



The primary purpose of the House of Lords European Union Select Committee is to scrutinise EU law in draft before the Government take a position on it in the EU Council of Ministers. This scrutiny is frequently carried out through correspondence with Ministers. Such correspondence, including Ministerial replies and other materials, is published where appropriate.

This edition includes correspondence from 1 April – 30 June 2019

## EU EXTERNAL AFFAIRS SUB-COMMITTEE

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PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE  
COUNCIL ESTABLISHING THE EUROPEAN DEFENCE FUND (10084/18)

**Letter from the Chairman to Stuart Andrew MP Minister for Defence Procurement  
Ministry of Defence**

Thank you for your letter updating us on progress regarding the European Defence Fund. This was considered by the External Affairs Sub-Committee on 2 May.

We continue to retain the item under scrutiny and would welcome being kept updated of developments as the wording of the Regulation is finalised later this year.

3 May 2019

PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE  
COUNCIL SETTING UP A UNION REGIME FOR THE CONTROL OF EXPORTS,  
TRANSFER, BROKERING, TECHNICAL ASSISTANCE AND TRANSIT OF DUAL-USE  
ITEMS (RECAST) (12785/16)

**Letter from Graham Stuart MP, Minister for Investment, Department for International  
Trade**

The proposal from the Commission is to replace the Council Regulation (EC) 428/2009, which currently provides the legislative framework of EU export controls on dual-use items (i.e. goods, including software and technology, which can have both civil and military applications). The detailed proposal followed an extensive review exercise and consultation period with stakeholders, which commenced in 2011 and attempts to modernise and strengthen controls covering the export of dual-use items, and in addition to take account of the changing environment and evolving threats from technological changes. The proposal in the Commission's words is "ambitious". We submitted an Explanatory Memorandum on this proposal on 17th October 2016.

Further to my Department's last specific update of 17th December 2018, on the recast of the Dual-Use Regulation, I would like to bring you up to date on the progress of the dossier.

We respect the interest of both EU parliamentary committees in this dossier and address here the points raised by the House of Commons European Scrutiny Committee, on Brexit issues related to the dossier when it was discussed at the Committee's 53rd meeting (Session 2017-19) on 30th January 2019.

While we appreciate that the European Scrutiny Committee did not set a deadline for responding to their further questions and request for an update on this file, nevertheless, I apologise for the time taken to respond. This is because until 15th May 2019 there was nothing significant to report on.

**Update on progress.**

The Romanian presidency continued to negotiate on compromise text based around that prepared by the Austrians at the end of their presidency.

In January we argued for and secured the re-inclusion of a key clause in relation to weapons of mass destruction and were successful in getting agreement to remove one of the proposed new European Union General Export Authorisations (EUGEAs) as it posed a diversion risk as drafted.

However, the main arguments centered around the compromise text at Article 8a and Annex V, covering autonomous EU controls and a human rights end use control. The proposed text did not address the UK's ongoing concerns about introducing autonomous controls, a view shared by a sufficient number of Member States to form a blocking minority. With a blocking minority in place, the Romanian presidency conceded there was not enough time to secure a Working Group mandate that could be taken to COREPER and Triologue before the European Parliament began preparations for elections and called a halt to attempts to progress the file to these stages.

Nonetheless, the presidency decided to try secure agreement at the Council Working Group on other elements of the file, specifically excluding the text at Article 8a and Annex V.

Unexpectedly, on 6th May the Romanian presidency advised that they were proposing compromise text that removed references to autonomous EU controls and the human rights end use control in a final attempt to secure Council Working Group approval.

The proposed text was put to the Council Working Group on 15th May, where it was agreed. With the removal of this contentious text, there is a strong possibility of a consensus agreement on Romanian proposal and so we anticipate it being taken forward as an informal mandate.

It will be for the following presidencies to attempt trialogue negotiations and to enter into the interinstitutional debates. However, before that can happen it will be for the new Commission to decide what it wants to do with the recast proposal - they could decide not to pursue the recast in any form, equally they could decide to issue a new proposal.

The specific questions from the House of Commons European Scrutiny Committee's 53rd meeting are addressed in Annex I.

#### **Further timetable for negotiations**

There is one more meeting under the Romanian presidency before the baton is handed to the Finnish. We do not expect anything of further significance from the current presidency and expect we will have to wait until the new Commission is formed to hear what they want to do with this file. Similarly, the new European Parliament will have to come to their own view on this file, should the Commission decide to continue to progress it. We will continue to keep the Committee informed of any progress.

