

European Scrutiny Committee

Oral evidence: [EU Withdrawal](#), HC 763

Wednesday 5 September 2018

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Members present: Sir William Cash (Chair); Geraint Davies; Richard Drax; Mr Marcus Fysh; Kate Hoey; Kelvin Hopkins; Darren Jones; Mr David Jones; Stephen Kinnock; Andrew Lewer; Michael Tomlinson; David Warburton; Dr Philippa Whitford.

Questions 736-891

Witnesses

[I](#): Rt Hon Dominic Raab MP, Secretary of State for Exiting the European Union.

Oliver Robbins, Prime Minister's Europe Adviser

Examination of witnesses

Witnesses: Rt hon. Dominic Raab MP, Secretary of State for Exiting the European Union, and Oliver Robbins, Prime Minister's Europe Adviser

Chair: Welcome, gentlemen. At the outset, I want to make a few observations. We had considerable difficulty in securing Mr Robbins to give evidence, which is unacceptable to a Select Committee. We first put in our request on 28 February and invited him to come, but made no progress. I then raised the matter with the Prime Minister at Prime Minister's questions and then pressed him again for his appearance, which the Prime Minister declined. We had no option but to issue a summons to secure a date, which is the basis on which he now appears, and the Prime Minister, I am glad to say, has changed her mind on his giving evidence.

The Secretary of State took up his post only on 9 July, after Chequers, and therefore there will be questions that we will need to ask Mr Robbins alone. He has been engaged in negotiations as the Prime Minister's adviser on Europe since, I think, 2 September 2017. Is that correct?

Oliver Robbins: That is when I took up my current post, yes.

Q736 **Chair:** Thank you. The Secretary of State wrote to me on 23 August, referring to the Prime Minister's written ministerial statement of 24 July, in which she stated that she was in charge of the negotiations and that he as Secretary of State deputises and answers for her. I am glad to note that the Secretary of State recognises, as he states in his letter to us, that the long-standing role of this Committee in holding the Government to account is well understood by the Government.

I will now start with the first question of what will possibly be a two-hour session. Mr Robbins, I first come to you, as the Prime Minister's Europe adviser, Permanent Secretary and architect of Chequers, which was bounced on the Cabinet. Mr Barnier, it is reported by the *Frankfurter Allgemeine Zeitung*, the German newspaper, has indicated that the Chequers proposals were insane and unjustifiably breaking European law, and illegal in that context. He refers clearly to such matters as the common rulebook.

It is clearly understood, of course, that they do fragment the legal principles of the single market under the EU treaties. There is also today's criticism from the former Governor of the Bank of England. Furthermore, the common rulebook, and changes to it, will be decided by the other 27 EU countries behind closed doors, and without even a transcript of the proceedings. Would you, therefore, advise the Prime Minister to put Chequers out of its misery, as it is now effectively dead and satisfies virtually no one?



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Oliver Robbins: Thank you, Chairman. No, I wouldn't. That is a matter for Ministers collectively. The proposals that were published in the White Paper before the summer are the Government's collective position. The Secretary of State and I have been prosecuting that position with the European Commission and other interlocutors since his appointment and since the publication of the White Paper. Respectfully, we disagree with Mr Barnier. The Government's view is that the proposals encapsulated in the White Paper are a credible, sensible balance of trying to achieve something that respects the autonomy of the EU and the sovereignty of the UK and provides for a pragmatic future relationship with the EU.

Chair: I ought just to add that that idea—that you can respect the autonomy of the EU and the sovereignty of the UK—seems to me to be completely impossible, because you can't achieve both of those things at the same time, but I'll pass on to the next question I want to ask you.

Dominic Raab: Mr Chairman, could I just supplement that answer, because ultimately you are asking a political question as well as a technical one? I just say this gently. I think, in relation to the interview that you have cited, you have missed out some of the good bits, and I know you wouldn't want to be selective or cherry-pick from the EU in the same way that they complain about us. Actually, Mr Barnier, in the same interview, said that the Withdrawal Agreement is 80% negotiated: we are "close to our goal". In relation to the security aspects, he said there is a great deal of agreement on foreign and security policy as well as on internal security. And, of course, on 27 August he said: "We are prepared to offer Britain a partnership such as there never has been with any other third country." Of course, you are quite right to cite the bits that he has grumbled about, but I suspect, if you looked at negotiations over the last 200 years involving the UK and otherwise, there would be grumbles from different interlocutors at different stages of the negotiations, without prejudice to the final result. I hope that's fair.

Q737 **Chair:** I have in mind the Munich Agreement, for example, and look where that ended up. But anyway, as far as your point is concerned, of course nothing is agreed until everything is agreed. That means that we have to take the package as a whole, and he has made these remarks, which are pretty lethal in their own way.

I now want to move on to the next question I would like to ask Mr Robbins, and do come in, Mr Raab, if you would like to, on this one, because there is a political element to it as well. Astonishingly, the new White Paper, which was published on 12 July and sets out the legislative proposals for implementing the Withdrawal Agreement, compromises and contradicts the repeal of the European Communities Act 1972 as of exit day, 29 March 2019. Parliament only enacted that repeal 16 days before the publication of that White Paper. Why are the Government now seeking to keep the 1972 Act alive at all, and what guarantee is there of a total repeal of that Act? And how long do the Government intend the common rulebook to continue, with our being rule-takers from the EU27 and from behind closed doors? You go first, Mr Robbins, and then if Mr Raab would like to come in, he can do so, with pleasure.



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Oliver Robbins: Certainly. I think what you are referring to, Chairman, is that the Withdrawal Agreement, if things go according to plan—as the Secretary of State has said, the Withdrawal Agreement that we hope to conclude later this autumn will provide for an implementation period, as the Government has sought since last September, and that implementation period will provide for us to continue to trade on exactly current terms. That is the context, the technical context, for the commitments the Government has made in respect of the legislation.

Q738 **Chair:** But the withdrawal Act quite clearly states that the repeal of the 1972 Act takes effect on exit day—namely, 29 March 2019. That’s the law of the land. It doesn’t say anything in there about implementation periods or any extension of the period—for example, beyond 30 December 2020. So I just want to get that down in hard reality, as far as you’re concerned. What do you make of that? We pass an Act, then we come forward with new proposals for a new Act that are inconsistent with the Act that has already been passed.

Oliver Robbins: Chairman, I don’t think—with respect—they are inconsistent. The Government remains completely committed to leaving the European Union on 29 March next year. The draft Withdrawal Agreement that we are working on with the European Union, as has been Government policy for some time, seeks to extend the current basis of our trading relationship for 21 months beyond that date. I think that’s what the Withdrawal Agreement Bill White Paper was attempting to explain.

Q739 **Chair:** Mr Raab?

Dominic Raab: First of all, Mr Chairman, I think, as a matter of constitutional principle, that you should give me a chance to answer all the political questions first—

Chair: I’m giving you a chance.

Dominic Raab: But not first, because actually—

Chair: You weren’t in on the act when all this was decided.

Dominic Raab: Well, I was, because I was part of the Bill team taking the EU (Withdrawal) Bill through the House of Commons, so I can give you two reassurances, one in relation—

Chair: So a very minor role.

Dominic Raab: Who knows? I’m happy to perform in a minor role or in a more significant role and to make whatever modest contribution I can, but what I can do is give you the reassurance that, yes, there is a savings clause in relation to the implementation period and the way it applies to the EU (Withdrawal) Act. And of course, when we passed the EU (Withdrawal) Act—and no one will know better than you, because you participated in so many of those debates—we envisaged that it was without prejudice to the negotiations that we were making in relation to both the Withdrawal Agreement and the implementation period. That was



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a very clear basis on which that legislation was passed, and I remember talking to it myself during lengthy sessions.

Chair: But an Act is an Act. The kind of reservations that you are putting forward do not apply to it. It just doesn't work like that. An Act is an Act; the law of the land says what it says. But I am not going to pursue that one now. I have made my point, you have tried to reply to it and we will leave it at that—okay?

Dominic Raab: Fair do's.

Chair: The next question is from Mr David Jones.

Q740 **Mr David Jones:** I want to ask one or two questions about historical matters before you were at the Department, Secretary of State, so I hope you will forgive me if I address the questions to Mr Robbins. First of all, I am interested in the issue of the sequencing of the negotiations. The sequencing, I think, was set out by the European Union in its guidelines, which were developed by the Council. I think that's right, isn't it? I think that the provision of guidelines is specifically catered for in article 50. That's correct too, isn't it?

Oliver Robbins: It is indeed.

Q741 **Mr David Jones:** So article 50 gives the authority for the EU to produce these guidelines. However, article 50 also provides that the negotiations should take into account the framework for the future relationship between the departing member state and the continuing European Union. The guidelines set out by the Council provided that discussions about the future relationship could not take place until three issues had been resolved, namely citizens' rights, money and—I am sure you will remind me of the third issue.

Oliver Robbins: The specific issues around the withdrawal for Northern Ireland.

Q742 **Mr David Jones:** Yes. Now, why did the British Government agree that sequencing when it was clearly contrary to the express provisions of article 50?

Oliver Robbins: The Government decided that the important thing here was to get on to discussing the partnership it wanted to reach with the European Union and is very clear that that is, exactly as you say, Mr Jones, what article 50 provides for. So we entered into discussions on those three issues that the European Council had particularly wanted to put early in the negotiations. We reached satisfactory outcomes on them from Ministers' point of view and the decision was taken that that was a good strategy for getting on to the discussion that Ministers were keen to get into as quickly as possible, on the future relationship, as you will remember.

Q743 **Mr David Jones:** But didn't that amount to a concession to the European Union?



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Oliver Robbins: I think the important thing, Mr Jones, as the Chairman has reminded us, is that nothing is agreed until everything is agreed, and in that spirit, and as Ministers were very clear needed to be written into the report that we jointly agreed in December, all of these agreements were agreements in principle, with a view to an outcome in compliance with article 50.

Q744 **Mr David Jones:** But isn't it very hard to resile from an agreement in principle at a later stage? And is it not the case that the British Government has made a significant number of concessions? For example, it has made a concession in terms of the jurisdiction of the European Court of Justice and also a concession in terms of the money that it has agreed in outline terms—a very large sum of money—to be paid to the European Union at the time of our departure. That's right, isn't it?

Oliver Robbins: I think the important thing here, Mr Jones—I am sure the Secretary of State will want to come in on this, because it is something he and I have spent a lot of time on since he took office—is that the Government has been very clear, including in that provisional agreement reached last December that our view, you are right, is that article 50 means that these two outcomes, that we hope for this autumn, should be linked. Therefore, what we have been discussing with the Commission is making sure that the document that we hope to agree later on this year, that describes our future partnership with the European Union, is referred to, as article 50 implies it should be, by the Withdrawal Agreement.

Dominic Raab: Yes, I think if we are going to—as we rightly do and our European friends do—refer to the fact that the different elements of this package are one deal, one bargain, then there is no deal until you have got the whole deal, and that must mean that there is clear linkage between the two. That must be, in my view—I think we'll make progress on this—reflected in the future relationship document, but also in the Withdrawal Agreement. I hope that gives you, Mr Jones, a degree of reassurance.

Q745 **Mr David Jones:** Nevertheless, the concessions that I mentioned were substantial concessions, albeit in principle. Could you give me two examples of similar concessions that the European Union has made to the United Kingdom in the course of the negotiations so far? I mean similar in terms of scale.

Dominic Raab: Do you mean on the Withdrawal Agreement or on the future relationship?

Mr David Jones: Well, I think either, really.

Dominic Raab: On the Withdrawal Agreement and the implementation period, I think the fact that, during the IP, we are able to negotiate free trade agreements is welcome, because that is an exemption or a derogation, if you like, from the wider approach to that. In relation to the future relationship, you can see from the press conference that I did with Michel Barnier on Friday the list—an itinerary, if you like—of areas where we have made progress, and, yes, some of those, obviously, are areas



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which are very difficult for the EU. Of course, in relation to the Chequers proposals, we talk a lot about those as to the compromises we have had to make, and I make no bones about them—Mr Jones, you know them, and there will be members of this Committee who feel that. This is also asking for a big compromise from the EU in all the ways that we have heard about. That is the bread and butter of any negotiation.

Q746 Mr David Jones: It just seems to me that we have made considerable concessions and there are very few of similar scale that have been made in the other direction.

Dominic Raab: I think one of the aspects here, and you touched on it with the sequencing, is that a lot of the difficult bit for us has come early, because the Withdrawal Agreement involves the money, the IP and the rest of it, although it also involves areas where we have very clear mutual interests, the most obvious one being citizens' rights. If you like, the sunlit uplands of the package—the bit which incentivises the UK and is obviously going to be a very powerful part of making sure we have that balance—is the future relationship. I need to be very careful, as you will know as a former Minister in DExEU, to protect the integrity of the negotiating room, but that is an area where, if you look at some of the progress that we have made and at some of the areas around criminal justice co-operation and internal security, but also at progress we have made on external security—it is not me touting, and you should look at Mr Barnier's press conference statement on Friday—these are all areas where we are making progress towards our goal, and we are confident we can reach a deal. When we get the deal that we want, and when it is looked at in the round, you will see the balance, which I think, if I read into your questions, you are looking for.

