

European Scrutiny Committee

Oral evidence: The UK's EU representation: what has changed and how is it working?, HC 123

Wednesday 15 June 2022

Ordered by the House of Commons to be published on 15 June 2022.

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Members present: Sir William Cash (Chair); Margaret Ferrier; Mr Marcus Fysh; Mr David Jones; Craig Mackinlay; Anne Marie Morris; Greg Smith.

Questions 1-26

Witnesses

I: Lindsay Croisdale-Appleby CMG, Ambassador and Head of the UK Mission to the European Union, Foreign, Commonwealth and Development Office, and Will Macfarlane, Director of Economics and Trade, UKMis, Foreign, Commonwealth and Development Office.



Examination of witnesses

Witnesses: Lindsay Croisdale-Appleby CMG and Will Macfarlane.

Q1 Chair: Good afternoon. On behalf of the Committee, I welcome you both. Thank you for appearing virtually to give evidence this afternoon. This is the first session of our inquiry into the UK's EU representation. A great deal has changed since the UK was a member state, in terms of both our relationship with the EU and how we undertake diplomacy. The latter has arguably never been more important. Talks with the EU on the future of the Northern Ireland protocol are an extremely good example of this.

The Committee was fortunate to visit you and your team in March. We thank you again for your hospitality and for all the information that we derived from that visit. It was very valuable, and we would like to touch on some of the issues we discussed with you in Brussels as we go through the proceedings today. Your post as head of the revamped Mission is critical to ensuring that the interests of the entire UK family are effectively represented and advocated in Brussels.

During today's session we are going to cover the following: your responsibilities and the function of the UK Mission to the EU; UK-EU institutional relations past and present, so we can make a comparison; bilateral agreements with the EU and EFTA member states and the role of the Mission in negotiating these; and finally, how the Mission represents the UK nations and the wider UK family, and that will include Crown dependencies and overseas territories.

Before we start and for those watching at home, will you be kind enough to briefly introduce yourselves? We will start with you, Ambassador, followed by Mr Macfarlane. You are appearing remotely, so bear that in mind as we go forward. Ambassador, over to you. Please introduce yourself.

Lindsay Croisdale-Appleby: Good afternoon, everyone. I am Lindsay Appleby, the UK ambassador to the EU since January last year.

Will Macfarlane: My name is William Macfarlane, director of economics and trade in Lindsay's team at the UK Mission. I have been here since the summer of 2019.

Q2 Chair: In the context of the fact that we have left the European Union, it seems important to try to demonstrate differences between where we are now and what it was like before. I will ask a simple question to begin with: what are your responsibilities and what are the objectives of the UK Mission to the EU? Rather than using words like UKRep or UKMis or whatever, use the actual expression, which will help the viewers to understand what the words mean. Over to you, Ambassador. What are your responsibilities and objectives?

Lindsay Croisdale-Appleby: Our job at the UK Mission to the EU, which is effectively the bilateral embassy that we as the UK have to the EU



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institutions, is to promote the UK and its values in Brussels, to work to protect British interests in the EU, to support British people and businesses, and to develop a positive, mutually beneficial UK-EU relationship.

We carry out those responsibilities by providing to Whitehall engaging insight and analysis of EU policies, politics and strategy. We provide direct support to British people and businesses in their interactions with the EU institutions. We work to influence EU institutions, where appropriate, and to campaign where appropriate and to carry out diplomacy in line with UK priorities. We work hard on a range of issues covering trade, technology, climate, health, economic growth and foreign policy. We have a more general responsibility to promote and protect the UK and its values in the work that we do with the European institutions.

Q3 Chair: May I ask a further question? When you mention foreign policy, you are dealing with questions relating to our relationships as a third country with other parts of the world but taking into account our relationship with the EU. If we were talking about matters relating to fisheries in Canada, for example, that would all fall within your remit, would it?

Lindsay Croisdale-Appleby: Yes, that's right, in so far as there is an EU dimension to a relationship with a third country. An example might be to work closely with the EU on promoting stability and reconstruction efforts in Ukraine, or a wide range of foreign policy objectives in which the EU has a role to play, whether that is in providing technical assistance or the diplomacy of the EU and its member states in a country like Myanmar, where we clearly have shared objectives.

Chair: Do you have anything to add, Mr Macfarlane?

Will Macfarlane: No, I completely agree with the ambassador.

Q4 Chair: We will now move on to how the structure of the UK Mission has evolved, and its objectives. I will ask a series of questions—just two or three. Who do you report to? What is the budget of the Mission? Does it require a bigger budget than the previous incarnation, which was known as the Permanent Representation of the United Kingdom in Brussels, due to the change in UK-EU relations? So, as it has changed, have the budget and the reporting function changed—how does it work in practice?

Lindsay Croisdale-Appleby: We report to the Foreign, Commonwealth and Development Office. My line manager is a Foreign Office official, but we report to the Foreign Secretary, both in her capacity as Foreign Secretary and given her particular responsibilities for co-ordination of European Union policy. As you would expect, we also have close relationships with a range of other Whitehall Departments and are often pursuing specific bits of policy within their remit—for example, we work closely with the Home Office on migration objectives.

The staff and structure of the Mission have changed—and should change—quite a lot since we left the European Union. The function of the Mission



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has changed a lot: rather than representing the UK in the institutions of the European Union, our work is focused on areas of common interest with the European Union. We have got somewhat smaller as a Mission over the past few years. I think that that is the right thing to do. Currently, we have about 130 FCDO staff, and between 15 and 20 staff funded by other Departments.

