

European Scrutiny Committee

Oral evidence: The UK's new relationship with the EU, HC 122

Monday 17 May 2021

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Members present: Sir William Cash (Chair); Allan Dorans; Richard Drax; Margaret Ferrier; Mr Marcus Fysh; Mrs Andrea Jenkyns; Mr David Jones; Stephen Kinnock; Craig Mackinlay; Anne Marie Morris; Greg Smith.

Questions 53-93

Witnesses

I: Lord Frost, Minister of State, Cabinet Office, Emma Churchill, Director General, Border and Protocol Delivery Group, Cabinet Office, Rebecca Ellis, Director, Northern Ireland/Ireland Unit, Cabinet Office.

Examination of witnesses

Witnesses: Lord Frost, Emma Churchill and Rebecca Ellis.

Q53 **Chair:** Thank you for appearing before the Committee, Lord Frost. On behalf of the Committee, I would like to welcome you to your new role. Your responsibilities are considerable. Now we have left the EU, the UK's new and very sensitive relationship with Europe is of vital national importance. As an example, you have yourself indicated that the Northern Ireland Protocol is not currently operating properly. Our Committee continues to scrutinise all aspects of the UK's new relationship with the EU, and we look forward to working with you and your team. We are especially interested in the following matters: your role and your priorities; the application of the UK-EU trade and co-operation agreement; and the very fragile consent that has been given for the operation of the Northern Ireland protocol. That last point is particularly relevant given current political events, as you witnessed on your visit to Belfast last week and as you explained in your own article in yesterday's edition of *The Mail on Sunday*, in which your message to the EU was: "stop the point-scoring...help find a new approach to Northern Ireland, and then we can build a...relationship for the future." In the light of what I have just said and the acknowledged continued role of this Committee, with its expert staff and its longevity of experience, would you be kind enough, first of all, to give us your view on the role of the Committee as matters unfold?

Lord Frost: Thank you, Mr Chairman. It is a pleasure to be here. Before I say a few words and comment on your last point, may I just ask my co-witnesses to introduce themselves, starting with Emma?

Emma Churchill: I am Emma Churchill and I am director general of the border and protocol delivery group.

Rebecca Ellis: And I am Rebecca Ellis, director of the Northern Ireland and Ireland unit in the Cabinet Office.

Lord Frost: We are delighted to be here and very happy with the discussion we are going to have—and obviously I look forward to a constructive relationship as we get things going.

Quite a lot has happened since Michael Gove's last appearance before you on 8 February and I am happy to talk about that. Obviously, this is my first appearance now in a ministerial capacity and I certainly look forward to appearing before you with appropriate frequency. We have also read with interest the reports that you have produced, notably the recent one on the protocol and the December decisions, which we will obviously respond to.



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May I say a word about how I think we should interact with you in future, as this is my first appearance? I promise not to take too long over this, but I think it is useful up front. Obviously, we have got two treaties, both of which are exceptional. We have got the withdrawal agreement, which is unusual because it has got substantial elements of direct effect in it and some European Court of Justice involvement—both those elements are unusual—as well as, obviously, the protocol. We have also got the trade and co-operation agreement, which is a much more normal agreement: no supranationality; no courts; no direct effect. However, it is exceptional because of its breadth—the huge number of issues that are covered—and the way it affects our whole relationship with the EU and its member states.

I think it is right that both treaties should have somewhat exceptional scrutiny arrangements, but I think they are distinct for the two treaties, distinguishing where there are areas of supranationality from where there is a more normal arrangement, where obviously the Executive has got the usual right to conduct foreign affairs.

I know there have been some discussions on scrutiny between my officials and the Clerks and the Committee over the last couple of months. I am not sure they have ended up in quite the right place and I would like them to continue. I think there is a bit more we can do to make the relationship work. I think there should be a little more transparency from us about agendas of the specialised committees—the Partnership Council, or Joint Committee. As I have said, I would expect to appear every three months or so.

I think we need to find a way of updating you on a routine basis about events—routine, but frequent. Obviously, where there are significant developments in the offing—dispute settlement, remedial measures and so on—we should be telling you about those in time to comment.

We should provide EMs where there is a question of law that affects us; that seems absolutely right. And, obviously, where we are in ongoing confidential negotiations, we should aim to find a way of ensuring that the Committee confidentially has some understanding of what is being discussed and where things may end up. I would like my team to talk to your Clerks and others to see if we can find a way of settling this. I am very keen to find a constructive way of doing it—and rapidly.

One very last point. The TCA is obviously very broad and touches most Government activity, and the internal arrangement within Government is that each Secretary of State and each Department are responsible for their own bit of the TCA. That is how we are running specialised committees. So, obviously, I think the departmental Select Committees and Secretaries of State also have an important role in the detail of how this is agreed.

I have said that I will appear before other Committees exceptionally, as a courtesy, when I feel it is useful and important, but for me the crucial relationship is with this Committee—the central Committee that provides



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scrutiny. It is the responsibility of the whole Government, and I guess the whole of Parliament, to provide scrutiny across the board for this very far-reaching agreement. I will stop there. I hope that is helpful and useful as a way of kicking off the discussion and making it clear how we want to proceed.

Chair: If I may say, that is a breath of fresh air. We have been waiting to hear this for a long time, and we are extremely glad about the way in which you have expressed yourself. I will ask the first question, Lord Frost. What are your top three priorities in your new role, including in relation to the strengthening of the Union, and what progress have you made so far?

Lord Frost: There are four things I have to do in this job. First, I am responsible for managing the overall relationship—the implementation of the TCA and the withdrawal agreement, and chairing the Joint Committee and Partnership Council and so on. Secondly, I am responsible for conducting the effective conduct of business with the EU and its member states. Beyond the responsibility of this Committee, I also have responsibility for third country trade issues. I am trying to find solutions there with the Trade Secretary. Finally, the opportunities of Brexit. That is my portfolio.

The main three things that I feel should be at the top of my agenda—and are—are first, Northern Ireland and the protocol. That is clearly a very live issue. I am sure we will talk further about that and finding a way of making sure that particular issue can settle. Secondly, getting the overall relationship with the EU, subject to that, off on a decent footing. I think it will be a bit bumpy for a time. There is a lot in there—a lot of business to be done. We have got new institutions through the TCA—*[Inaudible]*—and making those work.

Then, as I said, the third thing is the opportunities and trying to identify things we can do differently. That is what will make the biggest difference to our economic success going forward. So, within Government, identifying opportunities and trying to move them forward.