Q747 Mr David Jones: So the balance is yet to be revealed.

Dominic Raab: There is no deal until you get the whole deal. I think I have heard you say that before.

Mr David Jones: I have said it several times.

Dominic Raab: And you're right.

Q748 Mr David Jones: I have one further historic matter, which I would like to, again, with respect, ask Mr Robbins about, and that is the issue of the White Paper that was published shortly after the Chequers meeting. It has been said that this was wholly different from a previous draft White Paper that had been prepared. Is that correct?

Oliver Robbins: No, it's not. The White Paper was based on an accumulation of collective decision making over many months. Of course, some of the absolutely critical decisions were taken at that meeting of the Cabinet at Chequers immediately before the White Paper was published. But probably the majority of the proposals in the White Paper were accumulated from meetings of the Cabinet and its Sub-Committees over many months before Chequers. It is absolutely true to say, of course, that once the Cabinet had reached a view on some of those critical choices that



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they had before them at that meeting, further work needed to be done to the White Paper before it could be published. But, if I may say so, I think that's reasonably standard procedure.

Q749 Mr David Jones: When did the members of the Cabinet see the Chequers proposals before they were discussed?

Oliver Robbins: I think the acting Cabinet Secretary has briefed the Public Administration and Constitutional Affairs Committee on this as well. The Prime Minister asked for a number of papers to be issued to Ministers in the run-up to that meeting and I think, from memory, that they started to be distributed on the Monday. You will understand, given the normal conventions around Cabinet, that there is a limit to what I can and should say about this.

Q750 Mr David Jones: I understand. Is it the case that some members of the Cabinet did not receive the papers until 24 to 48 hours before the discussion?

Oliver Robbins: Everybody received the papers at the same time, Mr Jones; I can absolutely guarantee that.

Q751 Mr David Jones: Can you give me an indication of the size of those papers? How many pages would we be talking about?

Oliver Robbins: If I may say so, Mr Jones, and Chairman, I think we are getting into the territory that the acting Cabinet Secretary was reluctant to get into with your sister Committee about the internal workings of the Cabinet. I must bow to him on that.

Q752 Mr David Jones: Can you indicate whether there were a large number of documents?

Oliver Robbins: As I say, Mr Jones, the Prime Minister directed that there should be a series of papers about the issues and the options, so yes, there were several.

Q753 Mr David Jones: Was it at that Chequers meeting that the idea of a common rulebook was first discussed?

Oliver Robbins: It was the first time that the Cabinet had discussed it, yes, and the ideas behind it had, of course, been debated since the Prime Minister's Mansion House speech as different options were discussed for how to give effect to the ambition she put forward in that speech.

Q754 Richard Drax: Mr Robbins, good afternoon. Just a couple of questions, if I may. First, do you believe that leaving the EU is a good thing? You personally, in your heart. Are you right behind this in every single sense?

Oliver Robbins: I am right behind, as I have been since I joined the civil service—proudly—in 1996. I am right behind the policy of the Government of the day, Mr Drax.

Q755 Richard Drax: So no part of you wants to keep the country attached to the EU?



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Oliver Robbins: There is no part of my personal views that will ever play a role in how I serve the Government of the day.

Q756 **Richard Drax:** Just going back to that Cabinet meeting, my understanding is that the paper that Mr Davis produced was, in effect, a CETA-plus type paper, Canada-style, about which Mr Barnier said on 2 August 2018: "The EU has offered a Free Trade Agreement with zero tariffs and no quantitative restrictions for goods. It proposed close customs and regulatory co-operation and access to public procurement markets, to name but a few examples."

If this CETA-plus-plus-plus, or whatever you would like to call it—this Canada-style agreement—is agreeable to the EU, and Mr Tusk made similar noises, why do they have the Chequers deal, which has completely the opposite effect? It has upset the Brexiteers—I sadly have to use that phrase still, because we should all be Brexiteers, should we not—the remainers and everybody else, including the EU, which as we heard earlier has said that the Chequers deal is a non-starter. So why was the Canada-plus deal not put before the Cabinet?

Oliver Robbins: I will bow to the Secretary of State on the Government's view on that—

Richard Drax: He wasn't there; you were.

Oliver Robbins: Certainly, Mr Drax. What I am trying to explain is that Ministers remain behind the White Paper that was produced because they believe that it is a sensible package overall, and to be completely straight with you, when I say that a variety of papers were produced for that meeting, I would say that all the options were looked at very seriously, and it is for the reasons that the White Paper advocates that Ministers went with the option that they did.

Dominic Raab: Mr Drax, may I add a supplementary reflection on this?

Richard Drax: Please do.

Dominic Raab: Some of what you are asking is related not to before my appointment but to afterwards. The suggestion that has been made following the visit of the Select Committee to Brussels and the conversations with Michel Barnier, which I welcome and deeply encourage—parliamentarians should be engaged in the process in this way—it has been suggested that it would be CETA-plus, or CETA-plus-plus, in the Canada style; but I think you need to check the small print of the offer that is being made in relation to the appendage of the backstop that the EU is proposing, which, ultimately, would involve a limbo period, to be determined and ultimately agreed but with the consent of the EU, which could proceed indefinitely. So for those who are coming back and citing this as evidence that actually there is some polar alternative which doesn't resolve the Northern Ireland point, can I just gently say that I hope that they will apply the same scrutiny of the small print as they do with the Government?



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Q757 Richard Drax: Well, if may I gently say so to you, Minister, the Northern Ireland issue—in my humble opinion—has been blown out of all proportion. I am sure a number of my colleagues here—many, probably—would agree with me that this is being used, sadly, in part to make the withdrawal difficult. I add here to the notes I have got that if the UK-EU have a 100% tariff and quota-free deal on goods then there is little need for a customs border in the island of Ireland. We must also remember that there are already customs controls in various areas between the two bodies and, having served out there on three tours, I can tell you that if the Irish Government started to put up some sort of restrictions on the border there would be an outcry not just from the north, but from the south. It just would not happen.

Dominic Raab: All of which may be true, but my very minor, discrete point was merely to accurately convey the nature of the offer that is being bandied around from M. Barnier as the alternative. It is not what is being described, because it misses a crucial point. My point really is to say that I hope the same rigour that you are quite rightly applying to myself and to the Government's proposals is being applied as a matter of fact to what the EU is telling you, because I think that would be a judicious and fair way to proceed, but also one which clearly and accurately represents what the choices are.

Q758 Richard Drax: The Canada-plus-plus, or call it whatever you will, seems to me to take us much further forward and closer to a deal than the Chequers deal. Would you agree with that?

Dominic Raab: Again, no, because on the basis of the EU proposed backstop for Northern Ireland, which is a part of that, it is utterly unacceptable. I do not understand why anyone of the Brexit flavouring, particularly the passionate, would cite that as a credible alternative option.

Q759 Richard Drax: I am not advocating it, Minister. I am not advocating that we split the country at all.

Dominic Raab: No, you're not, but—

Q760 Richard Drax: What I am saying is it can be resolved. What I am saying to you is that Canada-plus-plus, as a whole, is a better way forward and would get many more people behind it and a better will to succeed, rather than a Chequers deal which, according to the common rulebook and various other things, will not see us free of the EU. That is a fact.

Dominic Raab: So point 1, I just want to be clear that the EU is not offering that. Obviously, this is a negotiation and that is why, in relation to both the protocol and more generally our FCA proposals, we are going to continue negotiating. What I am clear on, and the Government are clear on, is that if you want to strive for the best deal, which ensures frictionless trade but frees us up to have an independent trade policy, if you want to resolve the challenge of making sure we don't see any extra infrastructure along the Northern Ireland-Republic of Ireland border, this is by far the most plausible, credible and effective way of doing that. I am just gently saying that the alternative that is being suggested did not come from



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Michel Barnier's lips. It may be something that you think is deliverable, and I respect the views around this room, but it is not what M. Barnier has been offering. It is very important to note that.

Q761 **Chair:** I would just like to ask Mr Robbins a question, because you would not have been involved in this, Mr Raab, I think: did either the Prime Minister or, for that matter, any other person within the framework of the Government make available to any of the EU institutions, or any of its officers, the provisions that were contained in the Chequers proposals before 6 July?

Oliver Robbins: No.

Q762 **Chair:** Absolutely nothing at all, in any shape or form?

Oliver Robbins: If you are asking about the paperwork that went to Cabinet, the White Paper, of course those are internal Government documents. What Ministers and officials have been doing especially hard since the Mansion House speech that the Prime Minister delivered is exploring all the options for achieving those objectives.

Q763 **Chair:** You haven't answered my question. Did they go to any person inside the EU institutions or any of the member states in any shape or form?

Q764 **Oliver Robbins:** Advice to Ministers is advice to Ministers; it is not shared with the EU.

Q765 **Chair:** No; advice to the EU as to what it is we are proposing to do is quite a separate question, and I'd like an answer to that, please.

Oliver Robbins: I am trying to answer it, Chairman, because of course, as the Secretary of State has said, we are in a negotiation. Ministers had set forward their objectives. The Prime Minister, in a collectively agreed speech at Mansion House, had put her objectives forward, and from her down, her team of Ministers and officials have been sounding out how we might achieve those objectives. So what I don't want to do is to say to you, no idea that eventually appeared in the White Paper had ever been mentioned to somebody on the other side of this negotiation before, because it wouldn't be good advice to Ministers if we go from no indication whatsoever as to whether ideas were acceptable.

Chair: I am sure we will get to the bottom of this sooner or later, but I'd now like to move on to the next question.

Q766 **Michael Tomlinson:** Secretary of State, good afternoon. This question is about the jurisdiction of the Court of Justice, and primarily for you, please, because removal of the jurisdiction of the Court of Justice has been one of the key objectives in leaving the European Union, and yet it has been agreed that the CJEU will have the continued jurisdiction of those parts of the Withdrawal Agreement that do not concern the continuation of EU law—for example, we mentioned the financial settlement—during the implementation period. Why has that been agreed in that way?



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Dominic Raab: I don't want to rely on the distinction that the Chairman has drawn about things that have been agreed before my time.

Michael Tomlinson: No; I am asking it primarily of you.

Dominic Raab: Say again?

Michael Tomlinson: I am asking it primarily of you.

Dominic Raab: I understand. I can't give you a factual account of the decision-making process at that point, but I think the view was taken that the most straightforward way of making sure we had the smooth transition, with one change at the end of our departure, was to have a single moment when that was done at the end of the implementation period. Equally—I think what you are getting at is in relation to the conditionality between the Withdrawal Agreement and the future relationship agreement—that will also rest on the clause that Olly has mentioned, and that we are looking at very carefully with our EU partners and internally, about how we will get the most effective linkage, and so in relation to that, a dispute resolution hasn't yet been concluded.

Q767 **Michael Tomlinson:** Looking to the future and after the implantation period, have you succeeded in cutting down the proposal for continuing the jurisdiction of the CJEU in any way?

Dominic Raab: Certainly in relation to the wider questions of dispute resolution, both within the Withdrawal Agreement—except in relation to citizens' rights as a bespoke governance mechanism—and beyond the IP, and in relation to a future relationship, the model that we've got is based on arbitration, and the advantage of that is—this is our proposal; it is subject to negotiation—it allows both sides to propose an arbitrator, or two, and then they choose a chairman. What you have with that is a sense—and of course, the arbitrators should conduct themselves independently; they are there in their professional capacity, not their political affiliation. But what you have is a sense that both parties can feel confident in the overall balance, and that is the global practice—we have discussed that in the House of Commons, debated it endlessly—and I think it is a really important way not just of making sure that individual disputes are resolved fairly in such a way that both sides have confidence, but of preserving the relationship.

I worked both in the City and the Foreign Office as a lawyer before becoming a politician, and I think with dispute resolution you are trying to achieve two things. You are trying to resolve the dispute but preserve the relationship. I think arbitration, ultimately, is a very effective means of doing that. It can feel very technical, it can feel very protracted, but in terms of what we want to be able to do—resolve disputes with certainty, preserve the relationship—I think it is very effective. And of course it means ending the jurisdiction of the ECJ.

Q768 **Michael Tomlinson:** And that is a clear objective after the IP—the implementation period—that that will happen.

Dominic Raab: Look for yourself: it is in both White Papers.



Q769 Michael Tomlinson: Moving on, you said just then that you are aiming to ensure that both sides can have confidence in the process, and yet the enforcement of compliance provisions of the Withdrawal Agreement has been described as one-sided. What attempt or progress are you making to redress that balance?

