

Committee on the Future Relationship with the European Union

Oral evidence: Progress of the negotiations on the UK's Future Relationship with the EU, HC 203

Monday 27 April 2020

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[Watch the meeting](#)

Members present: Hilary Benn (Chair); Mr Peter Bone; Joanna Cherry; Sir Christopher Chope; Mark Eastwood; Mark Fletcher; Sally-Ann Hart; Antony Higginbotham; Dr Rupa Huq; Stephen Kinnock; Seema Malhotra; Nigel Mills; Nicola Richards; Gary Sambrook; Jane Stevenson; Matt Vickers; Dr Philippa Whitford.

Questions 138-232

Witness

I: The Rt Hon Michael Gove MP, Chancellor of the Duchy of Lancaster, Minister for the Cabinet Office.



Examination of witness

Witness: Michael Gove.

Q138 **Chair:** First of all, can I welcome you, Mr Gove? Just for the record and the transcript, could you introduce yourself?

Michael Gove: Yes, of course. Thank you very much, Chair. I am Michael Gove. I am the Chancellor of the Duchy of Lancaster and the Minister for the Cabinet Office. It is a great pleasure to be taking part in what I think is the first virtual meeting of the Committee on the Future Relationship with the European Union. Thank you to the House of Commons staff for all the hard work that they have put in to making sure that I can be here today and be accountable to you. Thank you also to all parliamentary colleagues who are taking part virtually. If it would help the Committee, I can provide a brief update on the latest negotiating round.

Q139 **Chair:** That is very kind of you, but because time is short and because lots of people want to chip in, can I just go into questions? I have no doubt you will have a chance, in the course of my questions and others, to bring us up to date.

It is fair to say that Michel Barnier's assessment of the latest round of negotiations was somewhat downbeat. The Government have talked about limited progress and significant differences of principle, and, as we know, every Government in Europe, every business and every family is thinking about one thing and one thing only, which is trying to deal with the coronavirus tragedy, which has already claimed 100,000 lives across Europe and has left many families in shock and grieving. We would all wish to express our condolences to every one of those families. Given this, is the Government's timetable for these negotiations still realistic?

Michael Gove: First, I would like to emphasise that I completely agree with you that in the forefront of all our minds is the suffering that has been caused by the COVID-19 virus. We know that the countries of Europe have been particularly badly hit, but this is a global pandemic. The health services and the frontline workers not just of the NHS but of other European countries have shown conspicuous bravery and courage in dealing with it. Your question gives me an opportunity to say thank you to them and thank you to the British people for the forbearance and stoicism that they have shown at a uniquely difficult time.

You are right that Michel Barnier gave a relatively downbeat assessment of progress. Limited progress was made in the talks, but we believe that it is still entirely possible to conclude negotiations on the timetable that has been outlined.

Q140 **Chair:** Let us look at some of the details. You told us last time that you are not doing an economic assessment of a future partnership deal, but you would be inviting a range of organisations to give their views on what



HOUSE OF COMMONS

the impact of a free trade agreement with the EU might be. Is that actually happening?

Michael Gove: We intend to crowdsource views to have the widest possible range of views. Most economists and most people who are engaged in economic modelling at the moment are naturally, as your first question implied, looking at the specific challenges that the coronavirus has created and looking at how we can make sure that we make the right decisions with respect to public health, taking into account the impact of restoring the economy to a greater degree of activity than is current at the moment and considering the interaction between the steps required to bring about that renewed economic activity and the public health concerns that we all have.

That is the focus, I am sure, of most economic modelling, but we will be inviting organisations to give us their economic models, projections and analyses, so that we can be as open as possible, with the widest possible range of views, so that people can make their own judgments about some of the policy decisions in front of us.

Q141 **Chair:** If you are going to ask people to make projections, then their prior question will be, "On what basis am I meant to make them?" You have submitted draft text on some of the areas to the EU, but you have not published it. That is correct, isn't it?

Michael Gove: Yes, we have not published it yet but I am confident that in due course we should be able to publish everything, and I hope that will assist people in making a judgment. As you will appreciate, it is in the very nature of negotiations that things may change, so neither the EU's text nor the UK's text will necessarily be the whole story about the future, but I hope that people, when they look at the UK text, can see that these are decisions that are in the best interests of the British people.

Q142 **Chair:** The EU has published its text and the British Government has not published what you have submitted. When you say you hope to make that available at some point, is there any timetable?

Michael Gove: A matter of weeks.

Q143 **Chair:** A matter of weeks. The reason I ask is that businesses are being asked to issue projections but they do not know what it is that they are commenting on, because they do not know what the British Government are asking for. It is a little difficult to see how they can make any assessment at all, isn't it?

Michael Gove: Most people who have engaged have a very clear understanding of what the British Government's overall position is. We will be outside the single market and outside the customs union. That means that there will be new customs requirements on both UK and EU businesses. The broad shape of what we seek is there and, whether or not we get a Canada-style or an Australia-style outcome at the end of this process, businesses will know that outside the customs union similar



HOUSE OF COMMONS

customs processes will be required whichever one of those scenarios we eventually land with.

Q144 **Chair:** Since you mentioned custom arrangements, let us turn our attention to that. You confirmed in February the assessment that has been made that about 50,000 customs agents will be needed for trade with the EU from January of next year. Do you happen to know how many of those have been recruited to date?

Michael Gove: I know that we have been talking to the industry about both creating a customs agent academy and working with them in order to ensure that they have the capacity required. I do not know, but I can report back to the Committee what the uptake and the additional number of people who have either undergone training or who are being deployed might be.

Q145 **Chair:** You do not know how many have been recruited to date.

Michael Gove: No; I will—

Q146 **Chair:** Turning to Northern Ireland, what kind of customs checks should businesses both in GB and Northern Ireland now be planning for under the Northern Ireland Protocol?

Michael Gove: The Northern Ireland Protocol is, as you know, the subject of work both within the Joint Committee and by the specialised committee, which is a sub-committee of the Joint Committee, in order to ensure that we can allow the protocol to work in the interests of the citizens of Northern Ireland. We are all committed to making sure that the economy of Northern Ireland can be as robust as possible, in keeping with the principles that underpin the Good Friday Agreement, which of course exists to make the people of Northern Ireland feel that their interests are first and foremost in the minds not just of the UK Government but also the Irish Government and now the European Union as well.

Q147 **Chair:** Indeed. We are aware of that. My question was about what kind of customs arrangements and checks businesses that trade currently between GB and Northern Ireland are meant to be planning for.

Michael Gove: We want to make sure that we can have the smoothest possible access for goods from Great Britain to Northern Ireland, and we have a commitment to unfettered access for goods from Northern Ireland to the rest of the United Kingdom, but the specifics of the protocol depend on work that is now being carried out in the specialised committee, which will meet on Thursday.

Q148 **Chair:** But it will be different from what happens now when goods move between GB and Northern Ireland. It will be different.

Michael Gove: The one area that is particularly important and where we know that we have to be clear about any changes is the movement of products of animal origin, because we want to respect the fact that, as is



HOUSE OF COMMONS

already the case, for epidemiological reasons the island of Ireland is one unit. For those who are engaged in that particular range of businesses, more work in the specialised committee is required in order to ensure that we have the best possible set of arrangements, but I do not want to prejudice the work of either the Joint Committee or the specialised committee in making sure that we are clear on what the best arrangements are.

Q149 **Chair:** You will have seen that the organisations that actually make trade flow between the EU and the UK and back again—the Freight Transport Association, the British International Freight Association and the Road Haulage Association—have all called for an extension to the transition period. I know what the Government’s position is. Why do you think they have made that call?

Michael Gove: You would have to ask them.

Q150 **Chair:** You have no idea why they think it is necessary to extend the transition period. You have not had any discussions with them, even though they are absolutely at the heart of how trade flows.

Michael Gove: I would never want to ventriloquise on behalf of any other organisation.

Q151 **Chair:** I was not asking you to do that, Mr Gove. I was just asking whether you have talked to them at all about their assessment of the position, given that you told us earlier that you are very keen to hear from everyone who is involved what their assessment of current circumstances and the likely outcome is.

Michael Gove: You will be aware that the Government have a specific team, the Border Delivery Group, led by a fantastic civil servant, Emma Churchill. The BDG—forgive the acronym—has been in touch with all of those organisations, in order to make sure we understand what their concerns are and seek to address them, but I would not consider it to be my job to try to speak for them, because I would worry that I would unfairly represent their positions.

Q152 **Chair:** No one would wish you to do that. Is it still the Government’s position that if insufficient progress is made by June the UK will walk away from the talks?

Michael Gove: Both the UK and the EU will take stock at the end of June. There are two more negotiating rounds; one in mid-May and one at the beginning of June. I would not want to anticipate what would happen, but I think it is the case that both the UK and the EU will want to ensure that talks progress.

Q153 **Chair:** As I understood it, the Government’s position was that if they make their own unilateral assessment that progress is insufficient, they will say, “That is it”. Does that remain the Government’s position?



