



Leo Docherty MP
Minister for Europe
Foreign, Commonwealth and Development Office
King Charles Street
London
SW1A 2AH

14 March 2024

Dear Minister,

13917/23: Communication from the Commission, Work Programme 2024: Delivering for today and preparing for tomorrow.

Thank you for your letter dated 5 February 2024 which was considered by the European Affairs Committee at its meetings of 27 February and 12 March 2024. We retain an interest in this matter.

As we have said, we find the annual consideration of the Government's Explanatory Memorandum (EM) on the Commission's Annual Work Programme (AWP) "a valuable opportunity to consider, in broad terms, the Commission's plans for the forthcoming year and, also, the Government's reaction". We note that in your response you state that you "continue to value [the Committee's] engagement".

Our letter dated 24 January 2024, put a number of questions to you across four areas of post-Brexit UK/EU cooperation: climate change; digital markets; the economy, trade and competitiveness; and justice and home affairs. Our questions, drawing on the contents of your EM, focussed on those matters of UK/EU cooperation where your comments suggested that:

- (i) solutions could be found through cooperation with the EU (for example, the availability of critical raw materials or measures to combat climate change).
- (ii) EU action gave rise to questions or concerns for the UK (for example, the regulation of Artificial Intelligence (AI)); and,
- (iii) the UK/EU's policy goals aligned (for example, cooperation on migration or people smuggling).

We are disappointed, however, with your lack of engagement with our questions as your letter offers little detail to assist us in our consideration of the state of UK/EU relations as summarised in the Commission's Annual Work Programme (AWP) and your accompanying EM.

Critical raw materials

The Government said in its EM that the EU's Critical Raw Materials Act (CRMA) is "in our collective interests" and that it was considering ways in which the UK "might work with our European partners". We asked for detail about any discussions and whether the Government would consider participating in the so-called CRMA's Club. In response you say nothing about the policy of whether or not the UK should engage the EU on this subject which you acknowledge is in our collective interests. What is the Government's assessment of the utility of the CRMA club? Would membership of the club offer opportunities for the UK?

Artificial Intelligence

You said in your EM that the EU's forthcoming AI Regulation "would impact UK business that sell AI tools to EU clients", confirming also that you are discussing this in the relevant Specialised Committee. In response to our request for further detail, you repeat your statement that it "will impact UK firms insofar as they will need to consider the provisions of the legislation while exporting AI products to the EU" – a statement which takes our understanding of your concerns no further forward. You do confirm in your letter, however, that you "will continue to engage with the EU on AI policy". How will you assess the impact of EU AI regulation on UK firms; having done so, what form will your engagement with the EU take? And what issues do you anticipate you will discuss?

Justice and Home Affairs

The Commission's AWP and your EM highlighted clear policy alignment on concerns about migration and people smuggling. As a consequence, our letter focused intentionally on UK/EU cooperation to address these problems. In response, you highlight the Government's focus on the European Political Community (EPC) and the so-called Calais Group – we note that neither body has any formal connection to the EU.

The Foreign Secretary told us in a letter dated 20 November 2023 that the Government "value the EPC as an important platform for leader-level coordination on pan-European issues" and you express similar positive statements about the utility of the EPC in your response. Nevertheless, having been due to host the latest summit in Spring 2024, the Government has said nothing publicly about any plans. We would be grateful to know when the Government are planning to hold the meeting given the value you clearly attach to it as a forum for engagement with other European Governments on migration.

Deposit of EMs

We also included in our letter three requests for EU documents to be deposited in Parliament, accompanied by an EM, to facilitate our scrutiny. (Two forthcoming reports on the operation of the Single Market (Draghi and Letta reports) and another on the EU's New Pact on Migration.) We note that you say you will be "happy" to consider our requests once the reports' "nature and content are clearer" and your statement that the Migration Pact is a matter "for the EU itself". In our view, your response fails to make the clear commitment to Parliamentary scrutiny that these subject areas with significant implications for UK/EU relations deserve. More positively, however, we welcome the recent deposit of the UK/EU Frontex agreement and look forward to scrutinising its contents shortly.

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

I am copying this letter to Sir William Cash MP, and Dr George Wilson, respectively Chair and Clerk of the House of Commons European Scrutiny Committee; Les Saunders, EU Document Scrutiny Manager, Foreign, Commonwealth and Development Office; Sam White, Select Committee Lead, and the Private Office Directorate, Foreign, Commonwealth and Development Office

Yours sincerely,

A handwritten signature in black ink that reads "Peter Ricketts". The signature is written in a cursive style with a large initial 'P'.

Lord Ricketts

Chair of the European Affairs Committee