Chair: That is very helpful. Thank you. Margaret Ferrier will ask the next question.

Q54 **Margaret Ferrier:** Thank you, Lord Frost, for appearing today. Can you give us some information about the specific economic and political opportunities that you hope to maximise in your new role? The Chair has already touched on this a few moments ago. So many different Government Departments are involved as well as the devolved Administrations. They will all be responsible for delivering these opportunities, so how do you see your contribution to the goal of strengthening the Union, as the Chair pointed out a few moments ago?

Lord Frost: Obviously, we are just getting going on this, or at least I am, but it is a huge opportunity for the whole country and the whole Government to identify opportunities and move them forward. I think of it in two groups. There is a set of issues that we have already announced in



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the legislative programme in the Queen's Speech—major reforms that will make a difference. For example, the subsidy control Bill, the procurement Bill, the national insurance Bill that will help on freeports, and the Professional Qualifications Bill and so on and so forth. That is legislation that is being worked through. I have a role in making sure that what we put before Parliament is genuinely reforming and genuinely consistent with deregulation and the spirit of Brexit, and it goes forward on that basis.

The second thing behind that is identifying the next wave of things we want to do. There is quite a lot of work going on outside Government. You will know, I am sure, about Sir Iain Duncan Smith's work and his team's trying to identify opportunities for regulatory reform, but obviously many groups are doing that as well as groups in Government. Also, identifying the most promising of those, trying to find ways to make them real, implement them and move forward. Two other things. It is important, from our perspective, that we normalise, as it were, the EU law that has come on to our statute book as quickly as possible and treat it as UK law as rapidly as we can, in accordance with the normal principles of UK law, and that actors in the regulatory agenda—whether it is the regulatory bodies, Departments and so on—act in a way that is consistent with UK traditions, common law traditions, and the way that UK law has always worked. Trying to embed some of that philosophy too is really important.

Q55 Margaret Ferrier: What discussions have you had with the Scottish Government, and what involvement will they have in matters going forward?

Lord Frost: Obviously, we want to work closely with all the devolved Administrations, and we are in the process of considering what the best way of involving the Administrations will be in the committees and structures that are created by the TCA. Obviously, there have been elections, which have produced a pause, but now I hope that we can begin those discussions quite soon and find a satisfactory way forward.

Q56 Anne Marie Morris: It is very good to see you, Lord Frost. You have said that regaining regulatory freedom gives the UK a huge advantage over the EU. What is the Government's strategy for exercising their newfound regulatory freedom, and how central a role will you play in implementing it?

Lord Frost: I stand by that comment. I think it is really important that we exercise that freedom in as useful and productive a way as we possibly can. I personally profoundly believe that it gives a huge advantage to a country to have control over its own laws and the ability to design arrangements that suit its own traditions, ways of doing things and specificities. We are doing that, to take one example, on agricultural reform, where we are able to get rid of subsidy support arrangements that are designed for large-scale farms on the continent, and bring in arrangements that are designed for our environment, our crops, and our specificities in the UK. That is just one example of the kind of things that you can do when you tailor things to our own circumstances.



That is the philosophy that we want to try to take forward more broadly. It has been mentioned over the weekend that we are looking, for example, at financial services regulations and seeing what we can do now that we are able to move on from EU arrangements in financial services, and we will be doing this in other areas. I am personally on the key committees that are responsible for this. We are also creating a new unit that will work to me on this subject, and we will be recruiting shortly for a head of this unit outside Government. We want to bring in somebody who has access to the kind of thinking and ideas from think-tanks and outside Government, as well as knowledge within. We are just beginning this process, and obviously some of the benefits will take time to show, but we are off on a journey that will bring huge benefits.

Q57 Anne Marie Morris: I am delighted to hear that. My main concern is that, while it is clearly an opportunity to ensure that we have a better and more user-friendly system for the UK in terms of regulation, we also use it proactively as a way of creating competitive advantage so that, if you like, because of the regulatory system that we develop we become the go-to place. I am delighted that you are beginning to make some headway on financial services. Frankly, the sooner the better, but I wonder whether the Government as a whole are looking across not just Departments but particularly industry sectors to see where there is most need to push regulatory change.

I cite, by way of example, medicine and medical devices. The MHRA, which regulates those, having parted company with the EU, has a huge advantage to be the global leader. It can not only assist better access for our own residents and patients, but help our life sciences industry by attracting inward investment. I suppose I am looking at the approach that the Government are taking. I hope it will be proactive rather than reactive— putting things right. Supplementary to that, it is about trying to get a balance between systems that give a company a competitive advantage, and ones that also enable flexibility for collaboration when necessary, as we have had to during the covid experience.

Lord Frost: This process is just beginning across Government. The new committees that will drive that forward are just beginning their work. You are right to identify the MHRA. We also saw through the vaccine roll-out what can be done when you have flexibility. We can do things such as make clinical trials quicker, and so on, through that. We have high hopes of outside input to the process. The whole Government are mobilised. I have talked to Kwasi Kwarteng and others on this subject. We are all fully behind making things happen. The impulsion from bodies such as Iain Duncan Smith's committee will be important to help move things forward. We are just at the beginning, but we are absolutely all committed to making it happen.

Q58 Andrea Jenkyns: Continuing the theme of regulatory freedom, looking at our common law system, the regulators place an emphasis on simplicity, which is inherently more flexible and predictable than the EU system. Are there any plans for the new regulatory authorities that operate to take advantage of the British common law tradition, and diverge from EU



practice?

Lord Frost: That is something we will want to look at very closely. It is a good example of the general points I was making earlier: lots of our bureaucracy and regulatory systems have had to operate within a prescriptive EU law framework. We have internalised principles of EU law and EU ways of thinking about things over the last 50 years, which are harder to eradicate because they are quite subtle. Coming back to arrangements that are consistent with the lighter-touch common law arrangements—the ability to experiment and develop things as we go on rather than the very prescriptive arrangement, I am sure we will look very closely at that.

Q59 **Chair:** That is a very interesting answer. Could I throw in one other thought that you might be looking at: the whole question of the application of standards? Going back to the days when I was involved in the debates on the Single European Act in 1986, I recall being concerned about standards and the extent to which we were operating, apparently, on the basis of the German DIN. That is a means of controlling the way in which the single market operated. I am very glad to hear what you say in reply both to Anne Marie and to Andrea. I just want to throw in that question about making sure that our standards are world beaters, and that we are consistent with international standards but are not just driven by those of the EU.