HOUSE OF COMMONS

Michael Gove: It is both the UK's and the EU's position that we will review the situation at the end of June, but I would not want to pre-empt that decision.

Q154 **Chair:** Finally from me, as you will be only too well aware, many UK businesses at the moment are not functioning. It is reported that the Government are paying the wages of 3.8 million people under the furlough scheme. The talks have not made progress on the key issues. There are just two more rounds to go and British businesses have no idea what they are planning for, apart from the prospect of a major economic shock to the globe. Are the Government asking themselves whether the timetables they have set out for this process are still realistic in the light of that fundamental change since you last gave evidence to our Committee?

Michael Gove: Yes, it is important to bear in mind that what the Government are putting forward is a set of arrangements that are based on existing precedents. We are not asking for anything bespoke, new or tailor-made. We are asking simply for a series of off-the-peg arrangements, which replicate what the EU has with other countries. Agreement on the EU side to that would be consistent with precedent and should be relatively rapid to secure. It requires on both sides a commitment to make those precedents work, of course, but there is no reason why they should not work in this case.

It is also the case, historians will recall, that the Treaty of Rome was concluded in the space of less than a year. If the foundation of the then European Economic Community could be concluded expeditiously, there is no reason why we cannot secure agreement here expeditiously. I am confident that the EU, for all of the reasons that we both know, will want to operate in a constructive way, as we do.

Q155 **Chair:** In a word, you are saying to us that the COVID crisis does not change the timetable. Is that the case?

Michael Gove: The COVID crisis in some respects should concentrate the minds of EU negotiators, enforcing the vital importance of coming to a conclusion.

Q156 **Nigel Mills:** Mr Gove, last time we had a meeting I asked you whether you thought the EU's approach was approaching bad faith. You replied it was just cheeky. Is that still your position?

Michael Gove: I would not say that it was bad faith. If we look at it, there are certain things that the EU is asking for that, to our mind, do not properly respect the nature of the decision that the UK has made.

As you know, the Prime Minister secured a mandate at the general election for a particular approach. The British public gave him that mandate, and it is clear that the EU is still trying in some respects to ask, for example, that we adhere to conditions on the level playing field, which other independent countries do not need to adhere to in order to have



free trade agreements. One of the things that we are seeking to do in these negotiations is to emphasise that, whatever the EU might legitimately have thought in the past, the situation has changed and it is appropriate for their negotiating stance to reflect that.

Q157 **Nigel Mills:** Neither side has accused the other of anything in bad faith yet.

Michael Gove: No.

Q158 **Nigel Mills:** Also last time I asked you whether Mr Frost might be available to be questioned by the Committee. Did you make any progress on that request for us?

Michael Gove: Yes, I talked to David. As you know and as everyone knows, David is a special adviser appointed and accountable to the Prime Minister for negotiations, but if the Committee would like David to appear, then I will ask him and I am sure that he will give it favourable consideration.

Q159 **Nigel Mills:** Can I just turn to the Joint Committee meeting? We have perhaps not seen a very detailed update of what happened. Is there a reason why nothing has been published?

Michael Gove: I am hoping that I can update the House with a written ministerial statement tomorrow. I wrote to the chairs of various Select Committees with a brief update. The nature of the Joint Committee is that its proceedings are confidential, but I can share with you and with others the fact that we met by teleconference for just shy of an hour. We discussed the operation of the withdrawal agreement. We discussed the setting up of the six specialised committees, one of which covers the Northern Ireland Protocol. We discussed the next meeting and the requirement to meet probably at some point in June. We also discussed the treatment of EU citizens in the UK and UK citizens in the EU. I was, in particular, keen to stress that, while some EU nations have done everything that we could require when it comes to safeguarding the rights of UK citizens, not all had at that stage.

I was very grateful to the Vice-President of the Commission, Maroš Šefčovič, for the very constructive, open and friendly way in which our conversations took place. There were representatives on our side from the Northern Ireland Executive, as well as Ministers and civil servants of the UK Government, and on the EU side there were representatives from some of their member states, including the Republic of Ireland.

Q160 **Nigel Mills:** Was progress as you would have expected, or were there things that perhaps you had hoped would be agreed that were not agreed at that meeting?

Michael Gove: It was broadly as I would have expected for the first meeting. Again, we met at a time when, as now, the first concern on the part of the European Commission, as with the UK Government, was



making sure that we were doing everything that we could to help our citizens deal with the COVID-19 pandemic. Within those constraints, I felt that the meeting went well and was cordial. Vice-President Šefčovič was very open and co-operative in his approach.

Q161 Nigel Mills: Can I just ask quickly about the specialised committees, because there is not much time for them to complete a lot of work before June, is there? We are in late April and they do not exist. Can you give us perhaps some confidence they can complete their work before the next full Joint Committee meeting? Perhaps you could explain to us who will sit on these and how public their discussions will be. Will there be minutes published?

Michael Gove: The work of the specialised committees will be conducted by representatives of the Commission on the one side and the UK Government on the other. There is a top UK civil servant, Brendan Threlfall, who is the lead person on the specialised committee dealing with the situation with regard to the Northern Ireland Protocol. Formal minutes will not be published, but I will update this Committee and the House of Commons with the progress that we hope we are making.

Q162 Nigel Mills: As a final question for you, last time you told me you thought a deal with the EU was odds-on, which we agreed was somewhere between a 51% and a 99% chance. Have you narrowed that range a bit now?

Michael Gove: I am confident. It is always very difficult, and I am not very good at predictions. I once wrote a book called *Michael Portillo: The Future of the Right*, and the fact that I am the author of that tome would suggest that I am not very good at making political predictions. I would think that the odds were definitely better than 2:1.

Q163 Dr Whitford: Good afternoon, Mr Gove. With the impact of COVID-19, will the Government be ready to implement the Northern Ireland Protocol at the end of this year? What preparations are already underway, such as building port infrastructure and hiring more vets and customs officers?

Michael Gove: Thank you, Philippa. The first thing to say is that the precise nature of how the protocol will be implemented, as I touched on briefly earlier, is a matter for the specialised committee and the Joint Committee on the withdrawal agreement, but we are confident that we can reach an arrangement that will respect the Belfast/Good Friday Agreement.

Ultimately, the protocol is a means of making sure that we can achieve two things: first, that we can play our part in helping to protect the EU single market, which we want to do, absolutely. The second thing, which to my mind is even more important, is that the protocol is there to respect the gains of the Belfast/Good Friday Agreement and to make sure that the people of Northern Ireland have the best possible deal and are in the best possible position. We will be working with our EU colleagues in



order to ensure that the way in which the protocol operates is true to that spirit.

Q164 Dr Whitford: It was the UK Government that proposed that the solution was putting the border in the Irish Sea and in Article 12 of the protocol undertook to facilitate the presence of EU officials, such as customs officers, so why is there now the impression that the Government are rejecting an EU technical base in Northern Ireland to literally facilitate that?

Michael Gove: I think it is ever so slightly different from the way in which you characterise it, but I am happy to be corrected. My understanding is that there is nothing in the protocol that undermines the territorial integrity of the United Kingdom and that, were checks to be required at any point, they would be carried out by UK officials. Of course it is the case that the EU has the right to monitor the operation of what UK officials are doing, but there is no need for there to be a mini-embassy in Belfast in order for that to happen.

Q165 Dr Whitford: A mini-embassy would imply a diplomatic station, which is not what is critical, but in Article 12 it does say that the UK Government undertakes to facilitate the presence of EU officers, vets, et cetera, as required. It is the UK Government that has put the border within the United Kingdom territory and, therefore, have undertaken to facilitate their presence, so why are you now moving back from that? We are not talking about a diplomatic presence. We are talking about a practical, technical presence.

Michael Gove: My understanding is that the EU has requested to establish an office, a mission or a diplomatic presence, in Belfast. Our view is that that is not necessary, but of course we will support the EU in making sure that the operation of things that are happening within the United Kingdom is consonant with all of our international obligations. It is a specific additional request from the EU to open this new office or this new mission in Belfast. We hope that we can reach an arrangement that will satisfy the EU that we are doing everything that is required in order to ensure that the protocol is respected. Of course, the protocol requires that there be unfettered access for goods from Northern Ireland to the rest of the United Kingdom.

Q166 Dr Whitford: If the border had been between Northern Ireland and the Republic, it would be Irish customs officers that would be doing the work. Is it, therefore, your case that it is only a diplomatic office that the UK Government object to and, therefore, a technical base for perhaps Irish Revenue, customs officers or vets within Northern Ireland is not a problem?

Michael Gove: It is for the Joint Committee and for the specialised committees to work through the detail, but the really important thing is to recognise that the protocol is there to safeguard the position overall of the citizens of Northern Ireland and the gains that have been made



through the peace process. It is also the case that Northern Ireland is part of the customs territory of the United Kingdom, and so, while we will do everything required in order to ensure that the EU has the information that it needs, it is also important to stress that these are checks that, if ever required, have to be carried out by UK officials.

