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Chancellor of the Duchy of Lancaster
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Rt Hon Hilary Benn MP
Chair, Committee on the Future Relationship with the European Union
House of Commons
London
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31 March 2020

Dear Rt Hon Hilary Benn,

Thank you for your letter of 20 March following my appearance before your Committee on 11 March. I look forward to appearing again. However, I hope you will appreciate that at this stage I am unable to confirm dates. In the meantime I hope this letter will address the questions you raise.

1. Progress on the negotiations on the Future Relationship since you appeared before and your current assessment of the chances of agreement in all the areas that the UK wishes to have a relationship with the EU by the December deadline.

Round 2 did not formally start on 18 March in light of the latest coronavirus developments, but we remain in contact with the European Commission to explore alternative ways to continue discussions, and will be guided by scientific advice.

The structure of negotiations is likely to change to reflect the current situation. We are exploring flexibility in the structure for the coming weeks. We are currently discussing this with the Commission and we will provide an update in due course.

In addition, last week the UK and EU exchanged draft legal texts. We shared ours in confidence as a negotiating document, as part of the ongoing negotiating process. Teams will now analyse each other's texts and we expect further conversations between the teams.

2. The implementation of the Withdrawal Agreement, in particular the timetable for establishing the Joint Committee, the associated Specialised Committees including that for the Ireland/Northern Ireland Protocol, and the UK's policy for reporting on those discussions. We are aware of the importance of the work of the Withdrawal Agreement Joint Committee, particularly to the people of Northern Ireland who will have to put any

relevant decisions into practice and adapt in good time before the end of the transition period.

The first meeting of the Withdrawal Agreement Joint Committee was held on 30 March by teleconference. The meeting covered UK and EU implementation of the Withdrawal Agreement and established the six Specialised Committees.

I wrote to Select Committee Chairs on 24 March regarding parliamentary scrutiny of the Withdrawal Agreement Joint Committee. I intend to lay a Written Ministerial Statement (WMS) ahead of, and following, each meeting, outlining the decisions taken by the WAJC. Consistent with this, a WMS was made on 25 March ahead of the first meeting, setting out the provisional agenda and UK delegation. Now that Parliament has gone into recess, I intend to update Parliament by writing to you and the Chair of the Lords EU Committee.

At this stage, I cannot provide Parliament with a timetable of meetings during the transition period as this has not been agreed.

The Government fully recognises the importance to Northern Ireland of the negotiations with the EU on the implementation of the Protocol and on our future relationship. The Protocol will maintain North-South cooperation, avoid a hard border and protect the Belfast (Good Friday) Agreement.

The work of the Specialised Committees will be undertaken by officials. As you know, Specialised Committees cannot take decisions, so it is appropriate for Parliamentary oversight to focus on the work of the WAJC.

3. The arrangements the Government is planning to put in place to identify goods moving from Great Britain to Northern Ireland that may be at risk of entering the EU.

The Withdrawal Agreement states that the Joint Committee will agree the definition for determining which goods are not at risk of moving to the EU. This will take into account, among other things, whether they will be subject to commercial processing in Northern Ireland, what the goods are, who is importing them, and the risks of avoidance.

4. Government and business preparedness to implement the Future Relationship with the EU, whatever form it may take, and the mechanisms that are in place to enable the public and private sectors to consult and feedback as the negotiations progress.

The Government and Civil Service are working hard to deliver a complex and challenging portfolio of work to ensure the UK is well prepared for the end of the transition period.

This Government has a track record of preparedness on these matters. We were ready for Brexit on 31 January, and we successfully got it done. We will similarly be ready for the end of the transition period, and we will get that done too.

As to the mechanisms for consultation, Ministers and officials talk to representatives of the public and private sectors all the time. The Government intends to invite contributions about the economic implications of the future relationship through a public consultation.

Whatever happens, we will be leaving the customs union and single market. As such there is a fixed baseline of guaranteed changes for Government, citizens and businesses to prepare against in these areas. Information is available at www.gov.uk/transition and will be updated as necessary.

5. Finally, could you provide a list of the EU agencies and programmes the UK currently participates in, indicating whether the Government is seeking to continue this participation after the transition period, and on what terms.

We will discuss with the EU how best to manage our friendly relations, but any solution has to respect our red line of no commitments to follow EU law and no acceptance of the jurisdiction of the CJEU. There are limited options for third country membership of EU bodies, and we have been clear we shall be operating on the basis of existing precedents.

As to other EU programmes, the Political Declaration stated that the UK is open to participation in certain EU programmes, if it is in our interest to do so. These programmes need to represent a real benefit to British people and industry and provide convincing value for money. For more information, I would point you to the section titled "Participation in Union Programmes" page 23 of the Command Paper titled '*The Future Relationship with the EU: The UK's Approach to Negotiations*' which was laid before Parliament on 27 February.

I am copying my reply to the Rt Hon Jacob Rees-Mogg, Leader of the House of Commons, Sir William Cash MP, Chair of the House of Commons European Scrutiny Committee, and Lord Kinnoull, Chair of the House of Lords EU Committee.

With every good wish,

A handwritten signature in black ink, reading "Michael Gove". The signature is fluid and cursive, with the first name "Michael" written in a larger, more prominent script than the surname "Gove".

**Rt Hon Michael Gove MP
Chancellor of the Duchy of Lancaster
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