Lord Frost: Yes, that is a very important point. There is a kind of assumption sometimes that only two or three players matter in international standards: the Americans, the Europeans and, increasingly, the Chinese. I think that is an oversimplification. We have some of the most highly regarded standard-setting bodies in the world in the UK. We have a lot to contribute and develop through that.

Chair: The vaccine programme has demonstrated that to a great extent.

Q60 **Mr Jones:** To continue the discussion about regulation and the importance of this country having the ability to diverge from EU standards, it is the case that the trade and co-operation agreement provides for regulatory co-operation between the UK and the EU, so what does that make the EU? Does it make it a partner of this country in pursuing good regulation, or is it a competitor? How would you see it?

Lord Frost: It is probably both—that's the honest truth. It is pretty normal for free trade agreements to include provisions on regulatory co-operation, because it makes sense if you understand each other's regulations and know what is coming. If things change, there is a process for exchange of information for developing things in light of each other's activity and so on. That in itself is not particularly unusual.

One of the advantages that we will get from Brexit is the opportunity to do things differently—that is clear. I don't think we should accept that we are in the EU's regulatory orbit for these purposes; we need to develop our own ways of doing things and our own philosophy behind it. We will certainly always want to talk about that with the Europeans, just like we



do with the other big economic powers around the world, but each time it will be about finding the right balance of advantages between doing things our own way and taking into account what happens elsewhere.

- Q61 **Mr Jones:** You say that we should not regard ourselves as confined to the EU's regulatory orbit, but isn't there a problem with the Northern Ireland protocol? Of course, a large body of EU regulation continues to apply to Northern Ireland. How is it possible for us to do things differently as the United Kingdom if an important part of the United Kingdom—Northern Ireland—remains subject to EU regulation?

Lord Frost: Well, I am sure we will talk more about the protocol, because there are a number of other issues connected to it. What I would say at this point is that you are right to identify the problem. Clearly, there is the risk of gaps opening up in regulation between Northern Ireland and the rest of the UK. The important thing is to make sure the protocol operates in a balanced and pragmatic way that takes account of the real conditions. Over the weekend, we saw an example of the kinds of problems that can be generated, whereby it is clear, despite a little bit of dust thrown in the eyes by the EU, that they are asserting their right to regulate cancer drugs in Northern Ireland, rather than the UK doing that. That sort of thing is going to be a problem if we cannot find pragmatic ways through it that protect our UK national health service.

- Q62 **Mr Jones:** I would like to talk to you about medicines a bit later, but this is clearly an issue that is causing concern not only in Northern Ireland, but in the rest of the UK. In your *Mail* article yesterday, you indicated your determination to resolve that problem. Can you give us an indication as to how you think you may do that?

Lord Frost: At the moment, we are talking to the Commission about the range of practical issues that have arisen from trying to operate the protocol. I would say many of those issues do not themselves go to the heart of the problems, but we are talking to them and trying to find solutions. There is a bit of momentum in that discussion; it is not hugely productive, and we will have to see how far we can take it. The fundamental problem for us is that if the way the protocol is operating is undermining the Good Friday agreement rather than supporting it, we obviously have a problem. That was not what the protocol was meant to do. If it is doing it, it is not working right, so we have to have the kind of discussion with the EU that enables us to fix those sorts of difficulties. At the moment, we aren't quite, but I still hope that that might be possible in the next month or so.

- Q63 **Margaret Ferrier:** Lord Frost, there are two parts to this question. The first is on opportunities: what opportunities do you foresee for UK-based businesses now that the UK has left the European Union, and have any doors opened for UK businesses wanting to trade with the rest of the world that were previously closed?

Lord Frost: One of the big benefits, obviously, is new free trade agreements. We were very successful—the Trade Secretary was very successful—in rolling over most of the agreements we had through our EU

membership, and we are now beginning the process of new agreements or improving those. I am quite optimistic about what we can do this year. I think we are quite close to one or two agreements.

Obviously, we have signalled we would like to be part of the CPTPP, which is a huge trading arrangement, and the Trade Secretary has signalled that she is looking to begin negotiations, for example with the Canadians shortly, on improving the deal that was rolled over. So I am hugely optimistic about those kinds of arrangements. They will give UK firms access to the growing parts of the world, where economies are growing fast and where the growth of the 21st century is to be found.

Q64 Margaret Ferrier: To give some background to the second part of the question, in January of this year the British Chambers of Commerce carried out a survey of their members and 49% of them who exported were facing difficulties in adapting to the changes for the trade of goods. These involved things like volume of paperwork and costs, new customs arrangements, rules of origin and VAT. Make UK also carried out a survey this year: 51% of its members said that delays were leading to increased costs; a third had lost revenue; and one in five was losing out on future orders. What is your response to business groups like those and like the Institute of Directors, which found that nearly 20% of its members had stopped trading with the EU in January, or the Federation of Small Businesses, which, in a survey of its members in March of this year, found that 23% had stopped trading with the EU temporarily and 4% had decided to give up completely and permanently stop exporting?

Lord Frost: I have never denied that many firms faced difficulties at the start of the year. Obviously, leaving the customs union and single market is a big change to the relationship, and that takes some getting used to, but I also have huge confidence in the UK private sector to respond rapidly to the needs and move on from it—and I think that's what has happened. If you look at the overall trade figures for goods exports, they are actually above the average, in export terms, for last year—for 2020. That was a pandemic year, but the economy is still being affected by the pandemic across Europe. We are doing better than last year already, and I think the initial disruptions have been largely overcome. In fact, the ONS said in February that the disruptions to food exports in January appear to have been largely overcome.

I am not saying there aren't still some ongoing difficulties. I am sure some firms still are facing difficulties, and we are doing everything we can to help, but we are, I think, getting back to normal and British firms are responding accordingly. If it's okay, I would just like Emma to come in briefly on this, as she has been covering it day to day.

Emma Churchill: Exactly as Lord Frost was just saying, we have obviously seen a significant improvement in the ONS statistics on trade value from January, where there was a dip through February and to March. We have also, of course, been working very, very closely with some of those business representative organisations you have just been talking about, to make sure that we do have the support in place for



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businesses. Of course, many of the issues that businesses need support and help with are related to customs, and HMRC has, in fact, a very well-performing helpline that has helped over 150,000 businesses since 1 January. Its average speed of answer is 30 seconds at the moment. It is recording satisfaction rates of about 70%, so for businesses out there who are needing that assistance it is there.