We plan to get a little smaller than that, probably going down another 10, 15 or 20 positions. I think that is the right thing to do, first to reflect the fact that we increased staffing quite a lot through the exit negotiations and through the development of our initial post-EU-exit relationship, and also simply because there are some areas where we interact rather less with the EU than we would have done in the past.

In terms of other parts of the budget, we continue to look carefully at how much programme and public events money is appropriate. I do not think that has changed significantly, because most of our work is conducted through what we would call public diplomacy, but that just involves turning up at events, speaking at events and engaging with the EU institutions. We have the figure for our country-based staff pay, which is £2.5 million a year; the admin budget in 2021 was £268,000; and last year, we spent £128,000 on programmes. What makes calculating the overall costs of the Mission in Brussels quite complex is that we have a shared platform in Brussels, along with our delegation to NATO and our bilateral embassy to Belgium, and we have a shared corporate services function that supports all those missions.

Q5 Chair: One last question before I move on to other people: could you just give us a snapshot of the time that you are having to devote to the Northern Ireland protocol question at the moment? You are dealing with Ukraine, but the Northern Ireland protocol presumably takes up some of your time. Is it proportionately a lot more than you had expected in relation to Northern Ireland and the relationships with the EU? Are you, in fact, acting as a kind of broker in some of these matters? Could you give us some indication of that?

Lindsay Croisdale-Appleby: Yes, certainly. The Northern Ireland protocol and the relationship around Northern Ireland has always been a big part of the job, both through the EU exit negotiations and since. I spend a considerable part of my time working on Northern Ireland; I also, though, spend a considerable part of my time working on Gibraltar, which is obviously another area where there is a complex post-Brexit—

Chair: We are going there quite soon.

Lindsay Croisdale-Appleby: I would say that I do not spend a majority of my time on Northern Ireland, but it is certainly a significant part of it, and I think that reflects the complexity of managing that part of the relationship.

Q6 Greg Smith: Good afternoon to our witnesses. I am afraid my question is one that looks backwards, but for the evidence we are gathering, it is



helpful to understand where we have come from.

Obviously, the UK's institutional relationship with the European Union is very different from what we had when we were a member state. The UK's permanent representatives to the EU supported the Government's dealings in the Council, with the Committee of Permanent Representatives, and with many working parties and committees. Ambassador, could you take us through the scale of how many people were required to do that and the resources that were required to facilitate that level of representation as a member state, particularly whether there were any aspects that were not fit for purpose in the way the UK engaged when we were a member state?

Lindsay Croisdale-Appleby: You would expect me to say this, but broadly, I think the UK representation to the EU while we were members had a reputation in Brussels for being quite effective at what it did. It was always a relatively large mission by member state standards, reflecting the size of the UK as a member state. It always compared quite closely to the size of the German mission and the French mission in Brussels, certainly over the period that I have worked there.

Over the last few years, we increased the overall number of FCO staff working in the representation in Brussels to 170 to 180, and we are now down again to 130. That, and the direction that we are headed, is very comparable to the size of mission that we had in 2002 to 2008 when I was in Brussels. I hope that is an initial answer to your question; obviously, I am happy to provide more detail if that is helpful.

Q7 **Chair:** What about the not fit for purpose bit? Were there any aspects of the previous arrangements that you regarded as not fit for purpose? Perhaps you do not quite follow what I am saying.

Lindsay Croisdale-Appleby: No, we always had a set of questions around how much work we should do on promoting bilateral trade within the European Union programmes, for example. There was a question about how much effort you devoted to securing the UK's fair share of procurement programmes, for example. It was always quite difficult to judge how much resource one should devote to that—[Inaudible.] Similarly, I think there was a consistent view that at various points we under-invested in engaging with the UK staff in the institutions and the process of getting UK staff into the institutions when we were members. There have certainly been periods when we have reinvested in that while I have worked on the EU, because we recognised that certain parts of that were not working and were not delivering the numbers of staff in the EU institutions that we would have wanted. I personally think that in the UK Mission—the UK representation, as was—each of the teams here was staffed by highly capable civil servants and diplomats, in my experience, and it was always recognised to be quite a strong performing mission. Honestly, I do not think there are areas of underperformance, structurally, that I would point to.

Q8 **Chair:** I just mention that one of my Clerks, sitting to my right, was part of that team in the past. My remarks were not intended to suggest that the not fit for purpose end of it was applicable to anyone in this room.



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One of the things that always worried me—I have been on this Committee since 1985—was the interaction with legislation. You were dealing with majority voting and the evolution towards almost total majority voting, and then the question of consensus and the degree to which we were outvoted. I am sure that you have looked, in the past, at the work done by the London School of Economics on analysing the extent to which we really influenced or whether we were outvoted—it is called VoteWatch Europe and it is still operating. Do you refer to that in your current work? Do you have somebody who keeps an eye on this inside the EU although we are not members anymore, so that you know where the decisions are really being taken and who is making the big decisions? It is all behind closed doors as well, of course, without a transcript. Do they let you know what is going on?

Lindsay Croisdale-Appleby: Where there are issues that are of importance to the UK, we certainly follow those Council debates quite closely. We get a fairly good stream of information about who said what and who did what in areas where it is important to us, but as you know, that is because there is lots of information available in Brussels about more or less what is going on. You do not always find it out at the same time, but normally you can put together a fairly good composite picture of why a decision was made and who was involved in it. I do not think we do, structurally, a lot of research into that, but where there are areas that are a priority for the UK, such as climate change regulation or agricultural regulation where it affects SPS standards, we look at that across all aspects of what the EU does, and clearly we prioritise where we put our resource to follow that.

Q9 **Chair:** One last question on that issue of legislation. The fact is that we are affected by the European Union's legislative programme. With the work programme, for example, there are something like 30 provisions going through at the moment that have an impact in relation to Northern Ireland, some of them very severe. There are possibly 70, all told, so it would worry me if I thought that you were not getting the information yourselves.

