaning it has an estimated 120,000 tonnes more quota in 2024 than it would have had as an EU Member State.

UK-EU Agreement

The UK has secured fishing opportunities of 130,000 tonnes, worth around £340 million based on historic landing prices, through agreement on around 70 TACs as well as agreement on arrangements for non-quota stocks.

An initial estimate suggests that approximately 35% of UK-EU TACs were set to align with scientific advice from the International Council for the Exploration of the Sea (ICES). This is a slight increase on last year. The Government will publish early in 2024 a full assessment of the number of TACs set consistent with ICES advice across all annual negotiations.

For non-quota stocks (NQS), the UK and the EU agreed to roll-over access arrangements for 2024 to ensure continued access to fish NQS in EU waters. UK fleet landings for these stocks are historically worth around £30 million a year. We also agreed to roll-over management measures for seabass and access arrangements for spurdog in the North Sea and albacore tuna.

Scientific advice for 2024 illustrates the declining health of many stocks, particularly in the Celtic and Irish Seas. The UK and EU therefore made additional commitments to work together through the Specialised Committee for Fisheries to address the management challenges of certain stocks. This includes reviewing the effectiveness of measures to protect spurdog, exploring options for improving the scientific assessment for pollack, and continuing to progress work on technical measures to support the recovery of depleted stocks in the Celtic and Irish Seas.

UK-EU-Norway Trilateral Negotiations

The UK has also reached agreement with Norway and the EU on catch limits for 2024 for six jointly managed stocks in the North Sea, giving the UK fishing fleet access to opportunities worth around £360 million, based on historic landing prices.

The Parties agreed TACs in line with ICES headline advice for five of the six stocks. They have agreed an approach to Northern Shelf cod that reflects the new status of the stock following the new advice from ICES, and a modest increase in the TAC of 15% reflecting the increasing stock biomass. For two stocks (haddock and whiting), the Parties agreed to take a more precautionary approach than the scientific advice given the extent of the advised potential increases.

The Parties renewed their commitment to deliver Long-Term Management Plans for their shared stocks and have agreed to continue development in 2024 of more effective management measures for the North Sea herring fishery, focusing on stability for industry and sustainability. The Parties also agreed to the shared ambition to move northern shelf anglerfish (monkfish) to a trilaterally managed stock and agreed to continue building on the work undertaken this year on Monitoring, Control and Surveillance.

UK-Norway Bilateral Negotiations

The UK has also reached agreement with Norway on arrangements for 2024, continuing to allow vessels to access our respective waters for demersal fisheries. UK vessels will be able to fish their North Sea whitefish quotas, such as hake and cod, in Norwegian waters, up to a total of a limit of 30,000 tonnes. We also agreed to a rollover of reciprocal access for herring up to a limit of 20,000 tonnes. These mutual access provisions will allow the respective fleets more flexibility to target the stocks in the best condition throughout the fishing year, supporting a more sustainable and economically viable fishing industry.

The UK has also secured quota exchanges in key stocks, such as anglerfish and stocks in Arctic waters. The latter complements over 4,100 tonnes of cod in waters around Svalbard that Norway has allocated to the UK under a separate arrangement.

9 January 2024

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

I wrote to you on 8 and 20 December 2023 about the UK-EU, UK-EU-Norway, and UK-Norway fisheries agreements for 2024. I am now pleased to inform you that on 1 March the UK also reached an agreement with the Faroe Islands.

The deal secured quota exchanges of key stocks, such as haddock and saithe in Faroese waters and we estimate the quota secured to be worth up to £6.4m to the UK fleet.

The deal also reconfirms the UK and Faroese commitments to cooperate on monitoring, control, and surveillance measures, as well as scientific cooperation to promote sustainable fisheries.

This now concludes the annual fisheries negotiations for 2024.

6 March 2024

EU RELATED SCRUTINY ARRANGEMENTS

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

Thank you for your letter dated 19 July 2023 which was considered by the European Affairs Committee at its meetings of 12 September and 8 November.

We apologise for the time it has taken us to respond. We had intended to reply once we held the first evidence session with the Foreign Secretary under the new arrangements but unfortunately, for understandable reasons, the meeting of 23 October 2023 was postponed.

We are very grateful for your summary of the meeting between our respective officials in June 2022 and welcome your kind thoughts about the value that the Government places on our work. We take the opportunity afforded by this interim review to repeat and reiterate the conclusions of our December 2022 Report, "Future Scrutiny Arrangements for EU Related Business", that "the new scrutiny arrangement is significantly less rigorous than its predecessor" and our concern about "a lack of agreement regarding the automatic deposit of crucial documents falling outside the immediate scope of the Withdrawal Agreement and the TCA". (The most recent example of this problem being the International Agreement ending the UK's participation in the European Union Institute about which we have engaged the Government in correspondence.)

As you know, the new arrangements also included provisions governing Ministerial appearances before this Committee. To date, these have not operated as we would have wished. We welcome, however, confirmation that the Foreign Secretary's postponed appearance will now take place on 14 December 2023 and hope that this signals a new approach.

We do not expect a response to this letter.

8 November 2023

WELCOME AND INTRODUCTORY LETTER

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

At its meeting of 14 November, the European Affairs Committee asked me, as Chair, to convey the Committee's warm congratulations on your appointment as Secretary of State for Foreign,

Commonwealth and Development Affairs. The Committee looks forward to working with you and continuing our ongoing relationship with your department.