Dominic Raab: I don't accept that assumption. But I think what is true is if, for example, in the IP, or in relation to some bespoke areas, we say we are going to apply common rules, and that policy decision is made, you want to have clear and consistent interpretation of that. It would be to the detriment of the UK if we had double standards in the application of the rules, which is why you want that commonality of interpretation. There are provisions that allow, for example, the arbitral panel to say: "We should agree by decision as a whole, but before we decide this dispute, we need to be very clear what EU law says on something." That may be to the benefit of one side or the other, depending on the matrix of competing claims in a case. However, once it comes back down and you are clear on the discrete point of law as an aid to interpretation, the arbitral decision decides how that fits into the broader legislative framework and, most crucially, its application to the facts. I think that is a sensible approach.

Q770 Chair: Doesn't that eventually take us into the influence of the ECJ? You will have read the papers written by Martin Howe—I am sure you have studied them very carefully—and also what happens in the EFTA Court, if one takes a comparison with that, which is quite clear. I met the previous President of that Court, and we had some correspondence with him. He has written a book in which he makes quite clear the extent to which the "golden thread", as he puts it, of EU jurisdiction effectively influences and effects the outcome of the decisions taken.

You seem to be against that, from what you are saying now, so I therefore ask you again to repeat that, in the absence of our going down that kind of route, you would be happy for the ultimate decisions to be taken by arbitration as a matter of fact and as a matter of law, and that that should be taken by them and not by, or influenced by, the European Court. Is that correct?

Dominic Raab: First of all, you have made a powerful argument as to why we should not go down the EEA-EFTA route. That is why we have chosen and proposed, and I think are making good headway on with our European friends, a bespoke process.

In those areas in which EU principles apply—this was a political decision that we have made at a strategic level; it was before my time but I agree with and accept it—on, for example, citizens' rights, although there may be other areas, you want to make sure that you have a consistent approach so that we don't find EU nationals here benefiting from something that UK expats abroad would not benefit from. There will be other examples. We want consistent, uniform interpretation. One of the worst things about general international law or European law is if it becomes haphazard in its application to either side.



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That aside, for the overwhelming bulk of areas in which we continue to co-operate, beyond the implementation period, but particularly under our future relationship beyond the separation, I think we will have a clearly independent mechanism applying the future relationship as an international treaty. There will be arbitrators from both sides, but they will do it in a way that is based on the law predicated in those agreements and is independent from the ECJ. That is what a balanced and effective approach looks like.

Actually, our proposals and the traction that we have got on arbitration has been one of the big unsung victories—well, it is not a victory yet, because we haven't done the deal—but we have won the argument around that in a way that I don't think has perhaps been fully appreciated. To come back to Mr Jones's point, I think that is one of the areas where we have actually done a good job as a team of making the case for a bespoke approach to dispute resolution.

Chair: Of course, making the case is not necessarily the same as getting the European Union to accept it, but let's park that one for the moment.

Dominic Raab: Sure.

Q771 **Kate Hoey:** Secretary of State, I would like to probe just a little bit more on the backstop. In the technical note on the temporary customs arrangement, the Government made clear that they would not agree to the inclusion of a backstop unless the end-state customs arrangement had been agreed, so that the backstop, if needed, would operate only until the new customs arrangement was finalised. Is that still the case? Are the Government insisting that the detail of the future customs arrangement must be settled within the scope of article 50 negotiations before any backstop is agreed?

Dominic Raab: Both. We have made it very clear that we are committed to the joint report and the undertaking that we will prepare a backstop. That was the result of the decision made in December. But equally, you are absolutely right to say that the sustainable, long-term, enduring solution to this is to have the economic partnership that we have described; and one of the advantages of the facilitated customs arrangement, for all its detractors in some quarters, is that it allows us to apply and resolve the Northern Ireland issue within the future relationship. I think that is very important.

We have also been categorical, I think it is fair to say—I want to be careful, because in a negotiation you need to retain some flexibility—in objecting to and rejecting the EU proposals on the backstop, and that position has been held very firm.

Q772 **Kate Hoey:** Mr Robbins, have you visited the border often?

Oliver Robbins: Not in this job, no, Ms Hoey.



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Q773 **Kate Hoey:** When were you last at any of the border parts of Northern Ireland/Republic of Ireland?

Oliver Robbins: That would probably be in my time working as deputy national security adviser, in the mid-2000s.

Q774 **Kate Hoey:** Have you visited either the Republic of Ireland or Northern Ireland in the last five years?

Oliver Robbins: Yes, I have.

Q775 **Kate Hoey:** Which part?

Oliver Robbins: My duties in this job have taken me to Dublin on several occasions.

Q776 **Kate Hoey:** But not to Belfast?

Oliver Robbins: No, not yet.

Q777 **Kate Hoey:** Right. I just wondered whether you had read—certainly I would ask you to read it—a very good article today by Dr Graham Gudgin, who was David Trimble's adviser and is a professor at Oxford, on the Irish border. He does know the border, as obviously you understandably don't, and has written very clearly about why the whole issue of the "border problem" has been so ridiculously over-hyped.

Secretary of State, do you understand why people—not just those who wanted to leave EU, but many who supported the remain side—cannot understand why this whole issue of the border is such a big issue, when actually, as the professor points out very clearly, cameras are currently in use at the border, checks on food standards for exports occur at factories, customs officers and police monitor cross-border activities and people are stopped regularly, there are differences in VAT and excise duties, and there is the smuggling that has gone on? Indeed, our Northern Ireland Select Committee has looked into the issues around fuel smuggling.

All these things, with us leaving the EU, are no different, really, and can be solved by genuine co-operation and a willingness to make it work. Do you understand why some people are perhaps using this as an issue to make it as difficult as possible?

Dominic Raab: First of all, I certainly accept your point, Ms Hoey, that there is already a regulatory border—excise, VAT and other things—in the way you have described, but that is different from having the hard border or the infrastructure at the border in the way that people are concerned about.

Q778 **Kate Hoey:** What do you mean? Define a hard border. Is a camera a hard border?

Dominic Raab: I think, from our point of view, that we do not want to see any additional substantive infrastructure at the border, but to come back to your question, I think there is a genuinely legitimate range of views about how intractable this is as an issue in practice. My view is that



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it is a substantive issue that we must resolve. Equally, there are clearly some, in some quarters of the EU, who appreciate that this is a political pressure point on the UK. There is a negotiation, people apply pressure points, and I think you're right about that.

Q779 **Kate Hoey:** Mr Robbins, do you agree?

Oliver Robbins: I agree with everything the Secretary of State has said.

Q780 **Kate Hoey:** You agree that there are people in the EU who are using this as a stick?

Oliver Robbins: My job is to worry about what Ministers want from this negotiation, and from the very start Ministers have been completely consistent and clear that they—

Q781 **Kate Hoey:** But Ministers seem to listen to you very much, don't they?

Oliver Robbins: I give my advice, as my team does and, in particular, the Northern Ireland Office does on this issue, and I think the commitments that British Ministers have shown down the years to the peace process do not need any further explanation.

Q782 **Kate Hoey:** But have you anyone in your Department—any civil servant—who actually understands and appreciates the border issue and can talk about it, other than someone like you, who hasn't been there for a long time? Who is giving you all this advice? Who is helping? Why don't you have in some of these people who come up with solutions to help?

Oliver Robbins: The work that we have done on this issue, that the cross-Government team has done on this issue, has been extremely well supported, both by our dialogue with the authorities in Northern Ireland—the Northern Ireland civil service, obviously, in the absence at the moment of the Executive—with the Police Service of Northern Ireland and, particularly crucially, with HMRC, who of course have reserved responsibilities in Northern Ireland, so there has been a great deal of technical focus on these issues.

We have spoken to a very wide range of stakeholders, as the Government team. I have not read that article—I would like to and will do after this session—but I think Ministers have had a very detailed and constant set of advice about how to resolve the issues. As the Secretary of State has said, there is a constitutional reality that, at the point we leave the European Union, two jurisdictions that were previously governed in common on some things that drive borders in many parts of the world no longer will be.

What Ministers have said from the start is that they want to make sure that the outcome of that is not to lead to a return to border infrastructure that becomes a political issue. I think we have conveyed our seriousness about that consistently to the EU side. As the Secretary of State has said, the EU's solution to it, as proposed in February, Ministers have found to be completely unacceptable. So we have been trying to put forward and discuss other ideas, most notably since the White Paper was published,



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returning to the idea that of course we remain committed to a backstop, but the best solution in the round is to find a plan that solves the UK-EU relationship much more generally.

Q783 Kate Hoey: How often do you meet the Irish Government officials?

Oliver Robbins: I meet and talk to a wide range of EU member states' officials and I speak to several of them every week.

Q784 Kate Hoey: And do you tell them that a lot of people think it is all nonsense?

Oliver Robbins: I have had some very difficult discussions about the fact that my Ministers are very concerned that the proposal put forward in February takes little account of political realities in the United Kingdom and Northern Ireland.

Dominic Raab: Sorry, could I add a couple of comments? First, I appreciate what star billing Olly is whenever he comes, and we have developed a very effective professional relationship, but let us bear in mind that we are the two who come and give evidence. We have, in addition to all the advice and technical support that we get in an endeavour of this kind, which Brexit represents, the Northern Ireland Office. I don't think anyone could seriously say that it lacks for expertise or could not give us the first-hand technical advice that you are referring to.

Also, let us remember that you shouldn't let Ministers off the hook, because advisers advise and Ministers decide. So we get the excellent advice from all our civil servants, and Olly obviously, but the whole team. But ultimately it is on our hook. Don't let people like me off the hook, because it is very important, as fun as that is, that we respect the role and the integrity of the civil service and that we make sure we have clear lines of advice. We get the full candour of their views, but ultimately Ministers are paid and appointed to exercise their judgment. We are constitutionally responsible to that, including to your Committee.

Q785 Kate Hoey: Secretary of State, as someone who campaigned with you to leave the European Union, I am certainly not going to let you off the hook.

Dominic Raab: Glad to hear it!

Q786 Kate Hoey: A final point: do you not think that perhaps we got ourselves into this situation about the Irish border because, too early on, we kind of accepted this idea that it was this huge, huge issue, yet it is such a tiny part of the whole 27 other countries aspect. We have got ourselves into this position because we did not stand up at the beginning to say, "This is a nonsense. We are not going to allow you to play politics with this."

Dominic Raab: I do not want to get into trouble with Mr Jones by blaming everything that someone doesn't like on what happened before. It is easy to look back in hindsight. I do agree with you, though, that it is important to shine a light on the reality of the situation. Actually, that is



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true both for the communities in Northern Ireland and for the Republic of Ireland and the reality on the ground, in the same way as we are being tested by the EU to understand the GB-Northern Ireland reality. We ought to have a fact-based approach and a sensible dialogue about this issue. It is important substantively, but I agree. In fact, in Michel Barnier's words, it needs to be de-dramatised.

Q787 Chair: I ought to add that we issued a report on 20 March in which we criticised the Government for not being sufficiently robust—effectively, being far too supplicating to the EU and effectively, in fact, giving in to them and actually always asking them what they were prepared to put up with. That is also part of what Mr Jones has raised and also Kate Hoey. It is a really important question.

We have been very critical, given the fact that we left the European Union under an Act of Parliament, the withdrawal Act, by a decision that was taken by the whole of the House of Commons and the House of Lords—by Parliament as a whole. We took the decision in the light of the instructions from the British people—an Act of Parliament—and we have no business whatever compromising the position of the people of Northern Ireland or the people of the United Kingdom in making any kind of concessions on the question of the constitutional integrity of the United Kingdom. I am sure both of you would agree with that, would you not?

Dominic Raab: Absolutely. Not only is that the Prime Minister's position, but I think you are better off judging Governments by what they do rather than just what they say. Although our overriding priority is to strive for the deal that we want, expect and think is in both sides' mutual interest, we are also doing patient, assiduous, painstaking work, some of it behind closed doors, but increasingly with a public-engaging focus, on the "no deal" scenario.

People on the other side of the debate will criticise us for that, but we have made it clear that no deal is better than a bad deal. We want the optimum solution—that is what we are striving for—but we are doing the work to ensure that although, yes, there will be risks if we leave with no deal, we can avoid, mitigate or manage them. I hope that that at least gives you and your Committee, Mr Chairman, some degree of reassurance.

Q788 Mr Fysh: Why have the Government acquiesced to the Irish desire to interpret no hard border as no border, and as no infrastructure or checks of any kind anywhere in the island of Ireland? That happened under your auspices, Mr Robbins, rather than the Secretary of State's. Why did the Government choose to acquiesce in that way?

Oliver Robbins: If I may reply, Secretary of State, as I tried to explain in response to Ms Hoey, the Government has been consistent from the date of the referendum that it wants to avoid a return to the borders of the past and that it sees the absence of physical infrastructure at the border as an important part of that commitment. Much is made, understandably, of differences between the Irish Government view, the views of the parties in Northern Ireland and the British Government view about this. I think



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that Ministers prefer to see some of the consistencies here: the shared determination to avoid a return to the border.