Q167 **Dr Whitford:** In Article 12 it talks about EU officials having a right to be present. Are you now saying that that is not the case and that EU officials have no right to be present? If that is the case, why did the Government sign up to Article 12 of the protocol?

Michael Gove: No, I am saying that it is UK officials who should carry it out. The EU has a right to ensure that those processes are being carried out in the accordance with the protocol, but I do not believe that it would be necessary, as I say, to have a mission in Belfast in order to do that.

Q168 **Dr Whitford:** Finally, Mr Gove, what guidance and support is being given to Northern Ireland businesses regarding shipping goods in either direction across the Irish Sea, and do you really think that they can be ready by the end of the year for the new bureaucracy involved, when many businesses are simply trying to stay afloat during the COVID-19 crisis?

Michael Gove: It is a very fair point. Let me at this stage say thank you to the Department for Transport. The UK Government Department for Transport has intervened to support ferry routes and to support air travel routes for Northern Ireland as part of our commitment to every part of our precious union.

It is also the case that alongside that we are making sure that we stay in touch with Northern Ireland business, because one of the things that Northern Ireland business and, indeed, Northern Ireland's wider civil society want to do is to ensure that, as well as maintaining unfettered access for goods from Northern Ireland to the rest of the United Kingdom, we can also have the best possible and lightest-touch approach that makes sure that Northern Ireland businesses can maintain their economic links with GB, the island of Ireland and the wider EU. That is the spirit in which we are operating and that is the spirit in which the conversations that I have had so far, with both the First Minister and the Deputy First Minister of the Northern Ireland Executive, have been conducted.

Q169 **Dr Whitford:** Are they being given financial support or guidance now? It is not very far away, in business terms, for them to get ready.

Michael Gove: I appreciate that, and we are always ready to make sure that all support required for business in Northern Ireland can be provided. One of the things that is in all our minds at the moment is the situation with COVID-19. It poses particular challenges for communities in Scotland, Northern Ireland and Wales, and that is why the Government are doing everything they can through the UK Exchequer's support for these businesses and through the provision of appropriate support by



other means, including testing, to ensure that we can help businesses through a difficult time and help workers who can work be at work. As, God willing, this situation improves with respect to COVID-19, more support can be there, including to ensure that Northern Ireland businesses can continue to trade with their partners.

Q170 Sally-Ann Hart: Mr Gove, good afternoon. I am looking at questions to do with the round of the negotiations that throws up four key areas of disagreement, namely the level playing field, fisheries, governance and criminal justice. I just wanted to have a look, first, at the level playing field. When we are looking at the level playing field and those areas of disagreement, we are specifically looking at the EU draft text of the agreement on the new partnership with the UK and at the press statements by Michel Barnier and the UK Government. What I would like to know is, under the EU's draft text, which is at title 3, chapter 2, section 1, if the UK was to comply with the state aid level playing field requirements of the EU, as provided in its draft agreement, would our Government have been able to provide the unprecedented financial support to individuals and businesses during this coronavirus?

Michael Gove: It is a very good and open question. One of the reasons why we want to be outside the legal architecture of the European Union at the end of the transition period is so that we can have the maximum flexibility when it comes to state aid, to Government procurement and to other steps that we may need to strengthen our economy.

We have seen the way in which, during the COVID-19 crisis, some of the principles of the European Union have been set aside, very prudently, by the EU to enable member states to take the appropriate steps required. We have seen, both on restrictions of border movements and in terms of economic interventions, actions by individual member states and by national Governments that, in ordinary times, the EU would have found difficult to countenance.

There is a broader question here. Given that, in dealing with a crisis like this, international co-operation is key but also that national Governments need to have nation-specific measures, there will be appropriate lessons for many to draw at the end of this crisis, but it would be wrong for me to pre-empt what those lessons would be.

Q171 Sally-Ann Hart: I want to look at fisheries. I ask questions about fisheries as I come from a fisheries place in Hastings and Rye. It seems to be a stumbling block for the EU on a future trade agreement for us. Looking at the EU draft agreement at title 5 and the press statement by Michel Barnier, and bearing in mind that the recent talks highlighted that on fisheries the EU mandate requires the UK to accept the continuance of the status quo and, essentially, the current quotas of the Common Fisheries Policy, how realistic is the EU stance on maintaining the status quo over our territorial waters? How crystal clear is it to the EU that the UK has now put forward a balanced, sustainable and long-term solution to fisheries?



Michael Gove: You are absolute right to draw attention to this issue, because this is one area where the EU's stance is particularly difficult and challenging. The EU quite rightly says to the UK, "You are leaving and we respect that. You cannot have the same rights if you do not have the same obligations outside the EU as inside the EU". We accept that. We accept that the nature of our economic relationship will change, we will have a free trade agreement and we will not be members of the single market. But the EU does not appear to accept its own logic when it comes to fisheries. It wants to continue to have more or less the same access. It particularly wants to maintain what is called the relative stability mechanism, which governs access to our waters on the basis of out-of-date historical patterns of fishing.

Our view is that when we leave we will be an independent coastal state, like Norway, Iceland and the Faroes, and therefore access to our waters should be negotiated on a friendly basis in the way it is with those other countries. It is another example of one of the areas where the EU's negotiators are not treating the UK yet as they would treat other independent countries. We are saying, "All we want is an arrangement that is one you extend to Norway, the Faroes and Iceland", and I hope that the firmness with which David Frost has articulated our policy will lead the EU to reflect and to rethink, because we are not going to change our position on this.

Q172 **Sally-Ann Hart:** What you are saying, in effect, is that the EU treats other independent countries as sovereign nation states, while it has a little bit of a stumbling block when it comes to the UK being an equal or independent nation state.

Michael Gove: Certainly with respect to fisheries, and I believe with respect to the level playing field as well.

Q173 **Sally-Ann Hart:** When we are looking at these issues—the fisheries, the level playing field, the governance and the criminal justice issues—these have not been resolved yet.

Michael Gove: No, they have not. On governance, the EU wants a single overarching treaty. Again, it seems to treat the UK as though it was an accession country, like the Ukraine, with a particular set of arrangements appropriate for that, not as a sovereign and independent country. On criminal justice, the EU is asking of us adherence to a particular method of monitoring our adherence to the European Convention on Human Rights that it asks of no other country and does not even ask of its own member states.

Q174 **Sally-Ann Hart:** It has a long way to go in its idea about Britain being a sovereign, independent state. There is just one more question from me, Mr Gove, and that is about whether there have been any further areas of disagreement. When we are looking at, for example, geographical indications, is this an issue? Has it thrown up problems with the identification of food and where food comes from, et cetera?



HOUSE OF COMMONS

Michael Gove: It has been an issue in the past, but I am pretty confident that we can come to a good accommodation there. I understand and appreciate that the EU's negotiators are operating to the mandate that they were given, but in these negotiations there is greater clarity in the EU's understanding of our position, and that will mean that we can make progress. All the issues that you have identified have been the major obstacles so far.

Q175 **Antony Higginbotham:** I want to talk on legal text, which is never the most exciting topic but is important nonetheless. I wonder if you could tell us the number of draft legal texts we have shared with the European Commission, what those cover and what we still have left to table.

Michael Gove: We have tabled draft legal texts that cover the free trade agreement that we want, the type of security co-operation that we would like to see and a number of other areas. One text that we have not yet tabled is on fisheries, but we propose to table that. One of the reasons for not tabling that is we were trying, as Sally-Ann Hart's question has brought out, to ensure that we were in a position to have the EU understand our basic position.

Q176 **Antony Higginbotham:** Is fisheries the only legal text we have not yet tabled that we plan to table at some point?

Michael Gove: Yes.

Q177 **Antony Higginbotham:** You mentioned that while the Government have not shared the draft legal texts with EU member states, Parliament or the public, you plan on doing so at some point in the next couple of weeks. Does that extend to fisheries? Is the plan to publish everything for the public and Parliament to see in one go, or will there be a phased approach to that as well?

Michael Gove: We would like to publish everything together, if at all possible, and that is certainly our intention and hope.

Q178 **Antony Higginbotham:** On the fishing legal text and the proposal, is there a rough ETA? I am just very conscious we have just over two months before we have to make significant progress, and given the past question about where the EU is starting from and the need for us to make progress quite quickly.

Michael Gove: Yes, we want to do it as quickly and safely as possible. We wanted to wait until after this round of negotiations, but I will come back to the Committee, either appearing in person or writing to you, in advance of our publication of those to lay out our thinking about timing and manner.

Q179 **Antony Higginbotham:** That is very helpful; thank you. I know we picked on it in the last Committee meeting when you came as well, but I wonder if you could talk through some of the advantages that the Government see of tabling these legal texts on an individual or more



piecemeal basis, rather than what we have seen from the EU with this catch-all agreement.

Michael Gove: You are right that we have taken a different approach. Again, it is a difference of philosophy. I cannot be certain about the EU's thinking on this, but its behaviour suggests that it regards the UK not as a fully sovereign, independent state but as a state that is in an association-agreement-style relationship with the EU. Association agreements tend to be used for countries that are on the path to EU membership. I mentioned the Ukraine as one such. I cannot be certain, but that is why I think that they want one overarching agreement like that.