I should also say that for SMEs we launched the SME Brexit support fund, and £20 million was put into that by the Treasury. That was launched in March. It is for SMEs who are needing support to work through issues like rules of origin and the VAT rules, which are some of the things, of course, that they raise with us. I am sure that they raise them with you in your postbags as well. I should say that so far there is plenty of money left in that fund. If you have, in your constituencies or elsewhere, SMEs who are needing that support, there is plenty of money left in that, so please do go on gov.uk and find out how to apply for it.

Margaret Ferrier: Obviously, you will be aware that the Department for International Trade is running its parliamentary export programme, so the last thing that we want is for people to be put off exporting because of these stumbling blocks. We all want them to be a success, and to encourage businesses to start trading both with the EU and other countries, so thank you for your answers.

Q65 **Chair:** May I mention the example of the cheese industry? I had exchanges with some of them that were very negative when they first put their case. When I looked into the statistics, it became apparent that, for example, as far as Egypt was concerned our cheese exports had gone up by 240%. The same applied in relative terms to other parts of the world, particularly in south-east Asia and so on. People complained to begin with, but do you have a comment on the fact that by businesses putting more emphasis on exporting to the rest of the world they will find that in many cases there is a tremendous opportunity there, and if they take it they will do very well? The cheese industry has apparently come to its own conclusions along those lines.

Lord Frost: I absolutely agree. Obviously, British companies have been exporting very successfully outside the EU for a long time, and we have seen over the last decade or so the gradual shift of trade away from the EU to the rest of world as those markets have grown. I am sure that British companies will carry on dealing with the process that is necessary to achieve that. I am confident that it will happen.

Q66 **Richard Drax:** Welcome to you, Lord Frost, and your two colleagues. It is very nice to see you. Thank you for all that you are doing for our great country. You have oversight of the effective conduct of EU-related business with the EU and its member states. What is the Government's strategy to conduct that business and what is your specific role?

Lord Frost: We are beginning work on this. My specific role is to co-ordinate the conduct of business with the EU member states as well as to manage the relationship with the institutions through the treaties.



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Obviously, the fact that the TCA is such a broad agreement means that there is very little business that we have with member states that is not in some way affected by the new agreement, so the two things have to be seen together. My job is to co-ordinate them and work with people around the Heads of Government and so on in those countries.

This is a new moment for us. Obviously, the last four or five years have been dominated by the process of extracting ourselves from the institutions. We are now in a different position. We need to develop a new approach, and it is my job—together obviously with the Foreign Secretary, who has a big responsibility here, too—to make that happen.

Q67 Richard Drax: It is a new job with many challenges. I hear from constituents in the fishing community and all other businesses that they are all having quite a few difficulties: red tape, the colour of your pen, and problems on the border. It seems to be, shall we say, not helped by President Macron and a certain aggrievement that certain members of the EU hold against our departure. What evidence are you finding of this issue, and what can you do about it, bearing in mind that we are signed up to a treaty?

Lord Frost: There are two aspects here. One is the question of exports of fish and fish products to the EU, where there definitely were some teething problems—that is clear. We have given a lot of support to the industry concerned to try to work through this, and I think that is having some effect. Some of the practical issues, such as groupage and the speed of export, are beginning to be dealt with. As I was saying, the ONS says that, to a large extent, these disruptions seem to have been overcome. That, I hope, is underway. I would say there have obviously been some isolated incidences of EU customs officials or national customs officials complaining about the wrong stamp or the wrong colour pen. They are relatively isolated, actually, and the operational relationship between the agencies concerned is pretty good. The EU side has been pretty pragmatic on this, so that should be said, regardless of whether there is criticism of the isolated incidences where it has not worked.

On the broader fisheries question, what we are seeing is that there is a process of adjustment. It is possible that too many of our friends in Europe—fishing organisations and so on—thought that we had agreed five and half years of no change. That is not the case. We have the right to regulate our own waters in a totally different way, to license fishing vessels and so on. Obviously, getting used to that is at the root of some of the difficulties. We are being as pragmatic about this as we can and, actually, we have licensed lots of French fishing vessels, though I am sure there are still more applications to come. I am sure it will settle down, but European agencies have to get used to the new arrangements.

Q68 Richard Drax: I do not disagree, necessarily, with gunboat diplomacy, as we showed just the other day. However, that is not going to help relations between us and the EU in the longer term, is it? Have they realised we have gone yet, or are you still having to explain that fact to them? Are you noticing good will—better will—towards us for the future?



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That is going to be key. How are you getting on with bilateral agreements with other EU members?

Lord Frost: They are still getting used to it. In fact, I think the EU ambassador said something like that two or three weeks ago—that they are still coming to terms with the UK's departure—so there is a process to be gone through here. People are getting used to the different processes and the different arrangements that apply. We do not choose gunboat diplomacy, but obviously we were reacting to a demonstration that could have caused severe practical problems for Jersey. It did not cause any problems, and I like to think that our naval presence was part of that. It is not the first resort, obviously, but we have to be able to stand up for our fishermen, and for the Channel Islands in that particular case. We have to wait and see this develop. We have to get back to normal and, to a large extent, that is happening in terms of atmospherics, but I think there is a little way to go yet.

Q69 **Richard Drax:** So you are confident that in the months and years ahead, business can resume as normally as possible, unhindered by EU intransigence. You think that will happen.

Lord Frost: I do not know about "will happen": I think it definitely can happen. As I said, there is a lot of pragmatism. Everybody wants trade to continue in as free-flowing a way as it possibly can in the new arrangements. There is definitely a large current of opinion in the EU and member states that wants that to happen. I think there are people who see Brexit as a bit of a zero-sum game and want us to face difficulties, but I like to think that those will not be the dominant opinions and things will settle down in a fairly pragmatic way as we move forward. We will see.

Q70 **Richard Drax:** Any movement on the bilateral agreements with individual EU states that I asked you about? How are you getting on with them?

Lord Frost: In any particular field?

Q71 **Richard Drax:** In any particular field. Obviously you are exploring bilateral agreements with separate EU countries. Are you having any success in those?

Lord Frost: There are some areas in EU competence where we are looking at bilateral agreements. For example, one area we would like to do bilateral agreements in is returns agreements on asylum seekers. That discussion is just beginning. The problem we face in that and some other areas is that although some member states probably do want to do bilateral agreements, that is not necessarily how the Commission sees it and, even if it is still a member state competence, the Commission has ways of influencing that. So we are just picking it up and I would say there is some way to go in that.

Q72 **Richard Drax:** Oh dear. Actually, part of my question was whether individual EU states were able to do bilateral agreements. I think you are hinting that perhaps they cannot with Big Brother sitting on their shoulder. That is a shame, but hopefully in the months and years ahead that will disappear—I am sure it will under your leadership, Lord Frost.