Q789 Mr Fysh: On the backstop in general, could you say a little about the current Government's strategy? My understanding is that it is pushing the EU for the backstop to be a UK-wide backstop. What legal basis would you envisage for such a backstop and what would be the extent of the extension of the regulation, such as is proposed in Chequers? Is it more than Chequers, less than Chequers or Chequers? How can it be made temporary in law?

Dominic Raab: You will know, Mr Fysh, the elements of the proposal that we made, in distinct contrast to the EU proposed protocol. You are right that we would envisage a presumption in favour of a UK-wide approach. Most importantly, it would need to be as circumscribed and as time limited as possible.

In December, we signed up to the commitment to come up with a backstop. Our focus is therefore obviously on making sure we have an endgame and a future relationship that solves the problem—resolves the issue. That is the overriding focus. But we signed up to that commitment and we have to be true to that. Your description is right, but we envisage—we hope and expect—that it would never be exercised and that if it was, it would be for a finite, short period.

Q790 Mr Fysh: But how, in law, does it end, and on whose action would it end?

Dominic Raab: There are different ways of doing it, and we have not got agreement on that yet, but it could be by fixed period, an agreement of the parties, the possibility of a sunset, a procedural trigger—there are all sorts of ways it can end. In law, I am not worried about that because there is enough malleability. The question is about the political bridge between the two sides.

Q791 Chair: It was pretty stupid, wasn't it?

Dominic Raab: What—to agree it in December?

Chair: Yes.

Dominic Raab: I think our confidence—it was before my time, but from looking at it and discussing it with members of the Government at the time—was that we would make sufficient progress, get on to the future relationship and be able to resolve this issue. That remains our view.

Q792 Mr Fysh: But was it not conceded to get a transition, which the Chancellor said had a value, and that that value would diminish over time should it not become a settled matter? Are we not now into the period when that value is diminishing extremely rapidly?

Dominic Raab: I am not sure. It is certainly true that part of the package was an implementation period, which has proved to be much shorter than I think some people had feared. The IP is important—important to give businesses the certainty that there is one change of rules, but also important for, if you like, the leave-voting perspective to see some finality.



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What we do not want to see is that undercut by a limbo backstop. That brings me back to the point I was trying to make as respectfully as possible to Mr Drax about what the EU proposal on CETA-plus involves. We could not agree to a limbo period that held us indefinitely in a backstop that, within the gift of the EU, prevented us from getting on to the future state as reflected in the new special and deep partnership that we intend to sign with them.

Q793 Dr Whitford: Yesterday, Secretary of State, I asked you about the impact of the Government accepting an amendment—new clause 36—to the customs Bill that makes it unlawful for HMRC to account for duties of customs, excise or VAT to the EU. You said that has no impact, but the facilitated customs arrangement is absolutely central to Chequers, and central to the facilitated customs arrangement is this proposal that the United Kingdom will collect duties, which it will then give to Europe. In the Chequers White Paper, it says it has no request that the EU27 do the same in return. Surely, this has a significant impact on the White Paper.

Dominic Raab: First, I do not accept that the amendments that were passed are inconsistent with the White Paper proposals. Secondly, just for the sake of accuracy, what we are talking about is a formula for repayment and a reciprocally agreed revenue formula and remittance mechanism. I know some of the detail is very technical, but with respect, that is very different from the way you described it.

Q794 Dr Whitford: So perhaps you could explain the difference between HMRC accounting for these duties to the EU and collecting these duties for the EU.

Dominic Raab: Well, one is done up front and the other is a remittance mechanism based on a revenue formula that is done after the event. That means that, on our analysis, up to 96% of goods would pay no tariff or the lower of the two alternative tariffs at the border. There has been some pushback on whether that is misleading because it represents imports and exports, but even if you include just exports to the UK, the figure is still very close to that.

Q795 Dr Whitford: But the facilitated customs arrangement is very much that it will allow goods to come into the UK from external countries—some of them will be marked for UK use and will be at whatever tariff the UK Government sets and some will be passing on to the EU. The proposal in the White Paper is that the UK will collect those customs duties and forward them, but new clause 36 makes that unlawful. I am sorry; I still do not understand in what way new clause 36—it is now clause 54—of the customs Bill does not contradict the facilitated customs arrangement.

Dominic Raab: We have obviously taken legal advice on this. I am afraid your interpretation of the mismatch is not correct—it is not accurate. We looked at this very carefully and would not have been able to accept the amendment if we felt it undercut the process. I know it is very technical, but I am confident that the amendments leave us in a strong position to be able to propose the FCA, and we have worked through that and talked through that with our EU partners as well.



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Q796 **Dr Whitford:** Perhaps you could explain to me, then, what the amendment does make unlawful.

Dominic Raab: I think it is for the authors of the amendment to explain what they envisage, but we—

Q797 **Dr Whitford:** But your Government—you are the Brexit Secretary—accepted it. Indeed, you whipped your MPs to support it, so I am assuming you know what it means. You are suggesting I am misinterpreting it, so I would be grateful if you explained what it actually means—in English.

Dominic Raab: I am very happy to give you the reassurance that what it will not do is undercut the approach that we are taking, which is to have the UK acting as if it is a combined customs territory with the EU by levying our own tariffs and trade policy for goods intended for the UK and the EU's tariffs and trade policy for goods intended for the EU. It will avoid any new routine customs checks and controls for UK-EU trade. That is one of the crucial points. The way that we will, after the event, effectively tally up is to have a reciprocally agreed tariff revenue formula and tariff repayment mechanism.

Q798 **Dr Whitford:** What do you mean “reciprocally agreed”? Are you expecting the EU27 to collect tariffs on behalf of the UK when you say “reciprocally agreed”?

Dominic Raab: It will be the tariff revenue formula and the repayment mechanism that we would want to agree.

Q799 **Dr Whitford:** But you are not asking the EU27 to collect tariffs for the UK.

Dominic Raab: That's not my understanding of it, no.

Q800 **Dr Whitford:** I will find Priti Patel then and ask what that does mean. I am still surprised that it was accepted by the Government. To me, it seems to drive a coach and horses through the FCA.

Dominic Raab: We looked at it very carefully. I hope that I can give you that reassurance.

Q801 **Dr Whitford:** Perhaps you can write to us in clear English to explain what it makes unlawful and what it doesn't.

Dominic Raab: I would be very happy to write to explain why we are confident that the FCA is consistent with the amendments that the Government has accepted.

Q802 **Dr Whitford:** Okay. Obviously what it does suggest is applying lower tariffs to goods that would be coming to the UK market, rather than those that would then be going on to the EU. How on earth would you avoid counterfeiting and contamination if there is clearly a higher tariff on one than the other?

Dominic Raab: HMRC has a long track record of policing not identical issues—this is clearly an innovative approach but we are confident in its



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capacity and expertise, although it will be adapted to the specific regime that we are putting in place. My confidence is based on the track record of HMRC in policing things like excise and, in particular, VAT.

Q803 Dr Whitford: Obviously it is this kind of contamination, particularly around things like foodstuffs and so on, such as meat from outside the UK, that in Ireland is a concern with a non-border. How do you avoid contamination of the UK-EU market and the UK external market?

Dominic Raab: I am very happy to write to give a more lengthy explanation. It is obviously something that has been very carefully checked through with DEFRA officials, customs officials and the other expertise that we have. If I may, at the end of this, if there are particular technical issues or particular points that I am unable to answer, I will follow up with a letter to try to address them all.

Q804 Dr Whitford: I think it's quite important because the FCA to me, reading the White Paper, seems to be the entire thing that it is all built on. Obviously, under the most-favoured nation principle the World Trade Organisation doesn't allow a country to treat members differently, and yet the UK is asking to be allowed to behave as if in a customs union with the EU but not in customs union, which is one of the exemptions of most-favoured nation. Why will the World Trade Organisation accept that the UK has a different deal with Europe from other WTO members? Is it not that the UK is just going to end up embedded in multiple appeals and complaints within the World Trade Organisation system?

Dominic Raab: I think when we leave the EU with one or other aspect of the arrangements that we have put in place, we may be at risk of legal challenge—it is almost inevitable when the Government change a significant legal framework—but whether it is successful or not, which I think is your question, is another matter. The key thing is that we are trying to promote frictionless trade; we are trying to respect not just the principles but the spirit of what the WTO is about.

What I do accept is that we have come up with a mechanism that is innovative. One of the challenges that we have had with the EU is that we are proposing something innovative, and that is difficult for the dry legalism that sometimes grips the Commission—if I may put it that way. Equally, the EU and indeed other international bureaucracies—I was a Foreign Office lawyer for six years—are at their best when they adapt to innovative approaches. The point that I would make to you is that this is about the technical way in which we give effect to the free trade rules and substantive principles under WTO, and our arrangements with the EU. It is a technical mechanism for how best to give effect to that, rather than a question of substantive rules. That would be the case I would make for how we are going to achieve the principles, rather than undermining them in any way.

Q805 Dr Whitford: And you don't think that any World Trade Organisation challenges will be successful, in that the UK is wanting to be both an autonomous trading nation and part of a "as if in a customs union" at the



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same time, therefore discriminating against those other WTO members.

Dominic Raab: I think even with the EU's relationships—I am thinking of Turkey and some of the accession countries that have had phased approaches into the European Union—there have been innovative steps along the way. What is different here is that we are looking for a phased exit, if you like, through the implementation period and then towards the end. Indeed, at the end we are looking at a very innovative mechanism to make sure that we maintain frictionless trade but are freed up to strike an independent free trade policy around the world.

Q806 **Dr Whitford:** But this is about the future relationship. This is not just within the transition but a long-term proposal—the FCA—which involves basically the UK treating different WTO members differently.

Dominic Raab: Well no, because we will reconcile it through the tariff revenue formulas and the tariff payment mechanism that I described. You are absolutely right to say that this is an innovative mechanism. Part of the challenge has to been to explain how it works and also to explain the benefits. We are going through an unprecedented set of challenges with Brexit and it is right that we come up with new ways of doing it. This is one of those, but I think it will be effective, because it will reconcile those three key things that drive our objectives: frictionless trade with the EU, resolution of some of those challenges around the border between Northern Ireland and the Republic, and an independent trade policy.

Q807 **Dr Whitford:** You have just mentioned phased implementation, which is mentioned in the White Paper, which suggests it will not be ready for the end of the transition period. Do you see the transition period being extended? Indeed, if that was offered, would the UK Government be likely to accept that?

Dominic Raab: No, I don't think so. We have got the implementation period and I think people want to see some finality to it. We will obviously try to marshal our administrative processes, capabilities and institutional capacity to ensure we are in a position to give effect to the arrangements as soon as they can be agreed.

Q808 **Dr Whitford:** What if you are not ready at the end of the implementation period? We cannot really afford to go over a customs cliff at that point.

Dominic Raab: We will obviously avoid that happening, but once we have passed the point of negotiating the Withdrawal Agreement and we have got the political declaration, the most important thing is transposing that into a treaty as soon as reasonably possible. I think you will see why it will galvanise to help deliver that as soon as possible as well. Whitehall is a very technical and complex business—I have been on the civil service side and the ministerial side—but once you have got the destination agreed, actually Whitehall tends to welcome and rally to that strategic direction, and I am confident that it will again.

Q809 **Dr Whitford:** This is my last one. You were saying that obviously nothing is agreed until everything is agreed. Does that mean you expect the full future relationship to be agreed before next March so that we do get a



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Withdrawal Agreement and get the transition?

Dominic Raab: I think what we are looking at is a political declaration that my predecessor used to describe as—I am not sure I have a better way of describing it—"heads of terms" for the agreement. My view is that we would like to be very clear on the choice of the relationship and that it ought to look more like an instruction to the parties to get on and implement the model and effectively flesh out the detail, dot the i's and cross the t's. Crucially, we cannot sign it formally with the EU until we are a third party. My view is that we ought to be very clear on the choices that we are making; otherwise I think there will be even more scrutiny than we would expect in this House if people thought we were signing up to a Withdrawal Agreement but with a nebulous and unclear destination point.

Q810 Dr Whitford: But surely if we do not sign up to the Withdrawal Agreement as it is roughly looking, with some kind of fudge on the Irish question, we will lose the transition period and end up facing a deadline next March.

Dominic Raab: We will need to have the three elements in place by—we want to be in that position by the October Council. There may be a modicum of leeway, but that is the aim. Yes, you are right that we need in place all the bits of the overarching bargain that we described earlier in the session.

Q811 Mr Fysh: I have a quick question. Secretary of State, you mentioned your confidence in the talents of HMRC and the Foreign Office's ability to innovate. I am reassured by that, but why are you not as confident in their ability to manage the much smaller issue of management of different administration processes at the Irish border? After all, the volume of transactions at the wider border is more, by an order of magnitude, than across that small border area.

Dominic Raab: First of all, my point about innovation was in relation to not just Whitehall; the EU is at its best when it innovates. If I think of the evidence Jon Thompson has given from HMRC, I think you're probably right that actually the scale of the task could be manageable whichever models we chose, in terms of delivery. But the model that we chose reconciles the three key forks, if you like, of the strategic spearhead that we're putting in, which are frictionless trade at the border, to resolve the Northern Ireland issue and to allow us to have an independent trade policy. I think it's more at the strategic level that—we have chosen the model because of the strategic priorities that we have, but I certainly accept the point you are making that the implementation issues are more challenging the more innovative your approach.