Our position is, "No, we are an independent state. You have free trade agreements with countries such as Japan, Canada and South Korea. You have an approach towards fisheries with Iceland, Norway and the Faroes that is bespoke and that respects the fact that they are independent coastal states, and you negotiate on an annual basis. You have security arrangements with other countries. We want to have a good security partnership with you, but it is not because we are somehow a quasi-EU state. It is because we are a strong security partner with shared interests, but an independent country". It is part of the approach that we take that each of these agreements should be based, wherever possible, on existing precedents and these existing precedents are all agreements that the EU has entered into with other sovereign nations.

Q180 **Antony Higginbotham:** Am I right in saying that the way in which the Government have approached this and the way in which they have tabled these draft legal texts is entirely with precedent and in line with the way the EU would have negotiated with other partners, and so the way the EU is still negotiating with us is more akin to the way it would have done with a third country seeking membership?

Michael Gove: You are exactly right.

Q181 **Antony Higginbotham:** That is very helpful. I wonder if you could also just give us some insight into why the Government have not yet published their draft legal text more widely, given that the EU has, and whether there was consideration, once the EU had published, of whether the Government should publish at that time.

Michael Gove: It is a very fair challenge. The EU felt that it had to publish its text because its negotiators would be reporting back to Coreper, the group of national representatives in Brussels, so it would have emerged anyway. I think they made a virtue out of a necessity, but I do not want to criticise; that is understandable.

We wanted to make sure that the Commission had time and space to look at our proposals without noises off, because we wanted to make as much progress as possible and we believed that this was the best way of facilitating that progress, but I now agree that it may be appropriate,



after that first round of negotiations, to consider how we might publish that legal text.

Q182 Antony Higginbotham: Has there been any pushback from member states that have not yet seen it, which I have to say is entirely right and appropriate, given the challenges we had in the last stage of negotiations? Have there been any pitfalls because they have not yet seen it, or do you perceive any pitfalls because they have not yet had a chance to look into it?

Michael Gove: Not that I am aware of, no.

Q183 Antony Higginbotham: When the EU published its draft legal text and this comprehensive agreement, it pulled out specifically the foreign policy and defence section. Does it remain the Government's position that we should not be seeking an agreement on this and that existing mechanisms are sufficient to co-operate on foreign policy and defence? If that is still the Government's position, does the EU recognise it, because it would seem to me to be a bit of a waste of time if, during the very precious time we have to conclude these negotiations, we are talking about an issue on which one side has made very clear, both in a general election and since, that it does not intend to follow the agreement?

Michael Gove: Certainly, the leaders of individual EU nations understand and appreciate that. As we have discussed in the past, when it comes to defence co-operation Britain and France have very strong bilateral relationships, and of course NATO allows us to work with countries outside the EU—not just Canada and the United States, but also Norway. It seems to me that that is the right approach towards defence co-operation.

Q184 Antony Higginbotham: You do not think we are spending time trying to negotiate an agreement we do not intend to negotiate.

Michael Gove: I do not believe so, no.

Q185 Nicola Richards: Good afternoon, Secretary of State. I would just like to ask a question in relation to coronavirus, which I know you have already touched on. You said that you think coronavirus should concentrate the minds of the EU to come to a conclusion, and we would all hope that to be the case. Do you expect it to impact on the ability of the European Commission to keep all 27 member states on board with any compromises?

Michael Gove: That is a profound question. It is the case, to be fair to the Commission, that it has reported back to member states and it has made sure that member states know how the negotiators are doing in pressing forward its own mandate, but it is the case that different EU states have been affected in different ways by the response to COVID-19 and, in the same way as our own Government have been coping with new pressures, European nation states—Italy, Spain, France, Germany, Belgium and the Netherlands in particular—have been responding to



these challenges. Some governmental bandwidth, understandably, is occupied with these questions. It is also the case that, for countries that are members of the single currency, there have been particular challenges that have preoccupied them at European Councils.

My wish and fervent hope is that the countries of the European Union can resolve these challenges together, and they can be strong and healthy economies, and strong and good partners to us, but it is undeniable that a fair-minded observer looking at the situation would say that there are difficult challenges ahead, both for individual member states and for the EU itself. However, the professionalism of the Commission negotiation team and its focus on trying to make progress has not, so far as I can see, been affected.

Q186 Nicola Richards: In relation to the level playing field commitment they want, do you think that coronavirus will make the EU member states more willing to compromise, given what Governments around the world have had to do?

Michael Gove: Again, it is a very good question. We are all in the middle of dealing with this issue. As the Prime Minister said today, in a way this is just the beginning of dealing with the pandemic. Across Europe we are seeing the curve flattening as different countries' social distancing regimes appear to have brought the rate of re-infection under control.

I am sure, as I have said in a different context, that people will reflect at some point later this year and draw lessons from our responses to the coronavirus, and there will be some very thoughtful conversations about the role of nation states and the nature of international co-operation. It has already been the case that we have seen countries, including France and Germany, consider the vital importance of re-shoring capacity, particularly when it comes to pharmaceutical and personal protection equipment. There is a broader conversation about domestic economic resilience and the limits of globalisation that we will all be having, but at the moment it is important that we work together on those areas where international co-operation is clearly in everyone's interests, as it is in sharing information, sharing science, working together to develop a vaccine and so on.

Q187 Seema Malhotra: Thank you, Mr Gove, for giving evidence to us today. The political declaration proposal states that the parties should support the establishment of a dialogue between the European Parliament and the Parliament of the United Kingdom where they sit fit, in order for the legislatures to share views and expertise on issues related to the future relationship. You will be aware that the Commission has produced a draft text that proposes the creation of a parliamentary partnership assembly as part of that future relationship. Will the Government support the principle that there should be a formal parliamentary structure established as part of the future relationship, and would you see that as happening during transition or after transition?



Michael Gove: I am open-minded. We already have a number of different fora in which UK parliamentarians can meet European colleagues. The Council of Europe provides one of those. I certainly think that having an opportunity for our colleagues in the European Parliament and colleagues in the UK Parliament to share thoughts and concerns and to better understand the political dynamics that both of us are dealing with can be a good thing.

The devil would always lie in the detail, because one of the things, following on from my earlier conversation, that I would want to stress is that any co-operation should be seen as something that two sovereign entities choose to enter into for the benefit of both, rather than it being seen as somehow a waiting room or antechamber to the European Parliament itself. I am sure that practical arrangements could be made, and one of the things that I will take away from this is that I will talk to our negotiation team about how we can try to move forward as quickly as possible because, naturally, we would want to do this without prejudice to the outcome of the negotiations in other areas.

Q188 **Seema Malhotra:** It sounds like you would be willing to consider something happening during the period of transition as well; some Members of the European Parliament have also called for that, which is very interesting. Would you see this as an assembly or a process that the UK Parliament should also be considering? Some might say that, in terms of the inter-parliamentary relationships with the European Parliament in the context of the future relationship, our British Parliament should have a voice in how that comes together.

Michael Gove: There are two very important points that you raise there. The first thing is that we need to make sure—today’s Committee hearing is part of this—that UK parliamentarians are closely involved in the Government’s approach towards these negotiations, that Ministers are held to account and that we have debates, hearings and Select Committee reports that can shape our approach overall.

On top of that, you are right that making sure that there is an opportunity for UK parliamentarians and Members of the European Parliament to discuss matters is right. I would not want to suggest that there could somehow be some hybrid creation that would usurp either the independence of the European Parliament or the sovereignty of the UK Parliament. I am sure we can find a pragmatic approach.

Q189 **Seema Malhotra:** It seems that, where there are such assemblies, they can be very helpful in a scrutiny role as well as sharing concerns or issues around a relationship between the EU and a third country. Do the Government intend to put forward their own proposals as well? You are talking about coming back to this. Would we expect something that may be published by the British Government on this? Would this be a deal or an arrangement that you would see us having in place whether or not the Government walk away from talks at the end of June?



Michael Gove: Parliamentary questions are ultimately questions for the respective institutions. In the same way as you would respect the sovereignty of the EU overall and we respect the independence of the European Parliament as an institution within the EU, Government can similarly give a fair wind and a blessing to arrangements that the UK Parliament might wish to make on behalf of its Members with other bodies, and can work with them to facilitate them, but the ultimate decision is for parliamentarians. I would not want to dragoon Members of the UK Parliament into any set of arrangements.

There should absolutely be a shared understanding, but it also might be difficult for us to demand or request a scrutiny function, because, if UK parliamentarians, entirely for the best of motives, requested a role in joint scrutiny of the operation, say, of the Commission or the Council, the EU would say, "Terribly sorry. Having chosen to leave, a formal scrutiny function would be inappropriate". Ultimately, it is a matter for the EU's institutions and for its Parliament to decide, just as it is a matter for our Parliament to decide.

