



# HOUSE OF LORDS

European Union Committee

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Nigel Adams MP  
Minister for Asia  
Foreign, Commonwealth and Development Office  
King Charles Street  
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13 January 2021

Dear Minister,

**Council Decision (CFSP) 2020/1639 of 5 November 2020 establishing the general conditions under which third States could exceptionally be invited to participate in individual PESCO projects**

Thank you for the Explanatory Memorandum (EM) dated 25 November 2020, which was considered by the Security and Justice Sub-Committee at its meeting of 12 January 2021.

We note that the announcement of the terms for third country participation in PESCO has enabled the Government to assess the feasibility of the UK joining individual projects. The EM stated: “if the current third country terms are interpreted strictly, particularly on export control and intellectual property rights, this would make it more difficult for third countries to participate.”<sup>1</sup> What are the Government’s precise concerns around export controls and intellectual property rights?

We are aware that the Government do not currently plan to participate in PESCO projects. However, given the UK’s significant military capabilities, and the potential benefits of collaboration, we would be interested to know whether there any factors that might lead the Government to conclude that it was in the national interest to get involved in a specific PESCO project?

We were pleased to note that the Government will continue to monitor how PESCO projects operate and, in particular, how third country participation will work in practice. How does the Government intend to assess the extent to which third countries might, in your words, “participate meaningfully” in PESCO projects?

The EM stated: “Publicly, we remain clear that the UK is not participating in PESCO.” Should we interpret that to leave open the option of private exchanges on particular PESCO projects?

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<sup>1</sup> *Op cit.*, Nigel Adams MP, para 14

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

I am copying this letter to Lord Kinnoull, Chair Lords EU Select Committee; Sir William Cash, Chair of the European Scrutiny Committee; Jessica Mulley, Clerk to the European Scrutiny Committee; Les Saunders and Donald Harris, Cabinet Office; and Olivia Cormack and David Kiteley, Foreign, Commonwealth and Development Office.

Yours sincerely

A handwritten signature in black ink, appearing to read "Peter Ricketts". The signature is written in a cursive style with a large initial 'P'.

Lord Ricketts

Chair of the EU Security and Justice Sub-Committee