Q812 Kelvin Hopkins: I have some questions about manufacturing. I hope you will agree that we have an appalling trade deficit on manufactures with the rest of the EU and that is something that has to be addressed. With respect to manufacturing, of course, the White Paper states that the common rulebook would cover "only those rules necessary to provide for frictionless trade at the border" and "all rules that...set the requirements for placing manufactured goods on the market," including "those which



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set environmental requirements for products". Unlike for agri-food, it sounds very much as though, effectively, all rules applicable to EU manufactured goods will continue to apply. Wouldn't this be a serious constraint on us?

Dominic Raab: I think you need to draw a distinction between those rules that will go into the common rulebook and those that are subject to different, level playing field arrangements; they are set out very clearly in the White Paper. I think we need to be very honest about this. In relation to the common rulebook and the impact on independent trade policy, there is no doubt that the more flexibility and freedom of manoeuvre you have, the greater your scope to offer concessions in free trade arrangements and negotiations, so there is certainly some pressure from that. Equally, I think the idea that the UK would junk swathes of its social protections or environmental protections is not very politically realistic.

The crucial advantage we have in relation to manufactured goods will be that we can control the tariffs. You have talked about—was it 10% on cars? In our free trade negotiations with the growth markets of the future, from Latin America to Asia, that would be something that would be negotiable. That, along with the flexibility we have around services, is, I think, the USP for the United Kingdom, in terms of the free trade space.

Q813 **Kelvin Hopkins:** I'm sure that the environmental requirements for products are something that we would agree mutually in any case; we wouldn't need to be told about it. But can you please identify for us the main types of EU rules that apply to manufactured goods that would not be part of the common rulebook?

Dominic Raab: The distinction that I wanted to draw is between those that are explained in the White Paper in relation to where we would sign up to the common rulebook, subject to the parliamentary lock, and those that are wider areas of social policy, where we would make level playing field commitments, whether they are non-regression or equivalents or whatever else they may be, but none the less where we would retain far greater discretion and autonomy. That is the distinction and it is set out quite clearly in the White Paper, albeit at a technical level.

Q814 **Kelvin Hopkins:** Could you not identify more specifically one or two types of these EU rules that would not be part of the common rulebook?

Dominic Raab: I think they are set out in the White Paper, but if there are any that you would want to quibble with me on, feel free, and I am happy to write to you.

Q815 **Kelvin Hopkins:** The White Paper promises "frictionless trade for the majority of UK goods trade". Why not all goods trade? What trade would encounter friction?

Dominic Raab: Well, our aim is to minimise the obstacles to trade. Sorry, I don't have the White Paper in front of me; which chapter and which paragraph are you citing?

Kelvin Hopkins: I haven't got it in front of me, either.

Chair: Paragraph 15.

Oliver Robbins: May I come in? I think that reflects, Mr Hopkins, that there are some goods today that for particular security and safety reasons are checked and there are, of course, as one of your colleagues pointed out earlier, existing excise and security checks at the UK frontier today that do not derive specifically from a product standard. I think the White Paper was simply trying to be scrupulously accurate that the majority of goods would not be checked, as they are not today, but some goods are checked.

Q816 **Kelvin Hopkins:** To conclude, when we first joined what was then the Common Market we were broadly balanced on trade with the other member states—a slight surplus perhaps. Since then, a chasm has opened up—a trade deficit enormously to the advantage of Germany in particular. Won't being outside the EU after Brexit give us an opportunity to start to rebuild manufacturing, to make ourselves a proper manufacturing state once again, and to deal directly with this trade deficit?

Dominic Raab: I would be a bit careful. Some of the issues around the German trade surplus are also tied up in the configuration of the eurozone and the wider EU rules, and the way they work with internal EU trade. I certainly think it is right to say that we have an opportunity on leaving the EU to recast the economy.

I remember, much as he has been in the news for different reasons, Mervyn King making the point in relation to the referendum that leaving the EU would create the opportunity for the economy to shift from a consumer-spending paradigm to a manufacturing/exporting paradigm. Obviously there are competing considerations, and the FCA is an attempt to reconcile those competing considerations, but that is certainly one of the opportunities of Brexit. I am glad to hear it cited in this Committee. I do not think that we should lose sight of the opportunities of Brexit, alongside the undoubted risks as well.

Q817 **Kelvin Hopkins:** I have to say that I think Mervyn King's views are very sound on all these matters, and I have read his words with great care, but there are two things we have not said much about. One, which we have given away in the past I think, is manufacturing aids or industrial aids. We have already said that we do not expect any change in the relationship; we would have the same constraints as the rest of the EU. The other thing, of course, is public procurement policies. Those are two areas where we could get quite substantial advantages if we approached it properly.

Dominic Raab: I accept your point. You will have seen the proposals on those areas in the White Paper. They are subject to negotiation, but I accept the premise of your question, which is that in lots of these regulatory areas where we do not, because we have a specific reason along the border given the economy and the geography of the UK, have the regulatory flexibility and autonomy that we are seeking post Brexit.



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That will give us all sorts of opportunities, while maintaining the kinds of social protections that I suspect across the parties we all agree we want to preserve.

Q818 Geraint Davies: Minister, there is obviously great concern that with Brexit there might be a reduction in environmental and workers' standards below EU standards. My understanding is that now the Government agree with the non-regression clause. Can you reassure us that there will be no diminution of environmental standards or workers' rights below those in the EU?

Dominic Raab: Yes, we have made that very clear, not just through the White Paper proposals but because of the effect of the EU (Withdrawal) Act—the snapshot that we take of EU law. Of course, we will try to make sure that we do not dilute any of those standards and do not give succour to any of those who are saying that there will be some kind of bargain basement Britain.

We also have the opportunity for smart regulation and to make sure that we configure regulation so that it protects all those vital equities in the social sphere and the environmental sphere that you have mentioned, but it does it in a way that is bespoke and effective for the United Kingdom. Some of these issues are global issues, of course, or have global standards, but the configuration of them in the UK will be very specific.

Q819 Geraint Davies: So that we are clear, clearly there is an undertaking that current standards will be maintained, but what about future standards? If the EU innovates and, for example, says that by 2030 all plastics will be universally recyclable yet we are saying 2040, or the EU says that all engines that are diesel or petrol and new engines will be basically stopped by 2030 and we are saying 2040, what does the non-regression clause mean? Does the non-regression clause mean that we have to keep up with the Europeans, or will we lag behind?

Dominic Raab: No, the non-regression clause in its ordinary meaning means that you do not step back from the standards that you have got at the moment. I think that is fairly well understood in the sector.

Q820 Geraint Davies: Right, so if the EU requires much higher environmental, worker and social standards in the future, and we do not match those, won't it accuse us of unfair competition? Environmental costs would be less, for instance, for manufacturing. Enhanced workers' rights will impact on costs.

Dominic Raab: I'm not worried about what we might not be accused of in the future. What we said on social employment protections is that we would bring high levels of protections through non-regression on domestic labour standards. As we progress and we come up with different challenges, or we want to ensure that we deal with different issues that arise, elected Members of this House—myself, yourself—will be accountable for those decisions. I am not quite sure, precisely because you and I attach such high importance—even though we may have



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different perspectives—why you would abdicate that decision for the future to the EU. Why would you do that if you think it is so important?

Q821 Geraint Davies: I don't know. I'm not sure you're answering the questions. Say you are going to agree a non-regression clause now, where you say, "Okay, we agree that we will keep all the existing environmental and worker rights at the moment, but we will not for the future." Later, you might not agree to keep the environmental standards, and it might be the case that businesses say, "We can't afford four weeks' free holiday for everyone in the UK because of the tariffs we're facing." The Government might want to cut workers' rights and environmental standards. You are saying that a future Government will not have that flexibility.

Dominic Raab: It's very straightforward, Mr Davies. We have said that we will not step backwards or go backwards in terms of the level of protections. In terms of the future, we would have regulatory control over the new challenges and issues that might arise in the future. It would be a dereliction of our responsibilities as a Government or as Members of Parliament in this House to somehow give a blind commitment to follow the EU and a regulatory track without knowing what rules they would apply and what issues they would raise.

Geraint Davies: But—

Chair: I think that's enough, Geraint.

Q822 Stephen Kinnock: Thank you, Chair. Thank you, Secretary of State and Mr Robbins. We have talked quite a lot about the Chequers deal. The Chair referred to the interview that Mr Barnier gave to the *Frankfurter Allgemeinen Zeitung*. Secretary of State, you have described that as him grumbling about certain bits of it. I think that was the quote that you gave. I think you also said that it is not the first time that the UK and the EU have disagreed about something in terms of the negotiation. The implication is that you think that Mr Barnier is just sabre-rattling and that this is a negotiation ploy.

I am a member of the Select Committee on Exiting the European Union, and we went to meet Mr Barnier on Monday. I can tell you absolutely unequivocally, without a shadow of a doubt, that Chequers is dead in the water. Mr Barnier made it crystal clear that Chequers is completely unacceptable to the European Union, and he gave two reasons for that. At the heart of the Chequers proposals is the facilitated customs arrangement and the rulebooks. On the FCA, he said clearly that it is unthinkable that the EU would delegate responsibility for collecting tariffs to a third country in the way that Dr Whitford was interrogating earlier. It is not going to happen. On the rulebooks, he made it absolutely clear that 20% to 40% of the value of goods that are traded is in services in the modern economy with integrated supply chains. It would be unthinkable to potentially allow British businesses to have unfair competition if they are signed up to a common rulebook in goods, but not in services. I want to underline that your starting point needs to shift. It needs to become



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that Chequers is dead in the water. Can you outline what a plan B might be?

Dominic Raab: First of all, I think it is great that the Select Committee went out there. In a negotiation, one side will try to resist certain aspects that they are uncomfortable with. I am not sure why we would take it as read that that means it is, in your words, Mr Kinnock, "dead in the water". Equally, I think you need to be clear about the extent to which MPs in this House will, quite naturally, be used as a pressure exercise on the Government. We are clear that we have come up with an innovative, ambitious set of proposals, but they involve compromise on our side, so of course we will expect to see some compromise on the EU side.

In relation to the goods/services distinction—I am going to ask Olly to chip in here—I'm pretty sure the EU's approach in other areas is to follow or accept that distinction. Correct me if I'm wrong.

Oliver Robbins: If I may, Mr Kinnock, I would just like to supplement what the Secretary of State said. We are not accusing Mr Barnier of sabre-rattling. We are in a deep conversation with him about the proposals we have put forward, and he is advancing challenges and criticisms of them—you would expect that.

To tackle a couple of the points you mentioned, the issue of the UK taking responsibility for the customs border to some extent on behalf of the European Union is, of course, exactly what the Commission proposed in its protocol to the Withdrawal Agreement in respect of Northern Ireland. The question we are trying to tease out with the Commission is: what is so very different about the arrangement that it put forward in that context, and why is it so impossible in the context that you described? As the Secretary of State mentioned earlier, there are other examples—for instance, in Turkey—where that has been deemed to be both legally and operationally doable. The question is: what reassurance do both parties need that that can work effectively?

The goods and services debate, as the Secretary of State said, is in danger of becoming a bit confused. There are two issues that are raised here—if you don't mind me continuing for a second. One is that when a good is sold across the border, it often comes these days with a package of services—particularly for complex, high-value goods. How is it possible to regulate the good in such a way that it moves freely if, for instance, the maintenance package or financing package is not regulated in the same way? We have had a good discussion about that with the Commission, and I think it would accept that the answer to that question is in how the EU chooses to regulate services in the future. There is no requirement for services to be regulated at the border. If the lift or the engine comes with a maintenance package, and they want in the future to regulate that maintenance package in a particular way, they will have the autonomy to do that. It will be up to us to decide whether we want to do it in a similar way or a different way.



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The more complicated question—which I respect, but think is being overblown, if I may say so—is the extent to which, when the lift is sold across the border, some percentage of its value is in the legal costs, the engineers’ fees and the other services that went into the construction of the thing. Well, that is the case in CETA, the EU-Japan trade deal and every other trade deal that the EU is doing. I am struggling to understand, honestly, why that is such a significant blockage to the proposition that we are putting forward.

Q823 Stephen Kinnock: The point Mr Barnier made was that there seems to be a fundamental misunderstanding on the British side of the way the single market and the customs union work. They are an “ecosystem”—that is the word he used. They are fundamentally and intrinsically linked. You cannot start to unpick regulatory alignment in the single market from the measures and the *acquis communautaire*, in terms of the customs union. There seems to be a fundamental difference of opinion about how the single market and the customs union actually work.