Q190 **Seema Malhotra:** You make an important point there, and I do perhaps want to emphasise that the expectation of such an assembly would be to scrutinise the implementation of the future relationship and therefore there being an understanding that there would be roles on both sides—the European Parliament and the British Government—in that implementation.

Could I just close with a slightly different question? This has come up in different respects. You talked about the need to support businesses at this time and also in the future. You will be aware that a number of organisations—the Road Haulage Association, the Freight Transport Association, the Global Shippers Forum—have talked about their concerns about the coronavirus outbreak meaning that companies are just not in the same position to give the amount of attention to the complexity of future trade arrangements. Many have talked about needing to deal with the unprecedented demands of just getting food and medical supplies around the UK, that being obviously a major priority at this time of national crisis. Could you perhaps give us an idea of what assessment the Government have made of the capacity of businesses to prepare for the end of transition, assuming it remains on the current timetable, under COVID-19 conditions?

Michael Gove: Again, that is a very profound question. We believe that it is possible, as I mentioned earlier, both to conclude an arrangement with the European Union and to make sure that it is one that works in the interests of business overall. One of the things that the preparations that we undertook last year for a potential no-deal exit reinforced was the way in which the UK, for example, has been strongly reliant on the short straits for many of its imports and exports. We set in train a programme of making sure that we could have a more resilient supply chain network.



Tragically, the COVID-19 situation has underlined, for nations across Europe, the importance of looking again at supply chains, not just for food but for vital medical equipment. That means that people are thinking more, as I mentioned in response to Nicola, about boosting domestic production of items that might be considered essential or strategic for a nation's resilience.

I believe that business will have an opportunity to become fully prepared—it is going to be fully prepared—for the end of the transition period but obviously, as we reflect on the impact of COVID-19, the impact on business overall and on economic policy overall becomes different from that which we envisaged beforehand.

Q191 **Mr Bone:** Good afternoon, Secretary of State. Am I right in thinking that, at or before 30 June, both the EU and the United Kingdom will make a decision on whether to extend the transition period for one or two years?

Michael Gove: That is the position in law but the Government's position is that we are not going to extend the transition period.

Q192 **Mr Bone:** You have been very firm on that, Secretary of State; I asked you a similar question last time we met. Given that is the firm position of the Government, what happens if we get into the autumn and progress is not going as well as we would like? Is there a date you have in mind when you will say, "Actually, there is no point in continuing further negotiations on a free trade agreement. We have to tell business now that they need to prepare for the no-deal situation", as it is sometimes called?

Michael Gove: I entirely understand the point of your question and I will answer it in full, but the only thing that I would qualify is that there is no such thing now as a no-deal situation because we secured a deal that has been ratified. I do appreciate your point if it is the case that we have not concluded every aspect of a free trade agreement.

Experience tells us, including the experience last year, that deadlines concentrate minds. Whenever a deadline was extended, the light at the end of the tunnel was replaced with more tunnel. My view is that history tells us that, once concentrated minds appreciate the importance of a deadline, progress can be secured. As we discussed earlier, we are only asking for what other countries have with the European Union. We are not asking for anything special. We are simply asking for a set of off-the-peg arrangements.

Q193 **Mr Bone:** That does not quite answer the question I asked. Let us hope that the EU will agree to a free trade agreement, and of course the Government's position is very clear, but you must have some date in your mind where you say, "If not enough progress is being made, we have to warn British industry that there isn't going to be a free trade agreement". Is that date 31 October, or do you have no date in mind?



Michael Gove: That is a very fair challenge. I will say two things. The first thing is, as I mentioned earlier, that the difference between an Australia and a Canada-style approach is not huge and both require business to prepare. The other thing is that, while it is right that deadlines concentrate minds, I also think that providing additional ultimatums and saying, "Unless you have done it by Michaelmas, we are going to do this or that", would not be helpful at this stage.

Q194 **Mr Bone:** Is the answer to my question that you do have a date in mind and you do not want to tell it, or that there is no date in mind when you would make that announcement?

Michael Gove: If I did have a date in mind, it would be wrong of me to tell it, because the whole point would be to maintain flexibility.

Mr Bone: That is the best I am going to get.

Q195 **Stephen Kinnock:** Hello, Mr Gove. You have said a few times that deadlines concentrate minds. In normal circumstances, everyone would agree with you on that point. However, is the key point here not that we are not living in normal times? The Chair referred earlier to a statement made by the director general of the British International Freight Association; he said, "This is not an argument about leaving the EU. That is done and dusted. This is an argument about managing the transition process when not just the goalposts but the entire playing field has moved". Do the Government not actually need to take account of the fact that the entire playing field has moved here and to act accordingly by seeking an extension to the transition period?

Michael Gove: Thank you very much for your question. May I first congratulate you, Stephen, on your promotion back to the Labour Front Bench? Congratulations; it is richly deserved.

On the broader point, you are right. A lot has changed. Manifestly, a lot has changed, but I would say several things. The first thing is that some of those arguing for an extension now—I exempt the groups that you quote—were voices that were arguing for extensions in the past of our negotiations or extensions of the transition period. There is a constituency that, even though things have changed, have not changed in their attachments to the principle of remaining under the EU's legal order. I specifically exempt the organisations that you mention but it is important to recognise that there are some who take that view.

If we were to extend, it would involve us paying more money into the European Union at a time when that money could be spent on our National Health Service. It would involve us accepting not just the existing EU acquis but potentially new EU laws over which we would have no say, which could potentially constrain this country. Those EU laws would be shaped in the interests of the EU 27, rather than the UK as well.

Also, if we were to accept an extension, we would find that the incentive to come to an agreement, which currently exists on all sides, would



dissipate and we would find that, once again, like with any missed deadline, the new deadline would stretch for quite some time. Again, with a deadline having once been extended, the principle that one side or the other might wish to extend it further and further and further would exist as well.

I appreciate the vital importance of making sure that we engage with the organisations that you mention energetically, but I am not convinced that extension is the right answer.

Q196 Stephen Kinnock: I just have one point there, though. The treaty that we have signed—the withdrawal agreement—is clear that an extension is possible for one or two years. You cannot extend indefinitely. That would not be within the terms of the treaty.

I just want to move on to a key point here, which is that a lot of this is not in our control. Of course, there is another key player on the other side of the Channel. We know that the talks between Barnier and Frost have been challenging. We also know that the key decisions in big issues like this are made by Prime Ministers, at the end of the day. The Germans take over the rotating chair of EU presidency on 1 July. Norbert Röttgen, the Chair of the Bundestag's Committee on Foreign Affairs, has said, "To think that you could then add to this extraordinary situation a very disorderly exit, to me is not imaginable". Do you have any evidence at all to suggest that the Prime Ministers of a continent that has been stricken by the worst crisis that we have seen since the Second World War are going to give any real time or priority to getting this future relationship deal done?

Michael Gove: I have met Norbert Röttgen. He is an immensely distinguished and thoughtful figure, so I am sorry not to agree with him on this occasion. Far be it from me to suggest what might be in the EU's interest. EU member states and EU politicians will make those own judgments, but it is fair to say that, for the EU, there is much that they would wish to do on securing the future of the single currency and on helping their nations, as we wish to see, recover from COVID-19. That would mean that they would have a strong incentive in making sure that our negotiations did not run into the next year and beyond and occupy bandwidth and political space on their part. There is a strong incentive on the part of other EU member states to see matters concluded.

Again, I would not want to speak for them but I do see where that clear incentive is. It is reflected in some of the conversations, necessarily private, that we have with politicians within EU member states.

Q197 Stephen Kinnock: How many British civil servants have been redeployed from the future relationship talks to tackle the COVID-19 crisis?

Michael Gove: It is a significant number. I have the figures here but it is probably fair to say that it is just shy of 100.

Q198 Stephen Kinnock: 100 British civil servants have been redeployed to



deal with COVID-19, away from the future relationship talks. Do you not think that that is having a massive impact on our capacity to complete these talks by 1 July?

Michael Gove: No. There are two particular task forces: Taskforce Europe and the transition task force. Their redeployment of some of the very best civil servants in the country is appropriate to the challenge that we face, but it is also the case, during the conduct of negotiations last week, that Taskforce Europe had its work supplemented by individuals from across Whitehall who were subject specialists in their areas. Taskforce Europe and the transition task force have had some of their top people, as it were, redeployed to COVID-19 but, at the same time, the teams have had all the help they need from departmental specialists, in areas such as fisheries and trade, to ensure that their work can continue.

Q199 **Stephen Kinnock:** I just have a final question. A lot of this really is about very difficult choices that Government have to make, and we completely understand that. What do you think is more important: sticking with an arbitrary deadline or taking decisions in the best interest of the health and safety and security of the British people? Do you not see that any disruption, even based on the deal that the Government want to get—a free trade agreement—will involve disruption, potentially including disruption to supply chains? Would it not be better to put the health, safety and security of the British people ahead of an arbitrary deadline?