Lord Frost: I hope that they will see that there is an interest in constructive and collaborative relationships with us. I would expect that to happen.

Richard Drax: Thank you very much.

Q73 **Andrea Jenkyns:** Just briefly, Lord Frost, what is your relationship with the UK mission to the EU? Secondly, what are the practical implications of being outside the EU for the work of UK diplomats in Brussels?

Lord Frost: To answer the first part of the question first, it is obviously a very close relationship. It is the Foreign Office's responsibility to staff and fund the network, but the mission in the EU works for all us. I talk to our head of delegation there most days and the interaction with the team is very close.

Obviously, it is a shift of focus to move from being a member of an organisation to being outside it and trying to influence it. A lot of what the mission will do, and is doing, is managing day-to-day difficulties. As I said at the start, there are bound to be lots of practical day-to-day problems that need dealing with and clearing up with the Commission, and that is a huge part of what they do.

There is a lot of influencing in other areas—notably foreign policy, for example, where the EU institutions have a bigger and bigger role, and tying up the connection via our mission is very important. So I think there is a shift, but it will continue to be one of our biggest missions round the world. It should be, because we are trying to influence our biggest neighbour and that requires sustained effort and expertise, which we intend to give it.

Q74 **Andrea Jenkyns:** Thank you. And our diplomats in Brussels?

Lord Frost: As I said, their day-to-day life changes. Having served there myself, I think that when you are a member of an organisation and a big member state, people have to deal with you whether they like you or not because you can influence things through well understood mechanisms. When you are outside, it is different. You have got to have really good arguments, you have got to be persuasive and you have got to present things in win-win ways. That is a basic technique of diplomacy, and I am sure that our diplomats in Brussels will do it just as well as they do anywhere else.

Andrea Jenkyns: Thank you very much, Lord Frost.

Q75 **Greg Smith:** Good afternoon, Lord Frost. If I may, I would like to change the focus of discussion to Gibraltar for a few moments. Clearly, last year the framework for a new treaty was agreed. When he gave some evidence in the House of Lords in January, the Chief Minister thought that negotiations could be completed within six months, yet the European Commission has not actually sought approval for its own negotiating position yet. Can you let the Committee have your thoughts on when you expect negotiations for that treaty to begin, what you think the delay has



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been about and what HM Government's main objectives will be within that negotiation?

Lord Frost: As you say, a political agreement was reached right at the end of last year and things are operating on a sort of ad hoc basis around that agreement on Gibraltar. Now, obviously, we need to make that a fully legally framed agreement.

It has taken a little bit longer than we thought within the EU system. I don't think that in itself is unusual. In my experience, things normally take longer than you think going through the EU system and you have just got to get used to that. Obviously, there will be different perspectives on Gibraltar and different players within the EU and the Commission, and that may be part of it, but I am speculating slightly there.

However, what we are hearing is that the mandate for the negotiations ought to be ready some time this month. Obviously, then it has to be signed off by the Council. So then we can start negotiations maybe around the end of June. Obviously, we would have liked them to be a bit quicker, but so be it.

What will we be aiming for? We will be aiming to implement the political framework as far as we can. Obviously, there are some elements that need to be fleshed out, but we are confident that it was a good framework, and obviously everything we do is in close collaboration with the Chief Minister and the Government in Gibraltar more broadly.

The last thing I should say is that this is an area where the Foreign Office take the lead. They have overall responsibility for relations with overseas territories. So, although we are closely involved, this is an FCDO-conducted negotiation.

Q76 **Greg Smith:** You read my mind for the next question. Although it is a Foreign Office-led negotiation, clearly it is vitally important that you and your Department are equally focused on this. How much do you think you will be involved in that negotiation? I think that it would be a great comfort to the people in Gibraltar to know that it is not just a Foreign Office-led negotiation, given the sensitivities on the border there.

Lord Frost: I will be closely involved, with my team even more closely involved day to day. There will be a set of issues that we are very familiar with, in terms of customs, movement of people and so on, which we have been dealing with throughout the main negotiation, so we are expert in them. And we will be closely involved with the FCDO in taking the negotiation forward. Genuinely, this is a joint operation and I am sure we will come out in a good place.

Chair: Thank you. I will just mention the fact that, of course, we have been in our relationship with Gibraltar since the Treaty of Utrecht in 1713; I think that is right. So we have got quite a lot of experience to call on, I would say.

Q77 **Craig Mackinlay:** It is very good to see you again, Lord Frost. It has been many months since we met. You have met Mr Šeřčovič rather more



than I have. Is there a nudge-nudge in your relationship with him? Do you say, "Well, if the UK carries on its full compliance with SBS rules that come out of the EU and other single market mechanisms that the UK just unilaterally decides to continue with, we will make sure that there is not too much problem on the Northern Ireland border"? It seems to me, although perhaps unfounded, to be the nudge that they are suggesting to us. It is rather odd situation that the Republic only ever checks 1% of goods coming in, no matter where they come from around the world. Felixstowe, probably with the benefit of a bit of our own domestic gold plating, only tests 4%, but we are having 20% inspections on that border between GB and NI. Under any measure, that seems a little over the top. What are the roots of those problems and what are the solutions?

Lord Frost: Gosh. I could talk for hours on that subject. It is incredibly complex, so I will try to simplify it. Rebecca will come in if she think I have missed anything. You are right on the first point; obviously, from the EU's point of view, the easiest solution to any border problem is that we should operate the same rules and laws as it does—that solves the problem. Obviously, that does not work for us and will not be the solution. That was one of the big problems with the original backstop and everything that went with it, so we will not go back there. That does not mean that we cannot find agreed arrangements in certain areas. There are well-precedented arrangements around equivalence of SPS standards, for example, where there is no requirement to align, but you both accept that you are pursuing high standards, and that commitment should mean that you need fewer checks and processes between you. We have consistently said that we would like to do something like that with the EU, but it has not wished to do so. That is the difficulty we face.

The broader question is that the processes around the boundary between GB and Northern Ireland are significant. They probably have a bigger chilling effect than we thought on GB businesses wanting to move goods to Northern Ireland. That is one of the problems underlying some of the unrest and political developments we are seeing in Northern Ireland. That is one of the big issues we will have to work through in the next month or two.