We have got 42 days until the October summit. I don’t know when you last had a conversation with Mr Barnier, but I spoke with him on Monday, and he made it absolutely clear that this isn’t going to work. Do you not think it would be responsible Government to have a plan B in mind, assuming that we take Mr Barnier at his word that this is dead in the water?

Dominic Raab: I think you’re being drawn in too much to the pressure exercise that I described earlier.

Q824 Stephen Kinnock: I’m just reading you a verbatim report of what he said.

Dominic Raab: In fairness, I had three meetings with him in August alone—the last one for over half a day—and I am going back out this week. I do understand at first hand what the EU’s position is. Equally, he has made some very positive noises and remarks—most recently, on 27 August—about wanting to offer Britain a partnership such as there has never been with any other third country. That was interesting, because it reflected a sense that we will do something innovative. The EU can be innovative in the way that Olly described—CETA is an example. I have made a point of stepping up the amount of time and the regularity with which I engage with him, precisely for the reasons you mentioned.

But the EU is not either one individual or the Commission. To use your words, it is the ecosystem as a whole. From the Irish Taoiseach to the Latvian Foreign Minister, from the Danish Finance Minister to the Polish Foreign Minister, we have had lots of positive feedback. But you are right to say two things. First, we are challenging some of—if I can put it like this, the dry, legal dogma that goes with some aspects of the EU in some quarters. Secondly, beneath all of this—in a way you have faithfully conveyed—there is a slight nervousness that the UK might rather do well and establish a competitive advantage on the EU. That ought to give people in this Committee Room and the wider public a sense of confidence, but of course that is something that the EU needs to be very



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mindful of. We are seeking to strive for an outcome which is good for them and good for us. We are not going to tie our hands from thriving when we leave the EU.

Q825 **Stephen Kinnock:** On the next stage of that conversation, Barnier was asked, "Given that Chequers is dead in the water, it seems that you are saying to us that it will be some kind of CETA-based deal," and he agreed with that.

Dominic Raab: Can I just check, you said "dead in the water". Are those your words or his?

Q826 **Stephen Kinnock:** It was all in French, so I can't give the exact French translation.

Dominic Raab: So these are your words.

Q827 **Stephen Kinnock:** It will all be published. It was a public session, so I would be very happy to share—

Dominic Raab: I would be very happy to ask him whether he used the words "dead in the water". I just want to be clear whether it is your characterisation or whether you are saying that he said it.

Q828 **Stephen Kinnock:** He said, "Les propositions sont mortes".

Dominic Raab: Okay.

Q829 **Stephen Kinnock:** Something like that. "In the water" was an Anglicism. But the key point is that he then said, "We refer back to the models of the relationship that we think can work, based on the British red lines." If Chequers is not going to work from the EU's point of view and we go back to the red lines, then that leaves us with a CETA-based deal. But of course, it's CETA plus the backstop, as you have rightly pointed out, and CETA plus the backstop is not acceptable to the British Government. So where does that leave us, based again on the fact that the clock is ticking? We have 42 days until the October summit, but in reality there will be a preparatory process, which will kick in at least three weeks before that. I do not know what your estimate is of what you need to have on track for the October summit—I estimate it at about 25 days. What are we going to do if you are not able to sell Chequers to the EU and CETA plus a backstop doesn't work for the British Government? What is the plan B?

Dominic Raab: We've been very clear. First of all, we are not going to roll over just because there is some traction static on what we think is not just a good deal for the UK, but a good deal for the EU. Equally, we have also made clear that if we don't see the ambition, the pragmatism and the energy that we are genuinely trying to bring to this negotiation, to bridge the gap with our EU partners, it is right to say that we will need to be prepared for the no-deal scenario. That is why we have been patiently doing the work we have on the legislative front, the institutional front and the technical notices. But we are overridingly committed to the positive deal. We think our proposals set out a good framework. I don't accept the



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characterisation that you have put on it, Mr Kinnock. But of course, I am not surprised that in this negotiation there will be some pushback from Michel Barnier or other quarters of the Commission.

Chair: Thank you very much. A very quick one from Marcus Fysh and then we must move on.

Q830 **Mr Fysh:** It is a quick series, Chair. Was an economic assessment, Mr Robbins, presented to the Cabinet at Chequers of the different options between, for example, the CETA-plus and the no-deal?

Oliver Robbins: I must, I am afraid, preserve the confidentiality of the Cabinet process around this. As I tried to explain in response to earlier questions, very thorough pieces of work on a variety of options were presented to Ministers.

Q831 **Mr Fysh:** Was the economic work updated since the cross-Whitehall briefing in January?

Oliver Robbins: I'm sorry; I must refer you to the answer I have just given. I cannot breach the confidentiality of what was presented to Cabinet and how Ministers then took that advice.

Q832 **Mr Fysh:** Has the Government done any more economic assessment of the options since the cross-Whitehall briefing?

Oliver Robbins: The Government has committed that when it brings back the proposition to Parliament, it will again present its analysis.

Chair: You won't answer it. What about Mr Raab?

Q833 **Mr Fysh:** Has it done any that you are aware of since then?

Oliver Robbins: I promise I am not trying to tell you anything other than what is normal practice here. The Government Economic Service is looking at a range of scenarios. It constantly updates the assumptions behind its analysis, and that is ongoing.

Q834 **Chair:** If you are not going to answer it, will Mr Raab answer it?

Dominic Raab: I cannot vouch for what happened before, but we have made it very clear that there will be the economic analysis that, as we go into the meaningful vote, and once we know the contours of the deal, we will present.

Q835 **Mr Fysh:** So have you, Secretary of State, seen any updated economic analysis since the cross-Whitehall briefing analysis?

Dominic Raab: Well, this is an iterative process, and even this week I have been involved in commissioning the work that we are doing on this, and of course there are all sorts of data sources, some publicly available and others that we will require. So you can see some of those—whether it is Treasury, OBR, Bank of England—but there are also, I think, important specific sectoral areas that we will need to look at very carefully to make sure that we give Parliament as full, but also as reliable, a picture as possible.



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Q836 **Mr Fysh:** So have you seen any updated assessments of the non-tariff barrier numbers that were in the cross-Whitehall briefing in January?

Dominic Raab: I did not see the January one, so no, I have not seen an updated set.

Chair: Okay, I think that is that for the time being.

Mr Fysh: Well—

Chair: If you want to ask one more—but it is now six minutes past 4. We are finishing at 4.30.

Q837 **Mr Fysh:** Am I right, though, in saying that that work has not then been updated, since then, to your knowledge?

Dominic Raab: Well, I was not familiar with the original work, because I was not in post at that time, so I am not sure I—

Q838 **Mr Fysh:** But it was leaked and it was part of the evidence to the Committee, so you have seen it.

Dominic Raab: I do not comment on leaks, Mr Fysh, but if you would like—

Q839 **Mr Fysh:** My point, Chair, is that at Chequers a decision was made to adopt the Chequers proposal on the basis of an economic assessment that had not been updated since January, where the non-tariff barrier elements were incredibly controversial—massively overestimated. Are you not concerned that Chequers was therefore adopted on a frankly incompetent basis?

Dominic Raab: Again, I cannot talk to the decision making at the time because I was not there and it would not be credible or reliable to try and look back in hindsight in relation to a room where I was not present; but what I am happy to do is, on the specific question about the updating, follow up and to check.

Chair: If you could do that and let us know: I think that is as far as we can go for the moment.

Dominic Raab: Can I just make one small suggestion? I know we are short of time, but actually my private office will liaise with your Clerks to make sure we have got a clear agreed list of the follow-up points, because I do not like to walk out of this—

Q840 **Chair:** And if there is anything further, for example, that Mr Fysh wants to ask, or any other member of the Committee, we will make quite sure that that gets to you, and you can then reply in writing, okay?

Dominic Raab: Well, if you have got any fresh questions after this—

Chair: I am sure we have.

Dominic Raab: You should write.



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Q841 Chair: We will. On the question of the Court of Justice, the Government's proposal regarding the ending of direct jurisdiction means that in practice it will fail to remove the very significant influence of this Court even when we do not even have a judge on that Court itself. Now you are very familiar, as a lawyer yourself, as I am, with Martin Howe's work on all this, and I just wanted to get a sense from you as to whether or not you are happy with this situation; because section 3 of the European Communities Act places an obligation on us to accept the European Court's decisions, including constitutional assertions of supremacy over our constitutional arrangements, as with other member states. I just want to get from you a clear answer as to whether or not you feel that the fact that you are claiming that there will not be any direct jurisdiction really is a distinction without a difference, because in practice we are going to end up accepting the binding interpretation of the European Court's rules, through the mechanisms that have been created.

Dominic Raab: No. I think it is a distinction with a fundamental difference, in that it is true to say that where we agree co-operative arrangements or on citizens' rights there is scope for references so that we have commonality of interpretation and consistency of interpretation. I can think of lots of reasons for the British national interest why we would want to maintain that—for example, on the common interpretation of the protections for citizens' rights. That is different, in terms of clarity around points of interpretation, from saying that the ECJ would have jurisdiction to decide disputes over the United Kingdom, both in relation to the checks in place, any references from the UK courts or the UK courts taking due regard of any case law, and right the way across the arbitral mechanism that we have described, the detail of which is set out very clearly in the White Paper. That distinction is held very clearly and firmly. As I said to you before, I think it is a balanced, sensible approach. It takes care of all the equities of those who have been concerned about the role of the European Court, while making sure that we have a sensible, practical approach to consistent rules where we choose, to make sure that we are bound by them.

It has to be said that in terms of the overall scope of law-making and regulatory application in the UK, it would be a massive diminution in the scope of any CJEU influence. On that point I respectfully disagree with Mr Howe; I think it is an important distinction with a very big difference.

Chair: Well, we will follow this one up, so let's not flog it to death right now. As far as I am concerned, you will have quite a few further questions to answer on that later.

Dominic Raab: I'll look forward to it.

Q842 Chair: On the question of arbitration, deciding whether an EU rule is equivalent to an UK rule will require that rule to be interpreted as an EU rule. From what you are hearing, will the EU side accept that this can be done by the arbitration panel that you have settled on as your proposal?

Dominic Raab: I would need to be a bit careful about saying that the EU has signed up to things when we have not yet formally agreed them, but



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what I can say—what I have tried to convey is a balanced approach—is that it is something we are making good progress on, and I am confident that it not only respects the democratic prerogatives that you, Mr Chairman, and I want to see returned to this country, but also respects the autonomy of the EU order.

Q843 Chair: Okay. On the question of explanatory memorandums on the rulebook changes that may be proposed by the EU, which are very much part of our scrutiny process, why can't you supply these to Parliament as soon as the Government are notified of them, to allow time for proper scrutiny and allow Parliament to give its views on the merits of the changes at an early stage? This is going to become a very contentious issue for us. I want a very clear answer to that, because we are going to follow this one right through.

Dominic Raab: If you can write to me or I can follow up, I will give you a detailed answer. I would need to check to make sure that my understanding is accurate, as I think it is.

Q844 Chair: The parliamentary lock is more apparent than real, isn't it? I have been on this Committee 33 years, and never in that 33 years have I ever come across a single proposal that has come from the EU to be overturned in the Standing Committee—actually, it was once, but that was a mistake by the Whips. It basically just does not happen. The idea that we will enter into international obligations and then it will be offered to us that we can have a veto or a parliamentary lock is, to say the least, improbable in the light of past experience. It just has never happened. So what is this parliamentary lock?

By the way, the Prime Minister wrote a pamphlet in 2007, which I encourage you to read, in which she said that she thought that the EU scrutiny process in terms of parliamentary sovereignty was basically a fiction. I think she will be hoist by her own petard on this one if she persists in the idea that the parliamentary lock will be effective. If it really is a veto and we really will have the mechanisms, and the Whips are going to be told to get lost and that they will not be allowed to tell members of Committees that they cannot make up their own mind about these things, and we are going to have free votes on the floor of the House of Commons and all that, let me hear you say that, please.

Dominic Raab: I think first of all—

Chair: We get it, by the way.

Dominic Raab: What you are talking about has to do with the scrutiny arrangements that this House has and whether they will need to be improved or innovated as we leave the EU, based on the deal that we do, and also, fundamentally, with the decision-making process of individual Members of Parliament. That is not a decision for the Government. That is really—

Q845 Chair: That, Secretary of State, as you well know, is a pretty disingenuous remark, because for practical purposes—we have been



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through this for God knows how long—the bottom line is that when the Whips decide, on the instructions of the Government, to press on with something that is an international obligation, the threat of consequences, as it is put, is a threat of consequences not just in terms of the outcome as a matter of law, practice or policy, but for the Members of Parliament if they do not do what they are damn well told.

Dominic Raab: I certainly think it is correct to say that, in relation to a parliamentary lock, we want to make sure that there would be consequences if we did exercise it in a way that vetoed a rulebook that we had signed up to. That rulebook is relatively static—

Q846 **Chair:** It has all been decided by the EU behind closed doors—by the 27 other member states. We are not even there. It is crazy.

Dominic Raab: I thought this was a session where you would ask questions and I would give answers, in which case, I am happy to do so.