Michael Gove: That is a very fair challenge. I agree with you that we should put the health, the safety and the security of the British people, and also the health and safety and security of our friends and partners in the European Union, front and centre of all decision-making. My belief is that, if we can conclude, which I believe we will, an agreement by December, that works in everyone's interests. I respect the fact that there are others of good will who differ, but it seems to me that it is a legitimate difference rather than anything else.

Q200 **Mark Fletcher:** Good afternoon, Mr Gove. In your answers to Nicola Richards earlier, you touched on the challenges that COVID-19 has had on the EU, particularly on the members of the single currency. The current political and financial battles in the EU have shown serious fault lines and there has been an unprecedented apology issued to Italy. Do these challenges and disagreements underline the importance of wrapping up these negotiations and agreeing a future relationship, one way or the other, with the European Union as soon as possible?

Michael Gove: They do absolutely, Mark. You are right. Countries within Europe have faced specific challenges as a result of COVID-19 but the institutional architecture of the European Union also faces challenges as well. Ursula von der Leyen very graciously apologised to the Italian people, but the political climate in Italy is changing and we have seen a growth in scepticism towards the effectiveness of the EU in Italy, tied to a number of factors. We have also seen some differences on how the sharing of the debt burden and the operation of the single currency



HOUSE OF COMMONS

should proceed in the future, between countries like the Netherlands and Italy.

It is in all of our interests that the European Union resolves some of these questions. It is in all our interests that the different political perspectives with respect to COVID-19 and other matters that prevail between western and eastern European nations are resolved. We want to see the European Union economically and politically as strong as possible. One of the ways in which we can help is by making sure that we reach an agreement on our relationship by the end of the 31st, because that means that we will be off the books, as it were, in a position as an independent country to trade and to co-operate with the EU, while the EU can look at its own challenges and resolve them in what I am sure will be a pragmatic way.

Q201 Mark Fletcher: Speaking of off the books, you have said repeatedly that we are not going to extend the transition. Does the desire not to extend underline the importance of using existing agreements that the European Union has with other sovereign bodies as the starting point for this negotiation, so that we can effectively cut and paste and move at speed?

Michael Gove: That is exactly right. Because everything that we are asking for is something that already exists in other documents, you are right; we can cut and paste in order to ensure that we can reach agreement. We have specifically taken this approach because we respect the EU's legal order and we respect the way it operates. We are not trying to suggest that the EU should offer us anything that it does not offer other independent sovereign nations. We think that that is a way of expediting this process and that it is a reasonable approach.

I hope, as a result, that we can move quickly to a resolution because, again, from the EU's point of view, making sure that we can get an agreement is in its interests and its member states' interests and, of course, it is, as I mentioned to Stephen, in our interests as well that we do not have new EU law being made that will have an impact on the UK without our having a voice in that process.

Q202 Mark Fletcher: You mentioned respecting the EU. A lot of attention has been placed on the level playing field regulations. You outlined to the House on 27 February a number of areas where the UK exceeds the EU when it comes to environmental standards and workers' rights. Can you just assure the Committee that the UK is not insisting that the EU reaches a level playing field when it comes to the UK's higher standards?

Michael Gove: That is correct. The point was made very well by a number of my colleagues. We are independent sovereign entities. We would expect, in a free trade agreement, a broad set of non-regression principles, as there are in all free trade agreements. However, it is not the case that you need to have the type of level playing field provisions that the EU are requesting of the UK, and indeed we are not requesting



that the EU has the same ambitious approach towards, for example, net zero that we have and that another non-EU state, Norway, has.

Q203 Mark Fletcher: Mr Kinnock, the Chair and a number of others have touched on organisations that are calling for an extension to the transition period. There is a sense of déjà vu. It feels like the list of organisations calling for this are the same ones that called for Brexit to disappear and for avoiding a no-deal Brexit, and now they are back again. Are you aware of any new organisations that do not fit those previous lists that have come forward and have called for an extension to the transition period?

Michael Gove: You make an important point, which is that there are some people for whom the answer to these questions is always “more Europe”, so a longer period negotiating or a longer period in transition. At the general election, we saw what the British people’s view of that was. Their view was, “We have given you the instruction. We agree with you, Prime Minister. Crack on. That is the right thing to do”.

While one must not put too much emphasis on a single opinion poll, there was a recent opinion poll that asked people whether we were right to leave and it showed that more people now believed—that there has been a shift in conviction that we were right to leave and that we should get on with it.

Of course we listen to organisations that make important technical points about how we can better prepare but it is important that we look at all of these issues in the round and recognise, exactly as you articulated, that the sooner we secure an agreement the better for all.

Q204 Dr Huq: Good afternoon, everyone. First, I just want to ask you, Secretary of State, if a famous Gove-ism still applies. Have you still had enough of experts?

Michael Gove: I am very grateful to you for asking that question.

Dr Huq: It is just a quick one. It is really a one-syllable answer, Mr Gove.

Michael Gove: I am grateful because it gives me an opportunity to correct a widespread misperception. My comment was made when I was being interviewed by Faisal Islam during the referendum campaign. Faisal specifically asked the question in the context of a number of organisations—organisations related to Mark’s question, actually—that had been arguing that we should join the single currency. I wish them no disrespect now—the CBI has great people—but we have all made mistakes and they made mistakes in the past in arguing that we should be in the single currency. I said that people had had enough of experts from organisations with acronyms that had got things consistently wrong in the past.

My specific point was that, simply because you had an economic body or a group of economists calling for a particular outcome, you should not



automatically accept what they say without appropriate scrutiny of their past record in this area. Your question has given me an opportunity for clarification of that, and I hope that people will, in reflecting on the debate about expertise, recognise that challenge to a particular subset of those within social science is an appropriate way of making sure that we reach a deeper appreciation of these complex issues.

Q205 Dr Huq: It is not just these alphabet-soup organisations though. I have some questions on the civil service that will build on the earlier point. There are people such as Sir Gus O'Donnell, Sir Ivan Rogers and even Sir David Lidington. They are all knights of the shires, and one was your colleague not that long ago, and deputy Prime Minister. Philip Rycroft is another. They are all calling for an extension to the transition because we can see what harm is coming to the economy—to avoid self-harm from a self-imposed deadline, if the EU are willing to extend. It just seems crackers. The people we have interviewed, who were part of CETA and these arrangements, have said that it is better to see the whites of their eyes in a negotiation like that; you get a better deal if it is face-to-face, and it is rather unsatisfactory at the moment.

Michael Gove: It will always be the case in any democracy that you will have people with different views who will put forward those views. It is also the case that you have had distinguished figures like Dame Helena Morrissey and Baroness Ruth Deech and others who have argued that one should not extend. The one thing that I would say is that, even though I am a Conservative, I am also a radical democrat. Simply because someone is knighted, I do not believe that that necessarily means that their views are worth more than those of commoners like you and me.

Q206 Dr Huq: I liked your words the other day. A week or so ago you said that all Governments make mistakes and that lessons will be learned, but not now. We have seen the lessons learned from the Windrush report. I wonder when we will see the lessons learned from Exercise Cygnus, because that was specifically about pandemics and we know it said that there was not enough PPE, not enough ventilators and not enough ICU beds. Are we ever going to see the results of that? I am interested to know how many civil contingency staff and civil servants were possibly diverted away from looking at the outcome of that and into no-deal Brexit planning instead.

Michael Gove: There are several things to say there. The first is that it is the case that the risk register that the Government compile had both the risk of a pandemic flu and also the risk of a SARS-style coronavirus outbreak as part of the risk register. No country was prepared for the specific nature of the COVID-19 virus. There are questions that will inevitably be asked about its initial emergence in Wuhan and the steps that might have been taken then. These are very legitimate and important questions from which we can all learn, and in due course we can do that.



It is certainly the case that lessons are learned every day. We all appreciate, as we know more evidence about how the virus works, how we can—

Q207 Dr Huq: You took your eye off the ball in implementing some of the recommendations from that when, over the last three years, so many staff in the civil service, sometimes on very expensive contracts because they have been taken in from outside and paid on an hourly daily rate, have been chasing phantom ferry contracts and all these kinds of things, and we have been ill-equipped to deal with this.

Michael Gove: I would say at least three things. The first is that our preparation for different Brexit outcomes meant that we explored and developed a far better understanding of the resilience of our economy, our NHS and other institutions. It was also the case that our preparations last year meant that we augmented our stocks of personal protective equipment. The third thing that I would say is that, as you can see, the NHS has risen magnificently to the challenge that we face and, when it comes to ICU capacity and ventilator capacity, we have been able both to source from abroad the ventilators that we need and also to increase domestic production from a standing start. I want to thank those involved in engineering and in medical supplies who have done that.

Personal protective equipment remains a global challenge. Every western country is grappling with it, but the appointment of Lord Deighton in order to increase domestic capacity is welcome, as are the energetic efforts of our diplomatic service to secure supplies from abroad. Our ambassador in Beijing has done an amazing job in making sure that we can secure personal protective equipment for all four parts of the United Kingdom.

Q208 Dr Huq: I hear the press conference every day but I have done a ring-round of local care homes and sometimes what is on the ground sounds very different from what we are being told on high, but I will leave that for the moment.