Q78 **Craig Mackinlay:** I am sure that others will discuss this later, but the reason I supported the withdrawal agreement, the TCA and everything else was because we expected a degree of pragmatism and common sense. There are no Sainsbury's stores in the Republic, yet we have difficulties exporting the great British banger from GB to NI to a Sainsbury's store that has it marked up £1.59. I find it rather difficult to understand how there is danger of leakage into the single market. Even if there were, there is mutual enforcement with trading standards officers in the Republic filling in any gaps, so that type of leakage into the single market does not happen.

What you are describing, and what we have all wanted over the years, is sensible, mutual recognition of standards. Standards of meat production in the UK are not going to suddenly go off the cliff, causing danger to human health or anything else if, unexpectedly, they leaked into the EU



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single market. That is what I am looking for: pragmatism and common sense. Are you getting any sense of that from your colleagues in Brussels?

Lord Frost: The relationship with Maroš Šefčovič is good. I think Maroš understands some of the difficulties very well. We get on very well. We have the ability to move things forward. Obviously, Maroš has to operate within a mandate set by the wider Commission and other member states, not all of which understand Northern Ireland as well as he now does. That is one reason why we are finding difficulty in moving this forward.

You are right that we want to see a bit more flexibility in the way that this arrangement is implemented. There is a provision in the withdrawal agreement—article 6.2 I think, from memory, although I would not swear to that—that puts us both under an obligation to minimise, as far as possible, barriers to GB-Northern Ireland trade. I am not sure that that obligation is being fully fulfilled.

There is certainly no evidence of goods going into the single market that we are aware of. We need a sensible discussion about the genuine risk and the genuine problems produced by excessive process. That does not seem like an unreasonable discussion to have, but it has to be a discussion that it is not about superficialities but gets to the heart of the difficulties. We have not had that discussion yet, unfortunately.

Q79 **Craig Mackinlay:** If I might highlight some of these early difficulties, I think shellfish probably highlights, in very wide terms, the initial problems. The Secretary of State has said that the EU moved the carpet from under him, and that there should not have been difficulties. We had this argument about category A waters, which were Scottish waters, and then category B waters, which I now understand has been resolved.

It always seemed rather bizarre that a British fishing boat in category B waters could not land in the same way as a French boat fishing the same things in the same category waters. Does this exemplify the difficulties that you have been having from day one, and do you think time will be the healer once they really do realise that we have gone and that we mean it, and that some of this silliness—

Lord Frost: It is a characteristic of the EU's approach to things. They very often tend to take quite a legalistic, purist way of doing things. I do not think it is unusual; we are not the only people to experience that. I think it is common for third countries dealing with the EU to experience that, when the EU legislator, as they say, has decided things, there is no further discussion to be had. That is obviously frustrating.

Shellfish is a good example. The EU rule, it turns out, makes imports from category B waters impossible, and that appears to be the end of it. Obviously, we keep arguing the case with the Commission, and now we have—or will shortly have—the committees up and running under the TCA, obviously we will use that. I hope that when French restaurants and other restaurants in the rest of Europe get back to normal and realise they would like some of that product, things might change. In the end, we have



left, and they can do as they wish, and we have to discuss the consequences between us. That is just how it is.

- Q80 Craig Mackinlay:** Chairman, may I have one brief question? I think my colleague, Mr Drax, highlighted very clearly that a straitjacket applies to many EU countries who would be minded to be very friendly with us because of historical ties and everything else. Have you and your team examined where bilateralism is still allowed, even though many of these EU countries are within treaties that do not always allow them as much latitude as they may like?

I have discovered one, which I am pursuing with some friendly Governments, and that is the youth mobility scheme—the T5 visa, which gives youngsters the ability to come into the UK and work for a period. We have extended that to countries as diverse as Japan. I understand that that was on offer to the EU as part of the negotiations, but they refused it. I understand that some EU countries are allowed to do these types of deals bilaterally. Are you examining the treaties to see where countries could help, open up and do things with us directly, outside the straitjacket of the treaties that they have themselves?

Lord Frost: There are still areas where member states are competent, as they say, vis-à-vis third countries to do things on their own. Good chunks of mobility, for example, is one area, whether it is mobility agreements or the issue, which has had so much coverage, about culture workers—musicians and so on—travelling to Europe. Obviously, that is a national issue, to a large extent, rather than an EU issue.

There is some ability to do aviation agreements, supplementing what we have already agreed with them in the TCA and so on. We are absolutely open for this. In some areas, as I said, we are trying to pick up discussions. In other areas, if others come to us then I see no reason why we wouldn't want to have those discussions.

I do not find it that surprising that there hasn't been a huge amount of it so far, because we are all getting used to the new relationship and sorting through the treaty. I am sure the confidence will come. Obviously, the broader situation with the pandemic, the restrictions on movement and the practical effects of that may make some of this feel less urgent than it might otherwise do. That may also be part of it.

- Q81 Chair:** You were in Belfast with the Secretary of State for Northern Ireland a few days ago. In the light of that visit, how do you assess the concerns of the public, businesses and political leaders, including the new DUP leadership, regarding the current operations of the Northern Ireland protocol? Is the EU and/or domestic bureaucracy being obstructive or are customs and border agents, for example, struggling with the implementation of the protocol? Do they need better guidance, training or resources to improve their day-to-day operations? How do you assess the broad issue of the Irish Sea border?

Lord Frost: There is a lot there. I will let Rebecca comment on some of it, as well.



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The overriding starting point is that we stand 100% behind all the progress we have achieved in Northern Ireland over the last 20-odd years, since the Belfast Good Friday agreement. Anything that undermines that or risks the institutions that were created by it, or the north-south-east-west dimensions to it, is a significant problem for us, and should be a significant problem for the EU as well, as they are party to the treaty that covers trade with Northern Ireland.

Our assessment of the situation—or my assessment, anyway—is that businesses and a good proportion of society in Northern Ireland feel anxious about the effects of the trade boundary between GB and Northern Ireland. They are seeing effects from it and having to divert supplies, to some extent. They are concerned about where this might take it.

Obviously, we have seen political developments and the resignation of the First Minister. There is a degree of unsettledness, it seems to me, that is stronger than we thought it might be and has, to some extent, been caused by the EU's unfortunate intervention in Northern Ireland at the end of January, over vaccines, which created a new situation that we are all dealing with.

So, that's how it feels to me. We have to manage that complex situation carefully. The UK state is responsible for Northern Ireland, as for every other part of the UK. We are responsible for the stability, security and prosperity of Northern Ireland. We take that responsibility very seriously. We absolutely must. I hope that the EU recognises that and takes it into account in the discussions that they have with us.

On the question of how we police the boundary, I will let Rebecca come in, but to a large extent those are UK officials applying EU law. That is quite an unusual situation, and some of the difficulties come out of that. Rebecca, do you want to comment on that or anything else?