*31 May 2019*

PROPOSAL FOR A COUNCIL DECISION ON THE SIGNING, ON BEHALF OF THE EUROPEAN UNION, OF THE FREE TRADE AGREEMENT BETWEEN THE EUROPEAN UNION AND THE SOCIALIST REPUBLIC OF VIET NAM (13312/18)

PROPOSAL FOR A COUNCIL DECISION ON THE CONCLUSION OF THE FREE TRADE AGREEMENT BETWEEN THE EUROPEAN UNION AND THE SOCIALIST REPUBLIC OF VIET NAM (13313/18)

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#### **Letter from George Hollingbery MP, Minister of State for Trade Policy, Department for International Trade**

Thank you for your committee's previous clearance of the EU-Vietnam FTA and IPA. Further to my letter of 25 February 2019, regarding scrutiny of both agreements, addressed to Sir William Cash and the Commons European Scrutiny Committee, I am writing to advise that the Government has today published its economic assessment of the costs, benefits and impact of the EU-Vietnam FTA. The Impact Assessment and an associated independent study conducted by Paul Baker and David Vanzetti are both published on the GOV.UK website. The Government is publishing both documents as part of its ongoing commitment to scrutiny of free trade agreements under current legislative arrangements.

*1 April 2019*

## JOINT COMMUNICATION TO THE EUROPEAN PARLIAMENT, THE EUROPEAN COUNCIL AND THE COUNCIL EU-CHINA – A STRATEGIC OUTLOOK (7566/19)

### **Letter from the Chairman to the Rt Hon Sir Alan Duncan KCMG MP, Minister of State for Europe and the Americas, Foreign & Commonwealth Office**

Thank you for your Explanatory Memorandum (EM), dated 29 March 2019. This was considered by the External Affairs Sub-Committee on 25 April 2019.

We welcome the overall more assertive tone of the Communication and we have further questions arising from our discussion about this, to which we would be grateful for your response.

First, given the consideration of the possible inclusion of Huawei in the development of the UK's 5G network, what assessment has the Government made of the impact this may have on future information and data exchange with the EU via 5G networks after Brexit? Could you please provide us with an explanation of the core and non-core parts of 5G infrastructure?

Second, your EM does not mention human rights as one of the UK's objectives in its relations towards China. Is the UK still committed to promoting human rights in China, in particular in light of the recent deterioration of the human rights situation? We could not retrieve any information about the 25th round of the UK-China bilateral human rights dialogue. Could you please provide us with your assessment of the 25th round, which we assume would have been held in 2018?

Third, what steps has the Government taken to enhance its trade ties with China after Brexit? Please provide us with an update on the current state of the UK-China joint trade and investment review, including a timeline for future meetings and objectives.

Fourth, your EM mentions the UK Government's general concerns regarding the International Procurement Instrument (IPI). Could you please explain these concerns further (for instance, how would the IPI reduce competition?) and what specific steps the Government is taking to address them?

We have decided to retain the document under scrutiny and we look forward to your response within the usual 10 working days.

*29 April 2019*

### **Letter from the Rt Hon Sir Alan Duncan KCMG MP, Minister of State for Europe and the Americas**

Thank you for your letter of 29 April, confirming that the EU Select Committee considered the above document and decided to clear it from scrutiny. You also raised some questions, however, including regarding HMG China policy on Huawei/5G, human rights, trade after Brexit, and the International Procurement Instrument.

You will be aware that we have undertaken a thorough review of the **5G supply chain** to ensure the secure and resilient rollout of 5G. This was an extensive review and goes far beyond individual vendors or individual countries. One aspect that it considered was the core and non-core parts of 5G. The core includes critical functionality such as user authentication and call routing. The functions within the core network are increasingly moving to software-based architecture. We will take decisions on the 5G supply chain based on evidence and a hardheaded assessment of the risks, and the decision of that Review will be announced in due course and to Parliament.