I take this opportunity to mention that, under arrangements agreed with the Government in 2022, the Foreign Secretary has undertaken to appear before the Committee on an annual basis. The first such session is now due to take place on 14 December. The Committee hopes that you will settle into your new role by then and will be able to appear before the Committee as arranged.

14 November 2023

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

Thank you for your letter on 14 November congratulating me on my appointment as Foreign Secretary. It will be a pleasure working closely with you again and I look forward to a positive and productive working relationship.

I value highly your committee's work scrutinising the UK's relationship with the EU. My predecessor committed to give evidence to your committee on 14 December and I look forward to appearing then.

11 December 2023.

RIGHTS OF EU CITIZENS IN THE UK AND UK CITIZENS IN THE EU UNDER THE WITHDRAWAL AGREEMENT

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).⁷

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

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 2003 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

⁷ 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)

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

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-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 settled 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.

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

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 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).⁸ 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.

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,⁹ 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.

⁸ 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).

⁹ 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

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

INTERIM REVIEW OF THE OCTOBER 2022 SCRUTINY COMMITMENT AGREEMENT

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

Thank you for your letter dated 19 July 2023 which was considered by the European Affairs Committee at its meetings of 12 September and 8 November.

We apologise for the time it has taken us to respond. We had intended to reply once we held the first evidence session with the Foreign Secretary under the new arrangements but unfortunately, for understandable reasons, the meeting of 23 October 2023 was postponed.

We are very grateful for your summary of the meeting between our respective officials in June 2022 and welcome your kind thoughts about the value that the Government places on our work. We take the opportunity afforded by this interim review to repeat and reiterate the conclusions of our December 2022 Report, "Future Scrutiny Arrangements for EU Related Business", that "the new scrutiny arrangement is significantly less rigorous than its predecessor" and our concern about "a lack of agreement regarding the automatic deposit of crucial documents falling outside the immediate scope of the Withdrawal Agreement and the TCA". (The most recent example of this problem being the International Agreement ending the UK's participation in the European Union Institute about which we have engaged the Government in correspondence.)

As you know, the new arrangements also included provisions governing Ministerial appearances before this Committee. To date, these have not operated as we would have wished. We welcome, however, confirmation that the Foreign Secretary's postponed appearance will now take place on 14 December 2023 and hope that this signals a new approach.

We do not expect a response to this letter.

8 November 2023

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

TREATY ON UK WITHDRAWAL FROM THE EUROPEAN UNIVERSITY INSTITUTE

Letter to the Chair from Rt Hon Robert Halfon MP, Minister of State for Skills, Apprenticeships and Higher Education, Minister of State for Skills, Apprenticeships and Higher Education

Thank you for your letter dated 25 October 2023 in relation to the Agreement regarding the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European University Institute (EUI).

You asked in your letter whether we have assessed that circumstances have changed since 2022 in a way that means there is now a greater likelihood of an agreement on a future relationship between the UK and the EUI. You also asked if we would be able to provide you with a more detailed indication of the timescale on which the Government anticipates that discussions about that future relationship will resume.

The Government's current focus is on resolving the existing arrangements with EUI and this is still ongoing. Appraisal of the conditions for and context around the future relationship will only begin once these arrangements have been resolved, not in parallel. Therefore, no such assessment has been made. This will commence once the current arrangements have been settled, and we anticipate this to be in a matter of months. You also asked for more detail about the anticipated scope of these discussions. No decision has been taken on the scope of any future discussions and this will not commence until current arrangements have been settled.

You asked whether the wider developments in the relationship between the UK and EU since the Windsor Framework was concluded mean that an agreement is now more achievable. As you have stated, the EUI is not an EU Institution, and so the Windsor Framework negotiations were and continue to be entirely separate to the discussions which were held with the EUI. We see no reason for them to be linked going forward.

You asked what engagement the Department for Education had with the departments responsible for coordinating the overall UK-EU relationship when determining the Government's stance in the previous talks regarding the UK's future relationship with the EUI. There was close working between officials in the Department for Education, Cabinet Office, Foreign, Commonwealth and Development Office (FCDO) and His Majesty's Revenue & Customs (HMRC) during previous discussions in 2021-22 and the decision to end negotiations on a proposed partnership agreement with the EUI in 2022 was taken via collective agreement. We would expect to engage across Whitehall in the course of discussions with the EUI on a future relationship in a similar way.

We hope to have resolved our current arrangements with EUI in a matter of months and so we expect that we should be able to update the committee again by April 2024. If you would like to discuss this further, please do contact my office to arrange a meeting. I look forward to commencing discussions about our future relationship with EUI and seeking a constructive solution that suits us both.

8 November 2023

**Letter from the Chair to Rt Hon Robert Halfon MP, Minister of State for Skills,
Apprenticeships and Higher Education, Department for Education**

Thank you for your letter dated 8 November 2023, which was considered by the Committee at its meeting on 5 December 2023.

We have taken note of the information that you have provided to us about the current state of talks with the EUI and the anticipated timescale for future developments. Whilst we acknowledge that discussions about existing arrangements with the EUI are ongoing we note that the Government has not yet made an assessment of the prospects of reaching an agreement that would provide for ongoing UK engagement with the EUI. We reiterate our view that such an agreement would be beneficial to the UK higher education sector.

We welcome the confirmation that previous negotiations involved "close working" with the departments responsible for coordinating the overall UK-EU relationship and that it is anticipated that this will again be the case during future relationship discussions.

We request that you write to us when any future treaties or other agreements with the EUI are concluded, in order to facilitate scrutiny by this Committee. In any event, we request that you provide us with an update by 30 April 2024 at the latest.

6 December 2023