Chair: Yes, but I am asking a question that is rhetorical, and I am sure you can answer it.

Dominic Raab: I am happy to sit here silently and acquiesce in your rhetorical questions. Actually, since 2010, there has been a whole range of intense debates on the EU, and scrutiny. As a Back Bencher, I voted against EU matters. I think you are underestimating the will and the vim and vigour of MPs in this House, but of course Whips try to conduct the business in the usual way. That is what the separation of powers is all about.

Q847 **Kelvin Hopkins:** With up to £40 billion legally due to the EU under the Withdrawal Agreement, should that agreement not include very clear and explicit wording that that payment will cease if a future arrangements agreement, in line with the political declaration, is not secured in good time? Is that £40 billion not a pretty good bargaining chip at the moment?

Dominic Raab: I would not want to describe it like that, because we are in a negotiation and there is a number of considerations here. We have our strict legal obligations and we are a country that pays our dues. It is certainly true to say that it is an important part of the certainty of the arrangements that the EU derives from this deal, and that is something that is very important to them. It is not just the quantum of the money, but the rate at which it is paid. It is often underappreciated that the regularity and rate of payment is incredibly important to the EU. It is true to say, as I have said before, that there is no deal until you have the whole deal, and there needs to be some linkage—some conditionality.

I want to tread very carefully here, because I am confident that we can get a good deal, and I want to go into that expecting to be a) willing on our side to comply with the obligations that we undertake and b) confident that the other side will do the same. I am not going to go into a deal-making process expecting one side to welch.

Q848 **Kelvin Hopkins:** I am aware that politicians in some of the recipient



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nations in the EU are demanding more money from the EU budget and are being told that there will be less money from the EU budget and that they will face cuts. A factor in that has been said to be the loss of the net UK contribution. Does that not put even more pressure on? If they want to get the extra cash, they will have to be nice to us to get the £40 billion.

Dominic Raab: Perhaps, but one would not want to crow about it.

Q849 **Richard Drax:** Before I ask my question, can I go back to CETA-plus? If the one sticking point is the fallback, or whatever we call it, for Northern Ireland, and, as we have heard, we have conceded a lot in the negotiations, and the Chequers deal is dead in the water, to use my colleague's expression—that may or may not be the case, but everyone is saying that it is flawed—is it not time for the United Kingdom to stand up and say, "Enough is enough"?

Dominic Raab: What I was trying to do in relation to the CETA-plus offer was to be very clear on what the EU offer meant. There are all sorts of different possibilities that people can speculate on. I agree, Mr Drax, with your depiction to this extent: we have put forward to the EU a very ambitious, innovative set of proposals. You can see that there has been compromise on our side—I am sitting and giving evidence before you because it has been painful, politically, on our side. We need to make sure that we approach these negotiations in that spirit of good will and compromise, but it is absolutely right to say that now is the time for the EU to move and to match that spirit of the ambition for the future and that pragmatism.

People will get nervous the closer we get to the wire, but I am absolutely confident that we can get there if that ambition and pragmatism is matched. Equally, as you know, we are preparing to make sure that, whatever the outcome of the negotiations, the country is ready not only to manage the risks—that will be important; we ought to be honest about that—but to go forward, seize the opportunities and take this country from strength to strength.

Q850 **Richard Drax:** Good speech. If in time it is proven even to you, Minister, that this deal is a non-starter, will you then have the courage to stand up and say that we must change tack, to CETA-plus or whatever, and get rid of it before we get dragged to a place that we just do not want to be?

Dominic Raab: We are committed to the Chequers proposals. Yes, there are some challenges, as Members on both sides of the Committee have explained—particularly on the FCA and the economic partnership—but there have also been large areas of progress. Again, some of those were in the *FAZ* interview that Michel Barnier gave. People obviously picked up on the negatives, but some of those have been itemised in relation to the press conference that we had. I am in the business of building on the pluses and the issues that we have resolved and concluded, and whittling away at the outstanding bones of contention. I am going into this aiming for the optimum outcome, but as we have said, if our pragmatism is not matched, we are prepared for the "no deal" scenario.



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Q851 Richard Drax: Can I quickly move on to farming, because time is short? I refer to my entry in the Register of Members' Financial Interests in this regard. In evidence to us on 18 July, the Secretary of State for Environment, Food and Rural Affairs agreed that publishing the rules falling within each of the baskets—harmonisation, equivalence and divergence—would assist the clarity of the debate and the proposals in the White Paper. In a subsequent letter, he told us that that would not be possible due to the sensitivities of the negotiations. What details can Parliament expect the Government to provide on what rules it proposes to copy and what rules it proposes to seek equivalence with?

Dominic Raab: I am sorry, but partly because I am not familiar with the exchanges that you cite, and partly because I am not familiar with the DEFRA competence, I will need to come back to you on that.

Chair: We are going to come back.

Q852 Richard Drax: Michel Barnier's comments following the publication of the White Paper suggest that more detail on what the UK envisages has been provided to the Commission than to the UK Parliament and UK citizens. Is that true?

Dominic Raab: I was not Secretary of State at the time of the Chequers decision-making process. We have published all of the White Paper proposals, and obviously in the course of the negotiation we talk through and answer questions that they ask. However, I don't think there has somehow been more information in the European domain than in the UK domain, not least because of the scrutiny provided by the House, whether through Select Committees, statements that we make to Parliament—I made one yesterday—or the countless debates we have had.

Q853 Richard Drax: Finally, how do you respond to Michel Barnier's argument that the EU cannot protect its consumers if the UK does not follow EU rules on GMOs and pesticides? Again, do you want to write to us about that?

Dominic Raab: Sorry—they cannot protect their consumers?

Richard Drax: If the UK does not follow EU rules on GMOs and pesticides.

Dominic Raab: I simply do not accept the premise of the argument, but I do not want to take those comments out of context.

Chair: We can probably resolve this one in correspondence. It is also to do with Mr Gove's own position, so maybe we could do it that way.

I ought to say that we are running pretty short of time. I would be grateful if you could just hang on a bit longer. We have two or three more questions. I appreciate that there are pressures on your time, but we are engaged in a—

Dominic Raab: I shall of course stay on as long as you need, not least because I am speaking to the 1922 committee later.



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Chair: Absolutely. I am sure you will get there in good time.

Q854 **Andrew Lewer:** Going by the explanatory memorandum that has been submitted to us and the White Paper on the future relationship, the Government have not taken a decision on participating in nearly 30 different EU funding programmes under the multi-annual financial framework 2021-27. There is a huge range, including things like apparently you have not decided whether you want to participate in the European Solidarity Corps, and there are others of slightly more convincing value, such as Erasmus. Can you confirm that any such participation will come at an additional cost to the financial contribution already agreed as part of the Withdrawal Agreement?

Dominic Raab: The state of play is as set out in the White Paper. If there are any specific areas of co-operation that we have not covered there that you think are missing or that we should be thinking about, feel free to write to me and I will be happy to respond. The financial settlement relates to the Withdrawal Agreement, but that has been agreed now. It is true to say that what we decide in relation to the future relationship will need to be looked at very carefully depending on the level of participation we want and, ultimately, that the EU is willing to countenance.

Q855 **Andrew Lewer:** You have said several times today that this £40 billion is already agreed and it is out the way. You have also said several times that we are involved in a negotiation and nothing is agreed until everything is agreed. Which is it? Is this £40 billion on the table as part of getting a deal, or is it already agreed that you will hand all that over, and you are just hoping for a deal if the EU is feeling in a good mood?

Dominic Raab: It is certainly not that we are hoping that the EU will just be in a good mood. Obviously, if, for example, we continue to take advantage of joint projects as part of the future relationship that create an additional financial burden, that is not something that has been factored in. That would need to be taken into account. What you are talking about there are things where there is a clear UK national interest. We want to do so for all the reasons that will be familiar.

Q856 **Andrew Lewer:** Given that the multi-annual financial agreement is coming close to negotiation in the EU and needs to be agreed fairly soon, how soon will you have to be clear about which of these programmes you want to be part of? How soon will everyone else, including those scrutinising you in Parliament, be aware of which you are interested in?

Dominic Raab: Well, by the time we do the deal.

Q857 **Andrew Lewer:** By October/November?

Dominic Raab: I have set out what I think the timeframe is, but obviously we will need to be very clear when we come to have the meaningful vote on all those areas of agencies or regulatory co-operation where we want to participate and where we have agreement on them.

Chair: Darren Jones, you wanted to ask a question on internal security and another one. Over to you.



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Q858 Darren Jones: Thank you, Chair. In the two minutes remaining, may I move the debate to security issues? Given today's announcement by the Prime Minister, no doubt they are the most important in our minds. Secretary of State, we have a feel for progress in terms of the Withdrawal Agreement and the trading relationship. Could you just give us a percentage of things that need to be agreed, to give us a sense of how far we are in getting agreement on the key components of the security partnership?

Dominic Raab: We have made good progress in that regard. If you look at the press conference that Michel Barnier and I gave on Friday, you will see in particular we talked about progress in relation to PNR and Prüm data sharing, and extradition, which on all sides will be an area of interest. There has been broader co-operation in relation to external security; I think I quoted earlier from the *FAZ* interview that that is an area where there is large convergence of agreement, at least on the categories of co-operation that we want to have. Michel Barnier also mentioned in his press conference the progress made and the increase in the offer made in relation to Galileo.

Q859 Darren Jones: In terms of 100% of things that you want to agree, can you give us a feel of how far down the track we are?

Dominic Raab: The original 80% of the Withdrawal Agreement was a term that the EU used and we agreed it. I am not sure yet whether I would be able to give you a percentage on the future relationship, but I can say that on the security area, we are in a good place. It is not as ambitious yet as I would like it to be, but there is a distinction in approach. I do not say it with any criticism, but it is worth understanding this in terms of the dynamic of the negotiation: the EU tends to look at the legalistic starting point; the UK looks at this, and I look at this—and the Prime Minister has said that Europe's security is our security—as what is the level of operational security co-operation that we have got? Why would we want to diminish that? And how can we make sure that we retain as much of it as possible, because the safety of citizens comes first?

Q860 Darren Jones: Our police services, for example, have access to 32 law enforcement and national security measures. How many of those have we signed off?

Dominic Raab: We will be negotiating an arrangement as a third party, so that is a paradigm for a member state. However, the areas where we have made most progress are data sharing and extradition, and I think we are also having a sensible and constructive conversation on those areas like Eurojust and Europol, where we want to maintain strong links. Quite what the formal mechanism is remains to be seen.

Q861 Darren Jones: Maybe you could write to us on the detail of progress, because the police officers working on the operational basis every day, who use these 32 different measures, will obviously want to know whether they can carry on using them or not. For them, that is quite



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important.

On the question of data—I declare my interests in the register on this particular point—how much progress have we made on, assumedly, an adequacy agreement on data sharing? Is that the intention—an adequacy agreement?

Dominic Raab: That is a Withdrawal Agreement issue and I think that we are making good progress in that area.

Q862 **Darren Jones:** So, if the Withdrawal Agreement doesn't pass, there will be no agreement on data sharing?

Dominic Raab: Well, we will go back into the "no deal" scenario with the technical notices that apply, and we will say more about that in due course in relation to that sector.

Q863 **Darren Jones:** Actually, there has not been a technical notice on the exchange of data, has there? That was not in the initial batch.

Dominic Raab: We are a third of the way through the total batch—total volume.

Q864 **Darren Jones:** It was reported in the press that Europe said that from their perspective no work should be started on the adequacy agreement "until the Withdrawal Agreement has been agreed and ratified", which makes it sound as if it is an issue for the implementation period. Is that right?

Dominic Raab: Sorry, are you talking about a "deal" or a "no deal" scenario?

Q865 **Darren Jones:** In terms of an adequacy agreement on data sharing. So, no work on that—

Dominic Raab: In the "deal" scenario or the "no deal" scenario?

Q866 **Darren Jones:** In either.

Dominic Raab: I think we would want to make sure the arrangements were in place as soon as possible in the "deal" scenario and, as I have said, we are making good progress. In the "no deal" scenario—this is not just true in this area, but across the board—one of the things that we have said as part of our technical notices, and I have written to the Commission about this, is that there are some areas where we have good collaboration and good exchanges about what level of co-operation we would need to mitigate the risks of short-term disruption. ECB-Bank of England working groups are one example of that, but we need to see that mainstreamed a bit more into other areas and we have written to the Commission about that.

Q867 **Darren Jones:** So we have started the negotiations on an adequacy agreement; we have just got to get through them. Is that right?

Dominic Raab: Certainly, in relation to the Withdrawal Agreement, the data protection issues, in the way I have described, are five months. In



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fact, I think that if you look you will see that Michel Barnier referenced that in his press conference as well.

Q868 Darren Jones: Okay. Thank you, Minister.