The UK welcomed the Joint Communication, which includes an important section on **human rights**. The UK remains committed to promoting human rights in China, and our continued activity in the UN Human Rights Council and bilaterally with China demonstrates this. We have serious concerns about the human rights situation in Xinjiang where there are credible reports of over a million Uyghurs and other minorities being detained in so called "re-education camps", along with widespread surveillance and restrictions targeted at minorities. The Foreign Secretary, Rt Hon Jeremy Hunt MP, raised these concerns with Chinese State Councillor and Foreign Minister Wang Yi during his last visit to China in July 2018. Regarding the UK-China human rights dialogue, the 25th round has not yet taken place. We have so far been unable to secure dates with the Chinese Government but recognise

the importance of the dialogue as one of the ways we discuss with China our shared international human rights commitments.

On **trade with China after Brexit**, the UK engages closely with China to promote trade. The Prime Minister's visit to China in January 2018 set a clear vision for an ambitious future trading relationship. DIT's Secretary of State visited China five times in 2018, including for the JETCO (trade dialogue) in Beijing in August 2018, which reaffirmed our ambition and made progress on a range of market access issues. The Chancellor and Baroness Fairhead recently attended the Belt and Road Forum, during which the Chancellor agreed with his counterpart to hold the next Economic and Financial Dialogue in London in mid-June.

The UK and China are conducting a **Joint Trade and Investment Review**, which is an important part of significantly deepening our trade and investment partnership. The Review was launched by PM May and Premier Li when the PM visited China in January 2018. The Review is an analytical exercise to explore all options for the future trade and investment relationship without pre-judging outcomes. We have made good progress and aim to agree recommendations this year. The Review is led at the technical level by the UK's Department for International Trade (DIT) and China's Ministry of Commerce (MofCom). There have been two trade working groups and three technical discussions for the Review. We have concluded the chapters for macroeconomic and trade overview chapters, and we have exchanged chapters on specific sector and crosscutting areas. We are currently working to finalise the text and identify recommendations for the outcome of the Review.

The EU created the **International Procurement Instrument (IPI)** in 2012 with the aim of improving conditions for EU business to compete for public contracts in third countries and to bolster EU leverage when negotiating access to third country public procurement markets. As stated in the Explanatory Memorandum, the UK has broad concerns about IPI, which are not China-specific or specific to this Joint Communication. Our concerns are about the revised proposal and in particular, the potential global repercussions of the price adjustment measure, and what this could mean for EU businesses reliant on global supply chains. We see there is a risk that IPI could reduce competition and value for money in public procurement, as public bodies and utilities may have to select bidders, which do not offer the best value for money. We are also concerned that the proposal could give implicit approval to the sorts of price preference mechanisms across the world to which we have been adamantly opposed. Given our significant expertise and interest in IPI, we intend to engage actively with this debate by working with like minded EU member states who are also opposed. My officials will stay in close touch with the EEAS and I would be happy to keep the Committee informed of progress.

*10 May 2019*

**Letter from the Chairman to the Rt Hon Sir Alan Duncan KCMG MP, Minister of State for Europe and the Americas**

Thank you for your letter, dated 10 May 2019. This was considered by the External Affairs Sub-Committee on 6 June 2019.

We have further questions about the Joint Communication and the content of your letter, to which we would be grateful for your response, as below.

First, the information about the core and non-core parts of 5G infrastructure in your letter is not entirely clear to us and we are not convinced that a sharp distinction between the two is possible. Your letter states that "the core includes critical functionality such as user authentication and call routing", which suggests that the core parts also include other elements. Non-core parts are not specified. Could you please provide us with further information on the Government's distinction between core and non-core parts? Based on which assessment has the UK Government arrived at the distinction between core and noncore parts?

Second, your letter omits the assessment the Government has made of the impact its possible decision to allow Huawei to build non-core parts of 5G infrastructure may have on UK-EU data exchange post-Brexit. Please provide us with this information.

Third, we are concerned that no date could be agreed in either 2018 or 2019 to hold the 25th round of the UK-China bilateral human rights dialogue. Please provide us with your assessment of the 25th round of the human rights dialogue once it has taken place.

Fourth, thank you for the comprehensive information regarding UK-China trade relations. Please keep us updated on the outcome of the Joint Trade and Investment Review.

Fifth, we appreciate your offer to keep us informed of progress regarding the International Procurement Instrument and we look forward to receiving an update in due course.

Lastly, you stated in your letter that we had cleared the Joint Communication from scrutiny after our last consideration. We would like to clarify that this was not the case, as has been communicated to your officials.

We have decided to continue to hold the document under scrutiny and we look forward to your response within the usual 10 working days.