It troubles me that, because of the nature of the secrecy around the meetings, you may hear about it, but how do the British public have the capacity to discover that—as they would if it was all in *Hansard*, as our proceedings today will be—if you know about it but the British public do not? That I regard as a very difficult and unfortunate circumstance, because we should know what they are doing by way of making laws in their application to Northern Ireland, but also in relation to other countries. Who dominates the system, and is there majority voting? Is the consensus that they arrive at based on a level playing field, or based on the dominant interests, for example, of France and Germany?

I am not asking for a detailed answer, but do you not agree with me that, really and truly, we ought to know what is going on and we should have known in the past?



Lindsay Croisdale-Appleby: There are significant issues around how we manage the democratic deficit around the way the protocol rules apply to Northern Ireland.

Chair: You have summed it up!

Lindsay Croisdale-Appleby: In UKMis, our contribution to that is that we follow extremely closely the evolution of goods regulation, which is clearly the relevant area, and those annexes to the protocol. Those regulations are priority areas for us in what we follow. There are obviously also priority areas for the Northern Ireland civil service, with whom we work very closely. In areas where you are applying EU law or EU regulations in the UK, there is obviously a very specific and important function to try and get as close to that process as we can. As you know, the Government are concerned that we do not have as much insight and influence over that as would be healthy to ensure that appropriate rules were in place in Northern Ireland.

Chair: You won't be surprised to hear me reply to that point by saying I am not sure—in fact, I am certain—that we did not have the influence that was claimed, but that's another story. I am going to pass over to David Jones.

Q10 **Mr Jones:** Good afternoon, Ambassador. By comparison with the work that your office did during our time of EU membership, what are the resource implications of supporting Government business in the bodies that have been set up under the withdrawal agreement and the trade and co-operation agreement?

Lindsay Croisdale-Appleby: I would like to bring in my colleague Will Macfarlane, who works particularly closely on the TCA and the withdrawal agreement institutions. They are a significant focus of the teams that we have—our trade team, our environment team and our fisheries team all work very closely with the Whitehall Department that is responsible for that area of policy, and each of those areas is prioritised. Each of those committees works in slightly different ways, and they cover different areas. With your permission, I will bring Will Macfarlane in at this point to say a bit more about that.

Will Macfarlane: Continuing where Lindsay has left off, the formal methods of engaging with the EU through the trade and co-operation agreement and the withdrawal agreement are very different from how we would engage with the EU as a member state and when we had a permanent representation. Now we are a mission, in the governance under the TCA there is a Partnership Council, beneath which sit all the specialised committees covering, among other things, goods regulation—as Lindsay was saying previously—customs co-operation, other regulatory co-operation, and the level playing field. I think there are 19 bodies, including the overall Partnership Council under which those bodies sit. That is a significant focus of the energy of the team here, in concert with the central structures in the Foreign Office in Whitehall, with which we work daily, and the Departments, which in many cases represent a sort of



co-chair with a part of the EU services on those technical and specialised committees.

It is a similar picture under the withdrawal agreement, although it is a slightly smaller structure. There is the Withdrawal Agreement Joint Committee. That is the politically co-chaired body, at the top of the governance structure, that is responsible for implementation and application of the withdrawal agreement. Under that are a number of specialised committees covering citizens' rights, other separation provisions, the implementation of the Ireland/Northern Ireland protocol, the protocol relating to the sovereign base areas in Cyprus, the protocol relating to Gibraltar, and the Specialised Committee on Financial Provisions.

That is a very different task from being a member state. It is a similarly rigorous technical governance regime for a complicated two-treaty-based relationship. And we resource accordingly, to manage the formal part of our bilateral engagement through our trade agreements, through those two governance structures.

Lindsay Croisdale-Appleby: The only thing I would add, just to bring that home to people, is that we have a named individual in the Mission who is responsible for each one of those committees. One or two of them overlap where they are highly specialised committees. But they work, of course, in close partnership with the UK co-chairs of those committees, who are Whitehall based.

Q11 Anne Marie Morris: If I may, Mr Macfarlane, I will drill down a little further into your answer. It is clearly a very different arrangement now. You have set out clearly the number of different bodies and how the individuals within your team work with the Whitehall team; but what does that actually mean? How exactly does the UK Mission support the Government in preparing for and in attending the various withdrawal agreement and TCA meetings? In a sense, the challenge here is this: how close do you actually get? How proactive are you in that preparation? You could be simply minute takers, or you could be involved very much in directing, guiding and working together on agenda preparation, etc. I would like a little bit more granular detail, if you would be kind enough to provide it.

Will Macfarlane: I hope this partly answers your question, Ms Morris, but do come back if it does not. As Lindsay said, each committee is co-chaired by someone in a Whitehall Department and someone in one of the Commission DGs, but there is a collective amount of work that goes on within the UK Government, between this Mission, the Foreign Office and the respective Department, to constantly keep across the range of issues on that committee part of the relationship and how they relate to what was agreed in the TCA. Then, to bring those to a head to represent UK interests when the committee formally comes together—just as the committees, as I have said, are co-chaired, there is a degree of bilateral agreement of the agenda that needs to occur with the Commission, and that can be a more or a less intense process, depending on whether we



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agree the immediate issues in front of us. Those arrangements are all published transparently ahead of each committee meeting and then they are recorded transparently, with the minutes, afterwards. What the Mission particularly does there is provide a direct point of contact with the Commission services here on the ground in Brussels in the tracking of those issues as they develop through the year. They might relate to Commission proposals, as the Chair was saying earlier in the session. And we would have an interaction on that as we continue.