You told Stephen Kinnock that 100 staff have been moved from Brexit planning to dealing with the pandemic. Do we know about gaps in staff teams because of staff who have to isolate, who have fallen ill themselves or are looking after shielded people and that kind of thing? Again, that is the reality on the ground.

Michael Gove: There are two things. I have the exact figures here. Please forgive me for not having them earlier. It is 47 civil servants from the transition task force and Taskforce Europe who have currently been redeployed to COVID-19 work. My apologies for that. I knew the figure was fewer than 100 but it is exactly 47.

More broadly, thanks to the leadership of the Cabinet Secretary and others, we have sought to make sure that the civil service can operate in a resilient way. That means that, for most functions, there will be an alternate so that, if, for the sake of argument, the director general in the



HOUSE OF COMMONS

Cabinet Office who is leading on a particular element of our COVID-19 response were to fall ill and were no longer able to discharge their function, there would be a named alternate who could pick up the reins and lead that work.

Of course, we have tried to do the same thing ministerially as well. If, in the Cabinet Office, there were a need, I could happily be replaced both in talking to this Committee or any other function by the Paymaster General, Penny Mordaunt.

Q209 Gary Sambrook: Thank you, Secretary of State, for joining us today. Have the Government done any work on the liabilities that the UK would face on extending the transition period and how much that would cost UK taxpayers?

Michael Gove: Yes, it would cost billions if we were to extend. It is the case that, from the EU's point of view, it is actually sensible for us to leave at the end of the transition period because it means that we do not get involved in the multi-annual financial framework, the process by which the EU allocates all its expenditure.

The one thing that we do know is that remaining in the transition period would mean that we would be paying the EU money that many of us might consider to be better spent on the NHS or supporting our economy.

Q210 Gary Sambrook: I agree with you. Many people would also be concerned by that, including businesses and UK taxpayers, in that it would just add confusion to the whole coronavirus recovery if we were to listen to those people who are suggesting an extension, many of which, as you and Mark Fletcher mentioned earlier, are the same people who argued for extensions to Brexit in the first place and abandoning Brexit altogether.

Michael Gove: Yes, that is entirely fair. It is always a good thing, as this Committee does, to listen respectfully to arguments that are put forward, but it is the case that many of those who are making these arguments made similar arguments in the past. That is part of democracy but it is also right that we should look at the facts rather than succumbing to a particular siren song.

Q211 Gary Sambrook: The actual process of requesting an extension, from what I have looked at, is not easy either, is it? It requires a series of negotiations in itself, all before 1 July, on the terms of extension. Member states are also required to approve that and maybe even regional assemblies too, which could result in more delays and more confusion for businesses and taxpayers. Do you agree with me that we should just get on with it and make it work?

Michael Gove: You have put it brilliantly, Gary. The most important thing is to recognise that we can make it work. No one has said that it is impossible to get the agreements, because they are all based on precedent signed off. As we discussed earlier, the Treaty of Rome, the very foundation of the European Union, was done in under a year. It



HOUSE OF COMMONS

would be in everyone's interests to make sure that we can conclude that agreement and then we can get on with free trade and friendly co-operation.

Q212 Matt Vickers: Hello. Looking at the capacity of businesses to prepare for the end of the transition period under COVID-19 conditions, are there any specific steps being taken to mitigate any additional challenges business might face? What would Government advice be to businesses who are considering furloughing staff who might otherwise be preparing for the end of the transition period?

Michael Gove: I would not want to give specific advice to businesses on furloughing staff or other steps at a very difficult time. Business has it tough at the moment and we want to do everything to help. I would not want to second-guess individual decisions.

More broadly, it is the case that we want to make sure that UK business is in as strong a position as possible to fuel our collective recovery at the appropriate point. One of the things that we are doing and will do is to make sure that appropriate advice is made available to business about how to adjust to the new normal in our relationship with the European Union, even as it adjusts to the new normal, or will adjust to the new normal, in respect of dealing with COVID-19.

Q213 Matt Vickers: Do the Government anticipate that the international economic impact of COVID-19 will improve or suppress the appetite of the world's economies to sign up to trade deals with the UK?

Michael Gove: It will probably, again, make it more likely that other countries will want to secure free trade agreements with the UK. The point has been made before that all countries will want to make sure that they have domestic production of medical supplies such as personal protective equipment, but also all countries will want to resist the temptation towards excessive protectionism that some are calling for, because it is only by making sure that we have effective, well-policed and fair and free trade that all of us can secure the economic revival that we want to see.

The UK is an attractive market for many other countries, and I am sure it will be the case that, whether it is Japan, the United States, Australia or New Zealand, to name but a few, there will be an even stronger appetite for concluding free trade agreements.

Q214 Matt Vickers: Here in Teesside, we are excited at the prospect of one of the country's first free ports firing up and turbo-charging our regional economy. Are the Government still able to prepare, as it might otherwise, to maximise economic opportunities after the transition period?

Michael Gove: Absolutely. As well as yourself and Ben Houchen, one of the strongest advocates for free ports is of course Rishi Sunak, now our Chancellor. We recognise that they can ensure not just that we get greater economic growth but that we also bring more economic growth to



parts of the country that may have been overlooked and undervalued in the past.

One of the things we know is that the UK's future would be built on openness to trade, manufacturing excellence and scientific and innovative endeavour. Teesside will benefit from all of those. We are very lucky that we have concentrations of manufacturing and innovation excellence in the north-east, in Tyneside, Wearside and Teesside, so we absolutely will be forging ahead in that way.

Q215 Sir Christopher Chope: Minister, can I ask you about the issue of immigration? Taking back control over our borders was one of the great benefits that was going to flow from leaving the European Union, and yet you will know, as I do, that there is enormous public anger and exasperation at the record numbers of people arriving on our shores who have come in small boats from northern France. What are you doing about this? It was bad enough when it was just illegal migration but now it is also potentially a health hazard.

Michael Gove: Thank you, Sir Christopher. You are absolutely right on both points. The Home Secretary has made sure that Border Force can continue to deal with the challenges of illegal migration and indeed also with attempts to corrupt trade flows. The Home Secretary made clear in her press conference at the weekend that Border Force, the National Police Chiefs' Council and others are working to deal with this situation.

One of the things, of course, that we want to do—and I realise it is a very separate group of individuals—is to make sure that we continue to get UK nationals who want to come back to the UK into the UK. That is why our airports remain open. We also wanted to make sure that we allow the goods that our NHS needs to come into the country. That is another reason why we keep our airports open.

Certainly, when it comes to small boats from northern Europe, it is a public order as well as a public health issue, and the Home Secretary is determined to ensure that Border Force has all the resources it needs to deal with this challenge.

Q216 Sir Christopher Chope: Is it actually delivering? On Friday there were record numbers arriving before dawn, and we know that last year there was a joint decision between the United Kingdom and France that they would take further action to reduce the numbers. Now the numbers are at a record level. What is being done about it? One of the perverse incentives is that, as soon as people arrive in the United Kingdom, they are able to stay and they are not being returned. If they were going to be returned immediately, that would deter them from setting out in the first place.

Michael Gove: I absolutely take your point. One of the things that we absolutely seek to do is to deter, and to work with the French Government and indeed the regional government in the Pas-de-Calais



HOUSE OF COMMONS

region in order to make sure that we can mitigate this threat. There are also public health challenges, and it is through co-operation with the French authorities and with others that we can best meet them.

I will relay your concern to the Home Secretary. As I say, in conversation with her, she has been determined to ensure that Border Force has the resource it needs to deal with this particular challenge, for the reasons that you outline.

Q217 Sir Christopher Chope: No one doubts her determination but when will we actually see some results? Border Force should be able to have additional resources available now to patrol the Channel and deter these people from coming. Why are there record numbers of people coming in small boats?

Michael Gove: I will ask the Home Secretary and then write back to the Committee or appear in front of the Committee again to give a fuller account of what Border Force is doing and is not doing in order to deal with this particular challenge. I appreciate your concern. I know that this is an issue on which the Home Secretary is working. I am not trying to evade anything. It is not my direct area of ministerial responsibility. I will come back; indeed I will be in the House of Commons tomorrow, so I can seek to address the challenge there.

Q218 Joanna Cherry: Good afternoon, Mr Gove. Can I take you back to the progress of the negotiations? Given that measures have been put in place to allow these negotiations to proceed with the European Union, notwithstanding this terrible health crisis in which we find ourselves, and given that there are issues being discussed in those negotiations such as fisheries, for example, which are of high importance to the devolved nations, can you tell us why the Joint Ministerial Committee of the British Government and the devolved Governments has not met for three months?

Michael Gove: Thank you, Jo, for your question. One of the things that it gives me the opportunity to do is to thank, through this Committee, Ministers in the Scottish Government, the Welsh Government and the Northern Ireland Executive, with whom I have been in near-daily contact over the course of the last few weeks. I had the opportunity earlier today to discuss our response to COVID-19 with Mike Russell. I have also had the opportunity to discuss it with John Swinney, Aileen Campbell and other Ministers in the Scottish Government, and their co-operation on a UK-wide basis has been hugely valued.