All of this stuff, whether it is on security, trade or anything else, is clearly very complicated, and I and others have made the point that a question of whether we should remain in or leave the European Union perhaps does not give a clear mandate on how one ought to administer these points. Something that I struggle with is that we learned before summer recess that this referendum campaign was fought on the basis of an illegal campaign; the Electoral Commission showed that rules were broken. Does it cause you any angst to be implementing these quite wide-ranging and potentially disastrous solutions on the basis of illegality?

Dominic Raab: No, I do not accept the premise of the question. Obviously—

Q869 Darren Jones: You do not accept that there was a finding of illegality by the Electoral Commission? That is a question of fact.

Dominic Raab: Can I give the answer before you jump in with a supplementary question? Obviously, any impropriety in relation to the campaign, and there have been allegations made on all sides, needs to be rigorously investigated by the Electoral Commission; that is their decision. However, if what you are trying to do is to undermine the credibility of the referendum based on that, then, no, I do not accept the premise of the question.

Q870 Darren Jones: The fact is that the Electoral Commission has found there was a breach of the rules, and actually if this was a general election, a local election, a European election or indeed a referendum in a local council, this referendum decision could have been voided in the High Court, but those rules do not apply to national referendums. That is true, isn't it?

Dominic Raab: Well, you are complaining about the rules as they are, but we are following them and we are going to give effect to the referendum, because it was the decision of the British people. And in fairness, notwithstanding the seriousness of any impropriety, I don't think any of that would have vitiated or invalidated the decision of the British people.

Q871 Darren Jones: I appreciate that you probably cannot answer my question, but I will make the point that this is based entirely on an illegal campaign and that just seems completely nonsensical to me, but thank you for answering my question.

Dominic Raab: Well, do feel free to do your posturing, but I am here to answer questions.

Q872 Mr David Jones: To pursue the issue of the "no deal" scenario, first I would like to understand what the Government mean by "no deal". Your predecessor said that the possibility of a complete "no deal" was, as he



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put it, off the scale improbable. He said that even if the current negotiations were to break down completely, there would still be last minute deals covering such issues as aviation, data sharing and maybe nuclear. Is it the Government's position that "no deal" means walking away without any deals of any sort at all or is a "no deal" scenario one where you do cover these issues, and maybe some other issues, that need addressing?

Dominic Raab: I think it is a very good question, Mr Jones. I do not want to talk up a "no deal" scenario because the top priority, the overriding priority, is getting a deal. But I think it is true to say that in a "no deal" scenario there are various forms of collaboration that can and possibly should take place. We in our technical notice set out the unilateral action that we will take to avoid, mitigate or manage risk. It is also true to say that we can take action in co-ordination with either EU institutions or indeed member states, so that would be one possibility. At the same time there could be, theoretically at least, MOUs or even what has been referred to as "no deal" deals. We are not at that stage yet. Obviously, we are spending the lion's share of our energy and efforts on our top priority—

Q873 **Mr David Jones:** Sorry, your top priority being?

Dominic Raab: Securing the deal that we are confident we will reach with the EU.

Q874 **Mr David Jones:** À la Chequers?

Dominic Raab: Yes. We have also been in communication with the Commission to say that some of this collaboration, as we get close to the wire, needs to take place because, come what may out of the negotiations, we have got a responsibility to our businesses and citizens. Of course we can set out what we would do. The stuff that requires mutual agreement, even the "no deal" scenario, requires agreement from the other side, but obviously I think that some of the things that you have mentioned would be perfectly sensible.

Q875 **Mr David Jones:** So just to clarify, are you in those discussions yet, or are you contemplating entering those discussions sometime soon?

Dominic Raab: There is already—I gave the example of the ECB-Bank of England co-operation—some engagement going on, but I think we will need to make sure that in other areas there is either co-operation or acquiescence in making sure that "no deal" planning can be done. It is the responsible thing to do, even if we are at pains to avoid it.

Q876 **Mr David Jones:** So, Mr Robbins, given that you have been there some time, what discussions have you been involved in with the European Commission about bilateral, so to speak, emergency measures?

Dominic Raab: Well, Mr Jones, if I may just say, as a matter of propriety, Olly is focused on the negotiating track, and it is a different bit of the Commission that deals with most of the "no deal" planning, and that would fall to me as Secretary of State.

Q877 **Mr David Jones:** If I may ask you, then, are there officials dealing with



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the Commission on that basis?

Dominic Raab: We have got, through UKRep and through our domestic officials, lines of communication, but, as I have said, there are areas where there is a working group that the Bank of England has with the ECB, areas where that engagement is already formalised, and there are areas where it needs to go further. I want to make sure, notwithstanding our focus on getting the deal and our confidence in getting the deal, we are ready for all eventualities. So yes, some of that needs to be stepped up.

Q878 **Mr David Jones:** And that would be incorporated into a formal agreement? Is that what you envisage, should there be a “no deal”?

Dominic Raab: I think I answered that in an earlier question. We are not anywhere near that yet. It could be done through co-ordinated unilateral action. It could theoretically be done through an MOU, or you could have some form of agreement as well, so all of those modes would be open. But ultimately the ones that do not require unilateral action, that depend on mutual action, would require the EU to either acquiesce or co-operate.

Q879 **Mr David Jones:** Yes, they would either have to co-operate or acquiesce, but it seems to me that we are now at a point where we are only six months and a bit away from exit day. Those discussions are at a fairly early stage. Would it be fair to say that?

Dominic Raab: I think that if you are talking about discussions across the board and not just between the EU institutions and the UK, but the member states and, for example, port authorities, no, those discussions and those engagements have taken place. It is true to say, in relation to the Commission—and I have recently written to make sure—that we are, on both sides, mindful of the need to prepare in collaboration and in co-ordination.

Q880 **Mr David Jones:** And if the EU would not play ball? If they would not enter into those discussions, clearly it would have to be unilateral arrangements by the United Kingdom. That is right, isn't it?

Dominic Raab: It must be correct, if the EU do not want to sign an agreement or co-ordinate activity, and that is what the technical notice is about. There are different layers to it, and I think that is certainly correct.

Q881 **Mr David Jones:** Yes. And similarly, in that scenario, would you be relying upon the European Union unilaterally applying measures to deal with the outcome of no deal?

Dominic Raab: Well, I think there are some areas where that may take place, but as I described to you earlier, as I see it, there are three modes of co-operation that could take place beyond the strictly unilateral action. One is action that we take in a co-ordinated way, but without any agreement. Secondly, there is action that we take based on an MOU, so not legally binding. Thirdly, you could have some form of more formal arrangement.

Q882 **Mr David Jones:** But as yet, you have not in fact explored any of those



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eventualities with a view to arriving at any one of them, have you?

Dominic Raab: No, that is not correct. As I mentioned, there is the engagement already between the ECB and the Bank of England. There is the range of action that we have taken, but it is certainly true to say that across the board, if we want to have the best mitigation in place, we would need the EU to be as forward-leaning as we are willing to be.

Q883 **Mr David Jones:** You have admitted that your focus is on trying to deliver an agreement along the lines of Chequers. We know from Mr Kinnock that Mr Barnier thinks that Chequers is “mort dans l’eau”. We know that several members of the Conservative parliamentary party, from both Remain and Leave tendencies, think that Chequers is dead in the water. Why are you flogging this dead horse?

Dominic Raab: This is a negotiation with the EU, so you are going to hear noises from various sides that are critical. That is natural—

Q884 **Mr David Jones:** Certainly, you will hear that from the European Union, but you are hearing it from your own party.

Dominic Raab: Mr Jones, if you could do me the courtesy of allowing me to reply to your question, and listening to the answer in the way that I very carefully listened to your question, I would be very grateful.

Of course, there have been noises since when you were a Minister about this, from both sides. I think that is an inherent part of a sensitive, contentious negotiation like this, but you should be in no doubt that we are making good progress. We have had over two hours, I think, talking about some of those areas. There are of course outstanding points that need to be resolved, but we are committed to getting a good deal with the EU. Of course when we get close to the wire, you will hear noises both from the EU side and this side. I tend to think in the negotiation—I try to be very careful—that when one or other side go complaining to the media, it is normally a sign that they may feel under a degree of pressure. With the greatest respect, I am certainly not going to take Mr Kinnock’s word for what Mr Barnier said, when I meet with him on a weekly basis.

Q885 **Mr David Jones:** I appreciate that point so far as Mr Barnier is concerned, but you have several dozen of your parliamentary colleagues in the Conservative party who have made it absolutely clear that they don’t think that Chequers is a runner. You know that several of them will never support Chequers. Just to repeat the question, why are you flogging that dead horse?

Dominic Raab: Look, I want to be very respectful to the different views on all sides of this, not just in the Conservative party but across the wider House of Commons. I think we will get down to a binary choice of whether we want the deal that is presented. I think the proper moment to assess that is when we have got the package and when we can see very clearly what all these contentious issues mean in practice. I am confident we will get there, and I am confident we will pass the vote, and I am confident we will leave the EU with a decent agreement—a good agreement—with our EU partners.



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Q886 Geraint Davies: Talking of death, the Health Secretary has said that in the event of no deal, pharmaceutical companies are required to stockpile medicines for six weeks. In the case of insulin, 1 million diabetics in Britain rely on insulins with a very short shelf-life. Can you give a solemn undertaking today that, in the event of a no deal, none of those diabetics will be denied insulin and face possible death?

Dominic Raab: Mr Davies, I think that kind of scaremongering is beneath not just you individually, but this Committee. Let me give you a factual answer. We have said in the case of medicines in our technical notice and the letter that the Secretary of State for DHSC wrote to the sector that they ought to consider building up a six-week stockpile of medicines. I appreciate that that is an important contingency plan that they will need to take, but bear in mind that the Government are already partners with pharmaceutical suppliers who ensure that we have three months' worth of buffer stock for more than 200 medicines through the emergency medicines buffer stock scheme. Public Health England already holds at least three months' supply of vaccines for the national immunisation programme.

Yes, this is an important measure. There is a lead time, though, for the sector in terms of putting it in place. Actually, if you look at the scale of buffer stock that we retain in other areas, yes these are unusual circumstances—unprecedented circumstances—but it is not something that either the Government or the sector are unused to doing.

Q887 Geraint Davies: Finally, in the event of no deal, if we do face risks, whether in food, medicine or whatever, don't you think it is imperative that the public have a final say on the deal? There is a case for a vote on the deal, but if there is no deal at all, that is not what leavers voted for—certainly not for that sort of chaos. Will you give an undertaking to lobby to give the people the final say on whether we accept the deal, or no deal, or stay in the EU?

Dominic Raab: No, I don't, and I think if the Labour party had wanted to propose that they should have tabled and passed an amendment to the European Union Referendum Act 2015 when we had the debate. Actually, instead, all sides went into the referendum campaign agreeing that we should respect the verdict, not second-guess it. Both as a matter of principle and in terms of the practical implications for public trust in our democracy, what you are suggesting—

Geraint Davies: But diabetics did not know they would be at risk from your—

Dominic Raab: What you are suggesting is rather dangerous in the way—

Geraint Davies: No, it is a huge risk we didn't know about.

Dominic Raab: Hold on. It is rather dangerous in exactly the way that the shadow Trade Secretary described.

Chair: Geraint, that's enough. Kate, please.



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Q888 **Kate Hoey:** Very quickly, when we went with the Northern Ireland Affairs Committee to meet Michel Barnier and so on, it was very clear that the Irish Government are putting huge resources into their “winning and dining” in the way they do very well, in terms of getting their message across. Are you satisfied that, without a Northern Ireland Assembly and so on, the Northern Ireland view in terms of the border and all the other issues is being pushed enough by our officials there? There is a worry that they are literally walking all over us in terms of the PR machine and dealing with other EU countries.

Dominic Raab: I have met with the Irish Foreign Secretary. I talk to key stakeholders and members of the political landscape in Northern Ireland. I am not going to start commenting on the PR campaigns, but I think we understand the sensitivities on all sides of the community, and we are working very hard and assiduously to make sure that we are communicating clearly. Maybe you are right that some of this needs to be better communicated, but we are communicating clearly, as best as we can, the implications and, critically, the advantages of our proposals for all communities in Northern Ireland, and indeed the communities on the side of the Republic.

Chair: Okay, Kate?

Q889 **Kate Hoey:** No, I was just interested—do you think you will be sending each other Christmas cards, you and Mr Robbins?

Dominic Raab: We have got a good professional and personal relationship. I am not sure whether it will go to Christmas cards, but that is because I send so few.

Q890 **Chair:** Just to go back to the first principles, which we touched on just now, Parliament, by a sovereign Act of Parliament, passed an Act in the House of Commons, six to one, to transfer the decision from Parliament to the British people. They made the decision. Is that where the Government stand, and is that how we are going to remain as far as the question of any second referendum is concerned?

Dominic Raab: Absolutely.

Q891 **Chair:** Right. Thank you very much for coming. Has this turned out to be a holy grail or a poisoned chalice?

Dominic Raab: Oh, I’m not sure I would describe it in either way. It is a great challenge, but one we should rise to.

Chair: Thank you very much.