One thing that is less intense is that these committees meet less regularly than we would have sent officials to working groups in the Council, for example. Nevertheless, they are a crucial moment in the year, on a given issue, to bring together those technical issues we are dealing with across the given area, whether that is goods, customs co-operation, intellectual property or public procurement. So it is quite technical, quite in-depth and quite a recurrent feature of a complex trade relationship.

I hope that is helpful in giving a flavour of what we do and how the system works to support the governance structure.

Q12 Anne Marie Morris: That is very helpful, Mr Macfarlane. It sounds like you are involved at all levels, whether we are talking about the Joint Committee, the Partnership Council, specialised committees or working groups. Are there any where you feel you don't have the involvement you should have and any where you feel you are overcommitted? Are you feeling you have got the balance right and you are getting the access that you need in order to work to support all these different levels?

Will Macfarlane: We have had one cycle of the TCA governance structure so far, in terms of an annual cycle of each body, with those 19 meeting at least once. We have had a few more of the withdrawal agreement cycles and some committees under the joint agreement have met more intensively, for example on Northern Ireland and citizens' rights.

We are still in the early stages of the structures between the two parties bedding down, which is a big caveat to my answer. Particularly looking at the first year of all the TCA committees, I feel like we struck a good balance in a team effort on the UK side between the on-the-ground knowledge here in Brussels and the technical leadership that must be provided by the economic and trade and other Departments in Whitehall, in having a comprehensive run-through of all those structures to support the TCA through last year.

I think we will settle into a pattern as the years progress of when these committees meet and therefore how we do it and resource ourselves. It is pretty typical in the EU dealing with its free trade agreement partners to have a sort of cycle to the year of when its governance structures meet.

I would expect that in the third quarter of this year we will again have most of the trade specialised committees, similar to last year. A couple have met a little bit more frequently where it has been required. I think, so far, we have got it about right. That was of course restricted by covid



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last year, because a number of the Committees, while formally meeting in London, were held virtually. We will see that factor settle down as well.

Lindsay Croisdale-Appleby: Just to add to that, if I may, I feel that wherever there is a strategic decision to be made about a committee, we have a strategic discussion either with senior officials in London or quite often with Ministers in London about the choices that are made around the agenda-setting. There is a whole range of areas where we have done that very collaboratively with the Departments in London and with the Ministers concerned, whether that is around the areas that are sensitive in citizens' rights or about areas around fisheries or about how we promote the rights under the transport bits of the agreement.

That happens on a week-by-week basis, where we will be having a discussion internally here, often involving the chair of the specialised committee in London, about what the best choices are to achieve UK objectives.

Q13 **Chair:** At this point, I would like to come in on the theme that I developed before with my criticisms of the manner in which the United Kingdom permanent representatives operated. We really don't have a clue and are not allowed at the moment to know what is being decided in those committees. The degree of transparency is about as near to zero as you can get.

I am being a little bit harsh, but I am saying to you that we do feel the lack of information in the formulation of what is being decided in these committees. I had quite a spat with a previous Chancellor of the Duchy of Lancaster over this question. It does not seem to me that the British public, nor our stakeholders, have any way of knowing exactly what is being done. There is no transcript, as I indicated before.

Don't you think that it would be extremely helpful if we had somewhere in public a website or some other means that would enable people to have a clearer picture as to what you are deciding? You are in a very special position. If it was to be translated into what goes on in Parliament—these proceedings, to put it bluntly, and my rather blunt questions on this subject about secrecy and people not knowing what is going on, pretty much to the point, are going to be on the record tomorrow morning.

I am asking you whether you think that that ought to be improved and also that people should have access to information that is directly relevant to their own knowledge of what is going on in the EU vis-à-vis the United Kingdom. Can you give me some indication as to whether or not you would recommend more openness and more transparency? I am not suggesting you are trying to be secretive; I am saying that you are.

Lindsay Croisdale-Appleby: It is absolutely true that the nature of these bilateral committees is not that open. There are some reasons for that that are important to the UK, which are that we wouldn't want the Commission simply to publish or there to be a powerful secretariat that published a version of exactly what happened in a way that might not meet our objectives as the UK. For us, there are some controls on what can be said



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about the outcomes of the committee that are quite important, such as the rule that you can't publish anything unless both sides agree it. That is quite an important principle of bilateral committees that underpin international agreements.

Separate from that, but consistent with it, the question of how much the Committee, the UK Parliament and UK stakeholders want to know about the objectives that the UK has been pursuing in those parts of the relationship is a good discussion for the Committee to continue, if I could put it that way. The more people understand the nature of what is and is not discussed at these specialised committees, or indeed the Joint Committee, the better. UK Ministers are certainly clear what their objectives are or what the objectives are for the officials going into these meetings.

Sometimes we have made press statements about what has happened at these meetings, but I absolutely accept that how the Executive interacts with the legislature and what kind of public information people want are not things that we have yet reached a settled state on. That is an ongoing discussion and I look forward to the recommendations that the Committee makes in that regard.

Q14 Chair: That is very good of you, because I was just going to come on to the last point that I would like to make about this. You are, as it were, the settling ground of a lot of things that take part in these committees. You are offering advice and then things are discussed. I do not suggest it is a comfort zone, but knowing that people will not know what comes out of those committees, because there is insufficient information, is in itself a restraint on people being able to evaluate the importance and value of what you are doing.