It is also the case that just the other week, in the absence of the Prime Minister, I was able to speak to the First Minister of Scotland, the First Minister of Wales and the Deputy First Minister and First Minister of Northern Ireland, along with the Mayor of London, and we discussed a range of issues. Again, their constructive approach helped shape our response to social-distancing measures.



HOUSE OF COMMONS

My colleague, the Paymaster General, Penny Mordaunt, is in touch this week with representatives from the Scottish, Welsh and Northern Ireland Governments in order to discuss our approach towards negotiations. It is one of her responsibilities to update each of the devolved Administrations, and I hope to have a JMC(EN) very shortly, in the next week or two, in order to make sure that the collaboration and co-operation, which has been such a feature of the cross-United Kingdom response to this crisis, is maintained for our negotiations.

Q219 Joanna Cherry: It still does not answer my question as to why the Joint Ministerial Committee has not met for three months. I appreciate there is a crisis on and that you are in touch with Scottish Government Ministers about the crisis, but what I want to know is why this very important Committee has not met for three months while negotiations have been ongoing about devolved matters. Can you explain to the Committee why no meeting has taken place?

Michael Gove: As you mention, I have been meeting daily with Ministers from all of the devolved administrations. It has not been the case in any of those meetings that Ministers from devolved Administrations have said that the number one priority for me is to convene a meeting of the JMC(EN), but we will do so, for the reasons that you articulate, and that will be in the next few weeks.

Q220 Joanna Cherry: I believe a formal request was made by the Scottish Government last week. Are you indicating that Penny Mordaunt will respond to that request formally this week?

Michael Gove: Yes.

Q221 Joanna Cherry: If you spoke with my colleague in the Scottish Government, Mike Russell, over the last few days, you will be aware that he is concerned that the only information he is getting about the progress of the negotiations between David Frost and Michel Barnier is by reading David Frost's tweets. I am assuming that, given your reputation for courtesy, you will agree with me that it is not acceptable for the Minister with responsibility for the constitution and Europe in the Scottish Government to not be kept formally up to date with what is going on, and that it is not acceptable for him to find out via Twitter. Can you indicate what channels of communication you will put in place to make sure that Mr Russell, and indeed others in the Scottish and Welsh Governments, are kept formally apprised of the progress of the negotiations?

Michael Gove: Yes, absolutely. I think it is the case that Penny will be speaking, either today or tomorrow, to Jeremy Miles and to Mike Russell. One aspect of the conversation will be making sure that we can have a JMC(EN) in due course. Mike is a very thoughtful and courteous colleague, so I hope that he can be reassured by the conversation with Penny and by the commitment, which I am happy to use your question to give to you and to him, that we will meet soon, virtually, for a JMC(EN).

Q222 Joanna Cherry: On 19 March, Mr Gove, you laid before Parliament, as



you are required to do by law, a quarterly report on the progress of the development of common frameworks. That was for the period to 25 December 2019. Can you give us an indication of when you will be in a position to lay a report before Parliament about the following quarter—the quarter covering January, February and March of this year?

Michael Gove: I would be keen to do so as soon as possible. I will write back to you, Jo, and to the Committee with an expectation of the date and the contents.

Q223 Joanna Cherry: I just have one final question on a slightly different point. Last week, Michel Barnier said that the future security partnership between the European Union and the UK was being jeopardised by the UK Government's refusal to guarantee that it will remain a signatory to the European Convention on Human Rights. Are the Government planning to withdraw from the European Convention on Human Rights? If not, what is the problem about giving a guarantee that we will continue to be a member, in order to allay any fears the European Union may have about the basis for our security partnership?

Michael Gove: It is certainly the case that we are not going to leave the European Convention on Human Rights. The challenge comes from the Commission negotiating team's request that our adherence to the ECHR be through a particular set of processes and instruments. It is not the case that we want to resile or revoke or retreat from the ECHR at all. It is the case that the precise means of policing our adherence to it is not one that the EU requires of any of its member states nor one that the EU requires of independent partners. Our commitment to human rights is absolute.

Q224 Joanna Cherry: When you say that we will not be leaving the European Convention on Human Rights, is that a view that you express on behalf of the whole of the British Government and the whole of the Cabinet?

Michael Gove: I have not met a single member of the Cabinet who takes an alternative view or, if they do, they have not shared it with me.

Q225 Mark Eastwood: Good afternoon, Mr Gove. I just want to follow up on a question I asked you on 11 March, at the last session, regarding the equal status between the UK-US trade agreement and the EU-UK trade agreement. Are they still running alongside each other?

Michael Gove: They are still both important to us. It is the case that, for understandable reasons, the United States has been, both at federal and state level, dealing with the COVID-19 crisis, but I know from informal conversations that we have had with figures in the US Government that they remain very keen to ensure that we can move rapidly towards the conclusion of a free trade agreement. That was one of the points that Matt brought out in his questioning earlier as well.

Q226 Mark Eastwood: Yes, absolutely. Obviously, we know the dates for the talks with the EU. Do you have any idea when we are likely to see talks



HOUSE OF COMMONS

with the US pick up again?

Michael Gove: I think it is the case that the Secretary of State at the Department for International Trade was talking to representatives of the American Government in the last week or so. I will come back to this Committee with the steps that we are taking in order to progress that.

Q227 **Mark Eastwood:** Just earlier on, when you were talking to Matt, you mentioned Japan, New Zealand and Australia. Just to expand on that, are trade negotiations with Japan, New Zealand and Australia also taking place and running concurrently with the EU negotiations at the moment?

Michael Gove: We are preparing. We have not got into the formal negotiations, again because of the COVID-19 situation, but we have made preparations to enter into negotiations with those countries as well as the CPTPP.

Q228 **Mark Eastwood:** Last time I spoke to you, you said that there would be equal status with the US-UK trade deal as with the UK and EU. Do you envisage that being the same applied to the other countries that I just mentioned there?

Michael Gove: They are all equally important to us. There are certain legal obligations that signing the withdrawal agreement imposes on both the UK and the EU, but our approach is that we want to have the freest possible trade with as many partners as possible, and our partners in Europe and more broadly are equally valued by us.

Q229 **Mark Eastwood:** How will these other negotiations with the US and other countries feed into the EU negotiations? Is there potential for conflict between different negotiating aims and different expectations for standards and so on?

Michael Gove: I do not think so, no. Some people have tried to argue that, in order to get a deal with America, we might erode certain standards that would make it more difficult for us to do a deal with the EU. On areas such as animal welfare and so on, our position is that we have very high standards in the UK. We have them because they are right and, if that makes it easier for the EU to reach an agreement with us, fine, because we think it is right, not because others think it is right. If that makes it more challenging for America, fair enough. We are not bending our own principles in order to get that deal. I am confident that people will respect the fact that those high animal welfare standards are supported by the British people and are at the heart of what the British Government think is right and therefore we will negotiate on that basis.

Q230 **Chair:** Can I just ask Mr Gove a question about what was previously known as the Operation Yellowhammer report? That is the preparations for leaving without an agreement. Is that being kept up to date against the possibility that, if there is not an agreement, we would leave the transition period on WTO terms at the end of December?

Michael Gove: Operation Yellowhammer has been stood down.



Q231 **Chair:** Right, but is any preparation being made for the operational implications of there being no agreement by the end of December?

Michael Gove: We will keep the situation under review. Operation Yellowhammer yielded a huge amount of thoughtful product that allowed us to assess, as I mentioned, the resilience of UK supply chains, our reliance on the short straits, the strength and resilience of NHS supplies and so on. We do not have any plans to stand up Operation Yellowhammer again, because we are confident that we will secure agreement, but it is the case that the work that was done then has been of value in making us realise how resilient the UK is in certain areas and where work is required to be done in other areas so that we can cope with a variety of challenges.

Q232 **Chair:** Does that mean that the Government are confident that British business will be able to deal with whatever the outcome is, whether it is an agreement reached with the EU or leaving without an agreement on WTO terms? I ask that because the people who know a lot about making trade work—the freight organisations—have, as you know, expressed concern about the preparedness to actually make the system work.

Michael Gove: I appreciate that, and there are a range of different options available to the UK Government and to the EU should we not conclude the full FTA that we want. It is the case that, as you will appreciate, there is a difference between the no-deal outcome that might have prevailed had we not concluded an agreement with the EU and the situation that might prevail if we have not concluded a full FTA at the end of this year.

Chair: The final thing to say to you is that we have made a request to Mr Frost to appear before the Committee in view of your comments earlier on. We look forward to having an early reply from him, because it would be nice to take evidence from him as soon as possible. With those words, can I thank you very much indeed for making the time available this afternoon? We all know how much time you are devoting to dealing with the coronavirus crisis, and we are grateful for your and all of your colleagues' efforts on that matter. We wish you well in helping the country to find its way through. We look forward to seeing you again in due course.