



The
Executive Office

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**Michael Potter
Committee for TEO
Room 412
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26 January 2021

Dear Michael

Joint Ministerial Committee (European Negotiations) Meeting – Thursday 3 December 2020

I wrote to you on the 7 December to advise you that the twenty seventh meeting of the Joint Ministerial Committee (EU Negotiations) (JMC(EN)) was held on 3 December at 14.15pm, and to provide you with a copy of the agreed agenda. I am now writing to report on the Executive's actions at that meeting and provide you with a copy of the Joint Communiqué.

The Executive was represented at the meeting by the First Minister, deputy First Minister, Junior Minister Lyons and Junior Minister Kearney:

From the UK Government: The Chancellor of the Duchy of Lancaster, Rt Hon Michael Gove MP; The Secretary of State for Scotland, Rt Hon Alister Jack MP; The Secretary of State for Wales, Rt Hon Simon Hart MP; The Secretary of State for Northern Ireland, Rt Hon Brandon Lewis MP; The Paymaster General, Rt Hon Penny Mordaunt MP and The Minister of State for Constitution and Devolution, Chloe Smith MP.

From the Scottish Government: The Cabinet Secretary for the Constitution, Europe and External Affairs, Michael Russell MSP and The Minister for Europe and International Development, Jenny Gilruth MSP.

From the Welsh Government: The Counsel General and Minister for European Transition, Jeremy Miles MS.

The Joint Communiqué is attached at **Appendix A**.

On the UK-EU Future Relationship agenda item, an update was provided on the

current status of the negotiations from the Chancellor of the Duchy of Lancaster, and an update on progress in relation to the implementation of the Protocol was provided by Mark Davies of Transition task Force. The First Minister emphasised the dynamic between the negotiations and the decisions that the Joint Committee was scheduled to take on the Protocol and thanked her colleagues for their continued engagement. She requested clarity on the operation of the Protocol in relation to the application of VAT to second hand cars purchased in GB for sale here, the movement of pets across the Irish Sea, and consumer parcels moving from GB to NI.

The deputy First Minister expressed her hope that an agreement on the future relationship could be reached and her concern that the provisions in the Internal Market Bill which appeared to undermine the Protocol could negatively impact that prospect. She emphasised that our businesses need time to prepare for the end of the Transition Period, and their current concerns as to the lack of clarity and guidance.

Following the update on Operational Readiness and Legislation the First Minister welcomed the work that was being done to develop winter readiness to address the concurrent challenges associated with both EU Exit and Covid and the facilitations that had been introduced to ensure the continued supply of medicines east to west. She noted that our biggest challenge is business preparedness due to the continuing uncertainty associated with the implementation of the Protocol. On legislation she emphasised the need for greater clarity on timescales, and acknowledged that this work would have to intensify if a deal was agreed.

The deputy First Minister highlighted the work currently undertaken by the Executive to progress a comprehensive legislative programme through the Assembly before the end of the Transition period. She also emphasised that our supermarket consignments moving via Scottish and English ports would need priority Export Health Certificates.

In response to an update on Common Frameworks and the Intergovernmental Relations Review (IGRR) the First Minister emphasised that many of the Common Frameworks interacted with the Protocol and noted her interest in seeing UKG's commitment to provide unfettered access was fulfilled. She said she looked forward to concluding the discussion on IGRR in the near future.

The deputy First Minister also noted her interest in seeing the commitment to unfettered access, as outlined in the NDNA Agreement fulfilled. On IGRR she noted that the work had been ongoing for 3 years and expressed a hope to see the review finalised in the near future.

An update was provided on the UKIM Bill, including the progress of the Legislative consent Motion processes within each of the devolved administrations. The First Minister noted that differing views on the Bill existed within the Executive, but they unanimously support unfettered access, which is vital to our economic interests. She voiced her disappointment that the House of Lords had removed the corresponding clauses and urged her UKG colleagues to ensure they were reintroduced when the Bill returned to the Commons.

The deputy First Minister also noted the differing views on the Bill within the Executive, but noted that a majority of the elected representatives in the Assembly did not support it. She again voiced her concern that the provisions in the Bill that impacted the operation of the Protocol were being used as a bargaining tactic in the negotiations.

Yours sincerely



Departmental Assembly Liaison Officer

APPENDIX A

JOINT MINISTERIAL COMMITTEE (EU NEGOTIATIONS) COMMUNIQUE

3 December 2020

The twenty-seventh Joint Ministerial Committee (EU Negotiations) met on 3 December 2020 via video conference. The meeting was chaired by the Chancellor of the Duchy of Lancaster.

The attending Ministers were:

From the UK Government: The Chancellor of the Duchy of Lancaster, Rt Hon Michael Gove MP; The Secretary of State for Scotland, Rt Hon Alister Jack MP; The Secretary of State for Wales, Rt Hon Simon Hart MP; The Secretary of State for Northern Ireland, Rt Hon Brandon Lewis MP; The Paymaster General, Rt Hon Penny Mordaunt MP and The Minister of State for Constitution and Devolution, Chloe Smith MP.

From the Scottish Government: The Cabinet Secretary for the Constitution, Europe and External Affairs, Michael Russell MSP and The Minister for Europe and International Development, Jenny Gilruth MSP.

From the Welsh Government: The Counsel General and Minister for European Transition, Jeremy Miles MS.

From the Northern Ireland Executive: First Minister, Rt Hon Arlene Foster MLA, deputy First Minister, Michelle O'Neill MLA, Junior Minister Gordon Lyons MLA and Junior Minister Declan Kearney MLA.

The Committee discussed the latest developments in the UK-EU negotiations, arrangements for the end of the Transition Period, the implementation of the Northern Ireland Protocol, and legislation. The Committee also discussed progress on Common Frameworks, the UK Internal Market Bill, plans for future engagement and the review of intergovernmental relations.