I am going to ask a direct question: what about having more transparency about your work? Could you please push Ministers, in the interests of those watching this broadcast, for example, to have a better idea as to what you think we and people, including stakeholders, should know? Would you be good enough to tell us what you do do, within reason? We understand that there are some things where that is more difficult, but in the interests of transparency, given the real importance of what you are doing and, by the way, the value, that I put very highly having been over to see you, as my colleagues have done as well—we saw the quality of the analysis that you gave us when we were over there—I think people would be much more assured of the value of what you were doing if they had a better idea as to what the outcome was.

Lindsay Croisdale-Appleby: I think the most important area is where these committees take decisions. There have been a relatively limited number of decisions as these committees have set themselves up. The main purpose of these committees is to implement and take forward what is under the trade and co-operation agreement, so their work is relatively clearly defined. As we go forward, I would expect more decisions to come out of these committees. Where there is a concrete decision being made that affects the kind of legal co-operation that we have with the EU, there



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is a particularly strong case for transparency. It is the right discussion to be having with the Whitehall Departments that are responsible for each of the committees, and obviously with the Foreign, Commonwealth and Development Office as the Ministry that is responsible for co-ordinating the Government's EU policy more broadly.

That is the right set of questions to ask. From my point of view, as I hope you and other visiting MPs have felt, it is tremendously important that we establish a strong and open relationship with all parts of the UK legislature—from whichever party or devolved Administration—so that people do understand what we are doing in the new relationship. I would focus on decision making as being particularly important in those committees.

Q15 Chair: Before we move on to the next question, I would just add, without any disrespect, that listening to you was a little like watching a repeat of "Yes Minister", which I saw quite recently—it is effectively that you know, and I know, that we are not allowed to know. It is a question not just of semantics but of necessity for people to have a better and clear idea.

Behind that—and it is from this that I take some encouragement—your reply suggested to me that you did understand the reason for my asking the question, and the value that there could be if you could arrive at a more open and transparent way of putting across to the public what kind of things you are doing, how they are being done and what their value is when they are decided. Would I be in right in thinking that you more or less agree with the sentiment that lies behind what I said?

Lindsay Croisdale-Appleby: Yes, I think that is right.

Chair: Just to put you on the spot, Sir Humphrey.

Lindsay Croisdale-Appleby: Exactly. The more we can explain transparently what we are doing in those committees, the better. In terms of responding to individual parliamentary questions or inquiries, or of working out with the Government a way of reporting back on what has happened, I think that will tend to be after the committees have met. That works for both the Government and the Executive and, ultimately, the public, as you say.

Will Macfarlane: Before you finish with the topic of transparency, may I just add to what Lindsay said? I thought it helpful to say to the Committee, because your comments are very striking and thought-provoking, that in our dialogue with the Commission when we agreed the withdrawal agreement and the trade and co-operation agreement, we were very deliberate in putting in the provisions that we have around transparency and in agreeing the agendas and the publication and agreement of the reporting after the meeting.

It is striking that we always refer to that in our bilateral discussions ahead of these meetings as being important formal steps. We have obligations to put those things on gov.uk and, in certain cases, for Ministers to make written ministerial statements to Parliament. The Commission has its



version of those steps. Those are actually a weight within the process. Obviously, it is for the Committee to reflect on whether they are sufficient, but I just wanted to reflect that they do weigh on the officials doing the agreement of those meetings.

Q16 Mr Fysh: How much do you work with the EU's institutions in areas that are not covered by the TCA? How does that happen on foreign policy, for example, including issues such as the war in Ukraine?

Lindsay Croisdale-Appleby: Very extensively. We have various teams on foreign policy—to give that as an example of an area where there is not an institutionalised relationship. The foreign policy team compares well in size to the other teams that we have in the Mission. It spends a lot of time doing bilateral diplomacy with the EAS on, for example, how we should approach the challenges in the western Balkans.

We have done a lot of work in the last few months particularly on sanctions. We take this forward through both bilateral meetings here in Brussels and the UK's engagement with the European institutions in multilateral fora, whether that is, for example, in the G7 or in Geneva. So we see the EAS and the European institutions as being one of a number of players in the international scene on foreign policy issues in particular.

We don't only interact in the foreign policy area; we have also, for example—Will may want to say more about this—worked very closely with the EU in the last year or so on the development of their climate strategies, and at least understanding that, given that is an area where we have common goals, we have talked to them at various stages about the development of their package, the ambition in their package. The COP President has a strong relationship with Vice-President Timmermans, for example. And as we approach both domestic and international policy challenges, where there is a desire in Whitehall to understand what the EU is doing we of course work to find that out, and where there is a common interest in co-operating—for example, on food security at the moment we are doing lots of work around grain prices, which we are discussing with the Commission but also with a wide range of other international actors. I don't know whether Will wants to add anything on climate, if that would be useful.

Will Macfarlane: Thank you. Just to illustrate the example of climate, which is in some ways unique because of the circumstances we found ourselves in, being a President of the COP, but is also illustrative of what we can achieve together, it was quite an intensive topic of engagement throughout this year and indeed ongoing into this. It represents an area where we and the EU have historically had similar ambition in what we are trying to achieve. We recognise, in our new relationship, we will achieve that ambition in some areas very differently, but we have similar goals. Also, simultaneously their ambitious climate package under this Commission, our global leadership of COP 26 and the way in which the Prime Minister and other Ministers sought to use the presidency of the G7 to try to take forward the climate agenda, especially at the leaders' summit in Carbis Bay, represented an opportunity. We have worked on



that intensively here from the Mission to the relevant parts of the Commission services here in Brussels, but also in facilitating, as Lindsay has referred to, senior expert visits both into Brussels and into London—when that was possible last year—and the ministerial engagement as well. That was extremely productive for the outcomes we sought, both in the G7 and even more so in the Glasgow climate summit.

Q17 Mr Fysh: What proportion of time do you think would be spent on the non-TCA EU business by the Mission, and how do you go about prioritising different strands of work between the TCA and the rest of the work?