Rebecca Ellis: A lot of support has already been put in place for traders who are trying to navigate their way through these new controls on movements from GB to Northern Ireland, including the trader support service and the scheme in place for food and agricultural products, and there is the UK trader scheme. Those are all mechanisms that have been put in there to help people to navigate these new arrangements, and help them to work through the implications of that for their business and how they can operate with them.

It is worth also noting that not all the requirements are fully in force, so on some of the challenges that businesses are experiencing, not all the elements of the requirements, particularly in respect of SPS arrangements, are yet operating.

In terms of how the boundaries are policed, physical people on the ground at ports in Northern Ireland are a combination of the UK Border Force and officials from the Northern Ireland Executive. They work alongside each other in dealing with the necessary customs checks and the SPS checks.



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A 20% figure was referred to earlier on; I think that refers to a number that was used in evidence from officials in the Northern Ireland Executive in a Committee of the Northern Ireland Assembly. That is about a number of documentary checks rather than the number of physical checks taking place, which is lower. So I think the 20% number was cited as 20% of the total number of EU checks taking place on documents only in respect of Northern Ireland. That is illustrative of the different challenges and the different kinds of movements of goods that are happening from GB to NI as compared with into the EU at other ports. These are often supermarket lorries that have lots of different types of products rather than multiple consignments.

So quite a lot of support has been put in place, and we continue to look at what more can be done and how that support can be extended to help traders to navigate their way through this, but, as Lord Frost said, from the visit to Belfast last week it was clear that there are still some significant challenges, even with the checks that are currently operating.

Lord Frost: Could just add one point? I think it is important, as Rebecca was hinting, to understand the difference between checks and process. The level of checks in some cases is probably quite a lot lower than what the EU would like us to be doing, for practical reasons. Some of this is not possible. But it is not just the checks; it's the process. Everybody has to interact with a process that can be cumbersome. Even if your goods never need to be checked, it is part of the difficulty here.

Q82 **Mr Jones:** Continuing the discussion about Northern Ireland, after your visit last week you said, "it is hard to see that the way the protocol is currently operating can be sustainable for long." Was that intended to convey that you propose to set a time limit on discussions in the Joint Committee about the way that the protocol operates?

Lord Frost: No, not a formal time limit or deadline; I don't think that would make sense. What I was saying is that there is also a real-life timetable in Northern Ireland. Coronavirus restrictions are coming to an end. We all know that the late spring and summer in Northern Ireland can sometimes be turbulent. There is significance in that. We have to take that reality into account. We will always be willing to come and talk about anything whenever, but we also have a responsibility to try and avoid further deterioration and difficulties in the situation. That is obviously a possibility as we go into the spring and summer.

Q83 **Mr Jones:** Is it fair to infer from what you have just said that you would regard 12 July as an important date?

Lord Frost: I would like to feel that we will be making progress with the EU in good time before that date, if we were to find solutions. I think it is helpful if people can see that solutions are available, sooner rather than later. I think that is true, yes.

Q84 **Mr Jones:** You have already mentioned the issue of medicines and cancer drugs. That is, of course, a significant concern to people in Northern Ireland and, as you know, Lord Dodds wrote an article about it only a



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couple of weeks ago. What steps are you taking to ensure that medicines can continue to move freely between Great Britain and Northern Ireland? Would you be prepared to act unilaterally on that issue if you could not come to terms with the European Union?

Lord Frost: I will let Rebecca comment on the detail of that. It is one of the most difficult and significant issues that we are talking to the EU about at the moment, for obvious reasons. We would rather find an agreed way through if we possibly can—as with everything—but it is absolutely clear that the people in Northern Ireland must have access to a broad range of medicines, as people do everywhere else in the UK. That is an absolute given for us as the Government of the whole of the UK, and that is the kind of solution that we will be looking for. This is incredibly complex, so I will let Rebecca give you the gist of what we are doing.

Rebecca Ellis: This is one of the priority areas for us in the discussions with the EU, as Lord Frost has said. For medicines, there is what is called the “grace period”, which was agreed with the EU at the end of last year and runs to the end of this year. It covers certain aspects of medicines regulation and was designed to ensure that, over this period this year, there was no question but that, in respect of social aspects of regulation, medicines would continue to be supplied.

We have been talking with the EU about how we can make sure now—in very good time, ahead of that moment coming up at the end of the year—that there are indeed long-term arrangements in place, which we believe are fully possible within the EU’s existing rules, so this is not an area where we are pressing and trying to get the EU to change its rules. We believe this is perfectly possible, taking a pragmatic and proportionate approach.

Lord Frost referred earlier to some of the press coverage over the weekend on the particular cancer drug that has been licensed by the MHRA for use in England, Wales and Scotland, but not in Northern Ireland. There was a bit of confusion around that at the end of last week. This is a medicine that is subject to what is called the “centralised procedure”, meaning that the MHRA cannot, even now during this year, license it in respect of Northern Ireland. There was a bit of confusion because the Commission’s press notice pointed to the grace period as an add-on, and unfortunately some of the tweets and commentary out of that suggested that somehow that grace period covered licensing and that the MHRA could have licensed for Northern Ireland, which in fact is not the case.

The grace period is there and it has been very helpful—the absolutely priority for us in the discussions with the EU is finding a permanent arrangement—but it is true that it does not and would not allow the MHRA to license that particular drug for use in Northern Ireland. However, for the moment, during the time until the European agency makes a decision, which we expect to happen relatively soon, the relevant drug can still be dispensed, effectively off-label, at the discretion of oncologists, so it can still be made available to patients in Northern Ireland, even though it is not fully licensed at the moment.



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Mr Jones: Am I right in thinking that the position we are in at the moment is that the MHRA will be the regulatory authority for Northern Ireland, but will have to regulate in accordance with EU rules? Is that right?

Rebecca Ellis: The situation is relatively complex. It depends on which is the relevant procedure, which category the drug falls into and what particular aspect we are dealing with. There are different aspects of licensing medicines. There is the licensing; there is the question of batch testing; there is the question of where the market authorisation holder has to be based. The situation on those varies, but the general proposition is that the relevant EU rules apply in respect of Northern Ireland; there are just some circumstances where it is still possible for authorities in the UK to exercise relevant functions.

Q85 **Chair:** Perhaps you could write to us about that. I think we only have another seven minutes and we have three questions to go. Would you be good enough to drop us a line to explain how the different procedures operate?

Lord Frost: Very happy to. I think that would be quite helpful.