Lindsay Croisdale-Appleby: If you ask me for a rough guess, I would say that probably something like 20% to 25% of the Mission's resource is doing things that are non-TCA-related on any given day. That changes quite a lot over time and by teams. If that was a question about the foreign policy team, it would be significantly higher than that. I would guess it is in that scale.

To give another example, our agriculture team have done quite a lot of work with the EU, explaining our future agriculture policy. There is no particular need or reason in the TCA for us to discuss those issues, but we have an interest, and the UK has an interest, in explaining the land use and environmental policies that we are pursuing. I would guess that in the case of that team, the agriculture team probably spends 70% or 80% or more of its time on TCA-related issues and quite a small proportion of its time on non-TCA-related issues. The fisheries team would be very much working on TCA issues, for example. It does vary quite a bit, but if you asked me for a global figure, I would guess, on any given day, about 20% or 25% of the amount of resource in the Mission would be working on those kinds of areas globally.

Q18 Mr Jones: Could you tell us if the UK Mission has a role in the negotiation of bilateral arrangements with the EU member states?

Lindsay Croisdale-Appleby: Not directly, no. The agreements and arrangements that the UK Government reaches with EU member states are led out of the Whitehall Departments in London. We discuss overall strategy—FCDO strategy and other Departments' strategy—as agreements are developed. If you take a complex area like migration, we are certainly aware of the kinds of migration discussions that our missions and the Home Office are having with other parts of Europe. We are kept involved in it. The area that I think we are most often asked questions about from Whitehall is where the boundary is between where the EU can do an agreement because of its external competence, and where member states can do an agreement.

That is where it is about legal agreements. Where there is not a legal dimension, of course, member states are much freer to put together joint declarations such as the one that we put together with the Portuguese earlier this week in London.

Q19 Craig Mackinlay: Mr Appleby, there are quite a number of different players who sniff around the pool of what is going on in Brussels,



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particularly EFTA states. Do you have a more strengthened relationship with those states now than you might have done while we were EU members? The broad question is about what you do together.

Lindsay Croisdale-Appleby: The simple answer to that question is yes, we have made a deliberate effort in Brussels to ensure that we have strengthened our relationships with the other missions in Brussels who have enhanced relationships with the European Union. Our relationship with the European Union is, in general terms, quite a standard relationship in EFTA terms, but it is obviously a very broad relationship. We have worked quite hard to build stronger partnerships with the Swiss, the Norwegians, and, as you say, with the other EFTA states. I saw the ambassador from Liechtenstein only last week. All of the countries in western Europe are dealt with by the same team in the Commission. We also exchange notes about how the Commission is approaching different issues, and we engage with those missions in Brussels at every level. The FCDO in London has also put an increased focus on those relationships in the time since EU exit.

Q20 **Craig Mackinlay:** Could you give an example of what you might be working on with the Swiss, for instance? The Swiss have a good relationship with the EU, as do we. What is the nature of what you might work on together?

Lindsay Croisdale-Appleby: We have been discussing with the Swiss research collaboration, for example, and what we think underpins the EU's decision to block access to Horizon. We have been discussing that with the Swiss for quite a long time—exchanging notes and looking at what the alternatives might be. An example of another area of co-operation—somewhat specific—is that we have been having discussions with countries such as San Marino about how they manage their relationships with the EU and the neighbouring member states, which have certain potential parallels with some aspects of what we might want to put in place with Gibraltar, for example. There are a range of issues that we discuss with them that generally reflect areas of what we see as opportunity or areas of difference with the EU where they have a particular or a close relationship with the EU. That is where we find there are useful discussions to have in particular.

Q21 **Craig Mackinlay:** I have a couple of other points to clear up, if I may. When you deal with EU member states directly in Brussels, do you have a linkage with our ambassador team that is in theatre in a particular member state as well? How does that relationship work?

Lindsay Croisdale-Appleby: The strongest relationships that we have with the member states in Brussels are with their permanent representation, though we often have relationships with MEPs from particular countries as well, whether that is Poland, the Netherlands or wherever there is a shared interest. We always make sure our embassy—if it is contact with the Dutch permanent representative, I would always make sure that our ambassador in The Hague is copied into the report. If it is about a specific issue, we will have co-ordinated with our embassy in

The Hague about who is talking to who within the Dutch system on a particular issue. We do find that the relationships are very close.

The Foreign Office organises regular co-ordination meetings involving UKMIs and both groups of member states and the embassies that we have in the whole EU27. We also do a bit of co-ordination about what the FCDO is saying to the representatives of those countries in London. It feels to me like it is a fairly joined-up operation. I am sure that there is more that we can do. As the Chair said, in many of these areas, we are learning by doing. It is a different environment, and we would be the first to say that we do not have all the answers. We are simply working to build coherence between what we are doing in capitals and here.

Q22 Craig Mackinlay: Briefly, I have a question on the back of one of Mr Jones's questions about bilateral potential deals—you said you don't really get involved with those too much. As I am chair of the all-party parliamentary group on Hungary, I have been in discussion with the ambassador here about the potential for the youth mobility scheme visa. Hungary seems quite keen. There is always ambiguity about what member states can do bilaterally, and what they cannot, within the scope of their EU membership and the handcuffs thereon. On things like that, there are open doors, potentially, for bilateral arrangements. It was something that the EU just shut the door on during the negotiations. Would you get involved with of those types of arrangements?

Lindsay Croisdale-Appleby: We are certainly very closely involved in the discussions about how to pursue particular objectives. Mobility is a very good example of that.

There can be different kinds of blocks from the EU on member states pursuing those. Some of those are just political blocks, in that the Commission will try to say that it will send the wrong signal to be open on a particular issue. Some of them are legal issues, and that is complicated because, as the Committee will no doubt remember, in the period of our membership, we were endlessly doing what one of my predecessors described as patrolling the grey area of external competence to ensure that the Commission did not encroach too much on it. Some members of the Committee might say that it did encroach too much.

Generally, there is a pretty lively debate within the Council about these issues and where competence begins and ends. That can often have the effect, unfortunately, of paralysing activity, because there comes to be a sort of dispute about whether there is EU competence. In any area where there is a grey area, therefore, the member state involved will sometimes have to make a conscious choice to press ahead with co-operation in that area. Most member states would judge, I think, that they have a little more freedom than the Commission is generally comfortable with.

Craig Mackinlay: Thank you. You probably gathered from my use of the word "handcuffs" in describing EU membership which side of the fence this Committee member is on.



Q23 Chair: On the broader aspect of this EFTA business, when we were going into the European Union, there was a great deal of controversy. The Americans were clearly not keen on our remaining in EFTA. In “The Macmillan Diaries”—published only quite recently—I think in 1967 we find Harold Macmillan says he went for a walk extremely depressed because of the way in which the UK was being treated over EFTA. He also took the view that the consequences of us not being able to continue our EFTA relationship in the way we would prefer it—the way he would have liked to but the Americans did not—were all part of a very big foreign policy question. What it really meant was: were we going to be in the EU or not? He also made the point that he thought that ultimately the EU would be dominated by Germany and that the French would tag along behind. That is pretty much what he said.

In this present context, we have had some extremely interesting interventions, for example in relation to Ukraine and the question of countries joining up with NATO. There are the Finns and the Swedes, which are of enormous interest to the Americans, certainly, and the Swiss too, who have their own interests in all these matters.

I just wondered about your thinking and priorities with regard to these EFTA countries. As you have indicated, you are noticing that there is a stronger degree of movement towards a greater sort of collectivity of thinking, because we can be affected by similar problems coming out of EU policy making, but to what extent do you think the US attitude has changed? We are now out of the EU, but like all the other EFTA countries, we are wanting good friendship with the EU too, subject to one or two issues that are going on at the moment making that somewhat impaired—for reasons I can understand. What do you think the United States attitude is toward our relationship with both the EU and EFTA?

Lindsay Croisdale-Appleby: It is clearly not my core area of expertise, but I think that the US has signalled pretty clearly and consistently that it is in its interest for relationships between different countries and groupings in Europe to be positive, and that it has an interest in a strong relationship between the EU and other countries outside the EU. By strong, I do not necessarily mean a strong institutional one, but a positive relationship. I think the US has been pretty clear about that. They particularly value, of course, some of the non-EU European allies. The contribution that Norway, for example, makes to NATO is highly valued, and the very specific role of Iceland is something that the US strategically values. I think in general they would like a European continent, and indeed a western alliance, that is open and supportive, even if people find themselves in different institutional groups.

The dynamic around EFTA and the EEA has evolved a bit over that period of time. The fact that some of the EEA member states are Schengen members is quite a significant step, and it takes them much closer to the European Union. The EEA itself has become, with the evolution of the acquis, a very significant regulatory authority within the EEA states in particular. Switzerland has taken a different path, as you know. I would draw quite a clear distinction between the EEA member states, where—



economically, at least—their destiny is extremely closely intertwined with the rest of the EU, and the other states that are not in that position.

Chair: Thank you very much. We will move to the devolved Administrations now, with Margaret Ferrier.

Q24 **Margaret Ferrier:** I would like to focus on the role the UK Mission plays in representing the interests of the devolved Administrations. The Welsh and Scottish Governments and the Northern Ireland Executive all have offices in Brussels with permanent staff. It would be good to know what those staff are focusing on. How do you work with counterparts from the devolved Administrations and bring in their political priorities, which are often very different and, at times, tough to reconcile? The Scottish Government, for example, have a policy of keeping pace with new EU law and have brought in legislation to do that, which has not been used as yet. How do you manage the conflicts of these priorities that the devolved Administrations are working on?

Lindsay Croisdale-Appleby: We have a positive relationship locally. We are very clear that we are here, as the UK Mission, to represent the views of the UK, and of course foreign policy and international affairs is a reserved area. As you know, there is an inter-institutional agreement about how all that works, which has recently been revised, but locally, we ensure that we are aware of the things that the devolved Administrations are doing in Brussels. We support their objectives, in terms of understanding for them what is going on in the EU. Clearly, there are important areas of domestic and devolved policy for them where they are very interested in what is happening in the EU. The Scottish Government is absolutely an example of that, but the Welsh Government is also very interested in some areas of EU legislation, and of course the Northern Ireland Office has a particular interest because of the Northern Ireland protocol and the implications that flow from that.

My senior team meet the heads of the devolved Administration offices here on a weekly basis, and they participate in many of our staff meetings, so locally, I think it is a positive relationship. I think we each understand what our role is. Where there are differences of view about what we should be doing, we set out very clearly—including to our EU interlocutors—where the division of competence is between the UK and the devolved Administrations. But we also support efforts to ensure that those discussions—*[Inaudible]*—between Ministers at the UK end, so that we can all work together to promote UK interests, and there are many areas where we do work together on UK interests. An example where those offices have played a positive role over the past few months is that they have been very keen—the Welsh and Scottish offices in particular—to promote what they see as the benefits of research collaboration, making clear that it is not just the UK Government that thinks participation in Horizon shouldn't be blocked any more, but that that view is very strongly held in Scotland and in Wales.

I hope that provides an initial answer, but obviously I am happy to follow up.