Chair: Thank you very much.

Q86 **Mr Fysh:** It is great to see you, Lord Frost, and the team. You are very welcome to the Committee, and it is great that we have these sessions. I would like to follow up on your answer about grace periods in terms of pharmaceuticals. I just wondered how the grace period for the agriculture and food certifications was operating. We have unilaterally committed to follow EU food standards, I understand, and I just wondered whether that commitment is still in place.

Lord Frost: Again, this is a relatively complicated position. In the interest of time, I will try not to do too much detail. There are different grace periods for different products. We have until the end of June on chilled meats. We have grace periods on supermarket certification, which would have expired at the end of April, that we have extended to the end of October to give time to provide a permanent solution.

We said that during the original grace periods we would match EU rules. Obviously, we have now extended them unilaterally and in any case it is moot because the EU have since changed their own SPS regulations as of 21 April, so there is divergence and it's not to do with us; it's to do with them. That is one of the new difficulties that we have. Composite products require more complicated certification, and that is adding to the difficulties that GB traders face.

Q87 **Mr Fysh:** Do the Government have a plan to retain elements of alignment for any particular periods at this point?

Lord Frost: We have been clear that we are not doing dynamic alignment. We are not making any sort of commitment to align with EU rules and, as of the moment, in many areas we are no longer aligned because the EU have changed their rules. Having said that, we still operate by and large,



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with a couple of tiny exceptions, the EU SPS rules that we inherited when we left the EU and they are probably not going to change significantly in the immediate future. It seems to us that it would be perfectly reasonable for the EU to look at that and say, "There shouldn't really be a problem here," but that is not the approach that they take.

- Q88 **Mr Fysh:** Could you give a quick summary of how your new operational plan for supermarkets and other suppliers to them that you have put to the EU works, and what their response has been?

Lord Frost: Maybe that is something, in the interest of time, that we could write to you about as well, unless there is anything that you want to say, Rebecca. It is hard to get into that without giving rather a lot of detail, I would say.

Mr Fysh: These are important and detailed matters so it would be great to have more of a dialogue on that. I would love to help in any way that I can.

Lord Frost: Thank you. We will certainly make that happen.

- Q89 **Stephen Kinnock:** Just going back to the issue of sanitary and phytosanitary checks, which as you know account for the vast majority of the obstruction to the flow of goods between Great Britain and Northern Ireland, would the UK Government be prepared to make a temporary commitment to alignment on SPS—for example, until the first Northern Ireland consent vote—just really in the interests of pragmatism and common sense, and to stop playing the kind of blame game that seems to be going on?

Lord Frost: The short answer is that we are not very keen on that, and the reason is not ideological. To do trade agreements with other countries, you need to have control of your own agrifood and SPS rules. To take the example of Australia, they want to know whether any agreement reached with us represents a genuine agreement with us, and not by proxy with the EU, as regards their SPS and agrifood rules. That is the problem. We have to have control over them; we cannot subcontract them to anyone else. We hope to reach trade agreements with some countries quite soon, certainly well before the four-year consent process. That is the practical problem with this. Obviously, we want only what every other country in the world has: control over its own food rules and agrifood rules.

- Q90 **Stephen Kinnock:** On this point about getting a voice for Northern Irish political leaders and leaders of the Northern Irish business community, do you think they should be offered an opportunity to meet Commissioner Šefčovič?

Lord Frost: They should, and it is happening. I think he has met some businesses and civil society representatives already. Rebecca and her opposite number in the Commissions have also done some meetings, and I hope that the Commissioner and I will do some again soon—perhaps joint, and perhaps not. We have absolutely no difficulty with that,



obviously, as it is really important that he understands the situation as well as possible and that others have the ability to tell him.

- Q91 **Stephen Kinnock:** One final point, if I may, on article 16, which authorises the use of retaliatory measures. If the UK were to invoke article 16, the EU would be authorised to have rebalancing or retaliatory measures. What do you think those retaliatory actions might be, and what impact do you think that might have on the British economy, the Northern Ireland situation and the broader relationship between the United Kingdom and the EU? What is your view of what those retaliatory measures might be?

Lord Frost: It is obviously speculative, and it is probably a question better directed at the EU rather than us. You are right: article 16 does allow for such countermeasures. Obviously, no decision has been taken on any of these next steps, although, as I said, we continue to consider all the options. I like to think that if we were to take measures of any kind that support the stability of the Good Friday agreement in Northern Ireland, the EU would not make that more difficult by reacting to it, but let us hope that we are not in that situation and that we can find safer ways through.

Chair: Good. Thank you very much indeed for that. Let's go to Allan Dorans for the last question.

- Q92 **Allan Dorans:** Good afternoon, Lord Frost. Can you please provide us with an update on the work of the joint consultative working group? Specifically, what information is currently being shared between the EU and the UK, and what form does that information sharing take? How is the Government work in response to new EU legislation that may be relevant only to the protocol organised? Is it the responsibility of individual Departments, or is it centrally co-ordinated?

Lord Frost: I will let Rebecca come in in a moment, but the short version is that it has met twice. Obviously, it is just getting going, because the purpose of it is to share information about the evolving legislative systems and arrangements on both sides. Clearly, as not much time has elapsed, there has been less of that to do than there will be in future, but it is going to be an important part of the structures. I am not sure it has done a huge amount of substantive work so far. Rebecca, is that right?

Rebecca Ellis: That is right, Lord Frost. We have been pressing to get this forum meeting regularly and to make sure it has working methods that enable us to get timely information about legislation and changes that are happening on the EU side, so that we can ensure that that is taken into account in understanding the potential impact for Northern Ireland. We have been pressing since the beginning of this year to get that group meeting regularly, and I am pleased to say that that now appears to be happening. We are continuing to try to evolve the working methods so that it is a really effective way of being able to share information—not just after legislation has happened or regulatory changes have been made, but before.

- Q93 **Chair:** That is the end of the questions that we have to put to you, Lord



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Frost. I would like to thank you, on behalf of the Committee, for coming. It has been very interesting to see the approach that you are taking to all this, which is positive and also constructive in terms of our relationship with the EU and the rest of the world. We thank you very much for coming and look forward to seeing you, hopefully reasonably soon. Was that a commitment, or is it a hope?

Lord Frost: I commit to appearing approximately every three months. It may well be that there will be reasons to appear on other occasions as well. To pick up where I began, our officials will be in touch to see whether we can make more specific the arrangements on scrutiny going forward.

Chair: Thank you very much, and I thank other Members of the Committee for their attendance.