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Margaret Ferrier: Mr Macfarlane, do you have anything to add?

Will Macfarlane: I have nothing to add to what the ambassador has said.

Q25 **Chair:** Now we come to the final question, relating to the Crown dependencies and overseas territories, the Government, of course, being responsible for representing the interests of the wider family in terms of UK-EU relations.

There are a number of particularly hot issues engaged in this field at the moment—for example, the issue of Gibraltar. We are about to go to Gibraltar as a Committee. We shall be there for, I think, two and a half days. There is also the question of EU tariffs on fish imported from the Falklands.

In this context, can give us an idea of the Mission's work in this field? How do you work with officials from those territories—the Crown dependencies and the British overseas territories? Perhaps we could also throw in Jersey, Guernsey—the whole picture. It is a bit of a kaleidoscope, and it goes right across the world, but on a much reduced basis now from the 1960s, to say the very least. Could you give us some indication of how you deal with these questions? Perhaps some remarks on Gibraltar would be helpful, as we are just about to go there.

Lindsay Croisdale-Appleby: Great. We work very closely with both the officials and the Ministers from the Crown dependencies and the overseas territories. You are right that it is a bit of a kaleidoscope. I do not think anyone has a better term than “the UK family” to describe these relationships collectively.

My team has worked extremely closely with the Crown dependencies on the issues that were of interest to them through the trade negotiations and the fisheries aspects of that in particular. On the implementation of the fisheries agreement, we have supported visits here with Crown dependency Ministers from Guernsey and Jersey—particularly from Jersey, but those from Guernsey were here only a couple of weeks ago. We have a particular link to the Gibraltar Government, because there is an active negotiation going on on Gibraltar, as you know. I have been playing a particular role in that negotiation, in part because of my knowledge of Gibraltar from previous roles. That negotiation is led from the Foreign Office in London under the direction of the Foreign Secretary, but we have been very involved in all the negotiating rounds and in seeking to try to develop a solution to the particular challenges that Gibraltar faces.

It does not really just stop there. We worked very closely with the Falkland Islands and their representative in London and their Legislative Assembly members when we were trying to secure tariff-free access for their fisheries products. The EU was simply not prepared to do that and that was disappointing. We then worked with the Falkland Islands on what the options were at the end of that process and we remain in close touch with them, as does the Foreign Office, of course, in London.



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We work very hard to make sure that, working with Whitehall and the Whitehall Departments, their interests are articulated clearly and we have a shared version of what their interests are, which is agreed between the UK Government and the relevant representatives of either the overseas territory or the Crown dependency. Generally, we have found that to be an extremely positive process and we have sought to be as transparent and open and to work as well as we can in team UK.

The Committee will want to explore this for itself, but I think you will find that the feedback from the teams in their offices in Brussels—they have a Channel Islands team here, an Isle of Man representative and also, obviously, a Gibraltar representative—is pretty positive. However, as in other areas, we are always looking at whether we could be doing more to support these parts of the UK family. The reason I think that the UK Government have a particular obligation to spend time and effort on these issues is because each of these economies is a small and exposed economy. We need to do all that we can to support them, whether that is making their case about the economic measures they have in place in Guernsey or Jersey on financial services, for example, or whether it is doing what we can to promote mobility between Spain and Gibraltar.

Q26 Chair: Thank you very much for that. You quite rightly touched on the fact that they might feel exposed because—being, in many cases, quite small communities—they have less resources, so looking to you as the connection to the attitude that the EU is taking, certainly in the case of Gibraltar, will be extremely important.

I have one last question relating to the Commonwealth. Do you have any sense of your relationship with the Commonwealth as compared with the Crown dependencies and overseas territories? It is part of the trading arrangements as well, and I just wondered whether you could throw a little light, without going into great detail. Do you have good working relations with the Commonwealth?

Lindsay Croisdale-Appleby: Yes, and I think it is important. The Commonwealth, in my working life in Brussels, divides into different groups. First of all, there are the Commonwealth members of the European Union: Malta and Cyprus. We often have quite close shared interests in the promotion of common law, when we have legal visits here, and in general in the relationship between common law and Roman law, but also our wider shared traditions. That is one group of Commonwealth countries. We have a particularly close relationship, as you would expect in Brussels, with the other Five Eyes countries, and we co-ordinate with them regularly. Of course, the US is not yet in the Commonwealth, but perhaps it will join some day.

The third group is the wider group of the Commonwealth, and we do co-ordinate with them. I had a lunch last week about climate change and food security with ambassadors from ACP countries such as Ghana, where we were co-ordinating on what we are saying to the EU ahead of the next conference of the parties, and obviously working with Egypt. We have also spent, and will continue to spend, time engaging with countries such as



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India, Pakistan and Bangladesh, which have important relationships with the European Union. It is useful to understand how they are pursuing their objectives with the European Union, and also to see if there are areas where we can make common cause about aspects of EU regulation that we find limit bilateral trade, for example. So yes, I certainly see quite a bit more of my Commonwealth counterparts than other third-country counterparts, and we do exchange notes on trade with each of those countries individually.

Chair: That is a very encouraging note on which to end, because in the context of global Britain, there is also Australia and New Zealand—even if we have just defeated them in the test match. Basically, it is a very good working relationship and you are in a particularly good position to be able to provide some really good focus, because elsewhere in the Government machine, they do not interface with the EU, which does interface with all these countries as well.

May I simply say thank you very much for your contribution today? We have all found it very interesting. If you would be kind enough to continue this dialogue, perhaps we will come back and visit you in a few months' time. Thank you very much indeed. That is the end of the session.

Lindsay Croisdale-Appleby: Thank you.

Will Macfarlane: Thank you.