*6 June 2019*

#### **Letter from the Rt Hon Sir Alan Duncan KCMG MP, Minister of State for Europe and the Americas**

Thank you for your follow up letter of 6 June. Thank you as well for clarifying that you have not yet cleared the Joint Communication from scrutiny. Our apologies for any confusion caused. We note that we have received clearance only from the House of Commons European Scrutiny Committee.

We have noted your requests for updates on the next UK-China bilateral human rights dialogue, the outcome of the Joint Trade and Investment Review and the International Procurement Instrument. We will endeavour to keep you informed.

You asked about 5G infrastructure: the security and resilience of the UK's telecoms networks is of paramount importance. The Government has undertaken a thorough, evidence-based and hard-headed review of the 5G supply chain to ensure the secure and resilient roll-out of 5G. It will report in due course, and to Parliament first. As I am sure you will understand, I am not able to pre-judge the outcome of those discussions here.

You asked about the core and non core parts of 5G infrastructure. The National Cyber Security Centre as the UK's authority on cyber security conducted a technical analysis as part of the Supply Chain Review to understand network security risks and vulnerabilities, and future security requirements which looked at core and noncore aspects of 5G networks. The review will include details of that analysis.

You asked about the Government's assessment of the impact its possible decision to allow Huawei to build non-core parts of 5G infrastructure may have on UK-EU data exchange post-Brexit. The UK is not considering any options that would put at risk our national security communications, within the UK and with our closest allies.

*20 June 2019*

#### **ANNUAL PROGRESS REPORT ON THE IMPLEMENTATION OF THE EUROPEAN UNION STRATEGY AGAINST THE PROLIFERATION OF WEAPONS OF MASS DESTRUCTION (2018) (7909/19)**

#### **Letter from the Chairman to the Rt Hon Sir Alan Duncan KCMG MP, Minister of State for Europe and the Americas, Foreign & Commonwealth Office**

Thank you for your Explanatory Memorandum (EM), dated 30 April 2019. This was considered by the External Affairs Sub-Committee on 16 May 2019.

We were disappointed to see that the EM lacked the basic information required for us to be able to consider the Annual Progress Report. We would therefore like to request the following information from you.

The EM neither sets out what the Strategy's content is, nor how it has been implemented. Please provide us with a summary of the content of the Strategy and the key findings of the implementation report, to enable us to consider the file.

Your EM refers to the UK's continuing support in upholding the Chemical Weapons Convention after Brexit and states that "we do not as yet know if the UK will be expected to contribute to EU assistance in this area beyond 31 October". To what extent does the UK Government intend to coordinate its actions with the EU with regard to the nonproliferation of weapons of mass destruction after Brexit? Would the Government consider contributing financially to EU efforts?

We have decided to retain the document under scrutiny and we look forward to your response within the usual 10 working days.

17 May 2019

### **Letter from the Rt Hon Sir Alan Duncan KCMG MP, Minister of State for Europe and the Americas**

Thank you for your letter of 17 May, confirming the EU-Sub Committee on External Affairs had considered the above document on 16 May 2019 and decided to retain the document under scrutiny. I am sorry that the earlier Explanatory Memorandum (EM) did not contain enough information for you to be able to consider the Annual Report. I have asked my officials to ensure that, in future, EMs include more information about the content of the documents being submitted for scrutiny.

As requested, I am pleased to set out below a summary of the content of the strategy and of the Annual Progress Report. I also attach a copy of the Report.

#### **European Union Strategy against the Proliferation of Weapons of Mass Destruction**

The EU strategy is designed to use all available instruments and policies to counter the threat posed by the proliferation of weapons of mass destruction (WMD) to international peace and security. The strategy focuses on preventing, deterring, halting and, where possible, eliminating proliferation programmes of concern worldwide by:

- Enabling effective multilateralism as the cornerstone of the EU strategy for combating proliferation of WMD;
- Promoting a stable international and regional environment as a condition for the fight against proliferation of WMD;
- Co-operating closely with key partners; and
- Developing the necessary structures within the Union

#### **Summary of Annual Report**

The Annual Progress Report recounts diplomatic engagement and programme support undertaken by the EU to implement its strategy against the proliferation of WMD in 2018. This activity included:

- Diplomatic engagement by the European External Action Service (EEAS) in the Nuclear Non-Proliferation Treaty (NPT) review cycle, Chemical Weapons Convention (CWC) Review Conference and Conferences of States Parties, and the Experts and Annual meetings of the Biological and Toxin Weapons Convention (BTWC).
- Support to the International Atomic Energy Agency (IAEA) to promote nuclear security and the peaceful uses of nuclear energy. The EU has allocated EUR 325 million over the period 2014-2020 to promote nuclear safety, radiation protection and the application of efficient and effective safeguards in third countries through the IAEA and through projects within specific countries.
- Iran nuclear issues: continued strong support for the Joint Comprehensive Plan of Action (JCPOA) and for transparency of civil-nuclear matters in Iran. This included EEAS coordinating the Joint Commission and expert-level working groups established under the JCPOA, supporting the IAEA's longterm mission to verify and monitor Iran's nuclear-related

commitments, and projects to improve nuclear safety and supporting civil-nuclear cooperation worth EUR 15 million.

- DPRK: The EU continued to urge DPRK to engage with follow-on negotiations and return to the Nuclear Non-Proliferation Treaty and the IAEA Safeguards at an early date and to sign and ratify the Comprehensive Nuclear-Test-Ban Treaty.
- Syria Chemical Weapons: continued support for the work of the Organisation of the Prohibition of Chemical Weapons (OPCW), its Fact Finding Mission investigating reports of chemical weapons use in Syria, and its Declaration Assessment Team seeking to verify Syria's declaration of chemical weapons, including through continued provision of satellite imagery.
- Biological weapons: continued support for the BTWC and UN Secretary General's Mechanism for investigating alleged use of biological weapons through a further assistance programme approved in January 2019, bringing total financial support to EUR 10 million.
- Comprehensive Nuclear Test Ban Treaty (CTBT): In February 2018 the European Council approved financial support of over EUR 4.5 million over a two-year period to support the CTBT International Monitoring System through seismic, gas and other monitoring and inspection systems, and through outreach and capacity-building targeting States Signatories and NonSignatories to the CTBT.

### **Post-Brexit support**

As the earlier EM stated, we do not as yet know if the UK will contribute to EU assistance in this area beyond 31 October. Nor do we as yet know how the UK will coordinate with the EU on matters related to the proliferation of weapons of mass destruction after that date. After the UK leaves the EU, the UK will continue to have a strong interest in countering the proliferation of such weapons. Therefore, the activities described in this progress report are likely to continue to contribute to UK objectives after the UK leaves the EU, and I would be happy to keep the Committee informed of our engagement with the EU on these issues.

*3 June 2019*

### **Letter from the Chairman to the Rt Hon Sir Alan Duncan KCMG MP, Minister of State for Europe and the Americas**

Thank you for your letter in response to the Committee's questions, dated 9 June. This was considered by the External Affairs Sub-Committee at its meeting on 13 June 2019.

We are grateful for the information provided and have decided to clear the item from scrutiny.

We also welcome your offer to keep the Committee informed of the UK's engagement with the EU on non-proliferation matters and look forward to receiving updates on this in due course.

You do not need to respond to this letter.

*13 June 2019*

### **JOINT COMMUNICATION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL EUROPEAN UNION, LATIN AMERICA AND THE CARIBBEAN: JOINING FORCES FOR A COMMON FUTURE (8765/19)**

### **Letter from the Chairman to the Rt Hon Sir Alan Duncan KCMG MP, Minister of State for Europe and the Americas, Foreign & Commonwealth Office**

Thank you for your Explanatory Memorandum (EM), dated 3 May 2019. This was considered by the External Affairs Sub-Committee on 6 June 2019.

We have further questions about the EU's and the UK's relationship with Latin American and Caribbean (LAC) countries, to which we would be grateful for your response, as below.

First, your EM unfortunately only contains little information about the specific content of the Communication and does not put it into the context of developing EU-LAC relations. Please provide us with your assessment of the development of EU-LAC relations and the role this Joint Communication plays in this.

Second, the EM mentions “more LAC participation in EU Common Security and Defence Policy (CSDP) missions” as part of the Partnership for effective global governance. How would this increased participation be encouraged in practice and are there specific areas of CSDP missions in which the EU would like to increase LAC participation? If so, which ones?

Third, the EM is silent on the EU’s and the UK’s relationship with Venezuela and Cuba. It also does not address the significant political and economic differences between countries in the region and whether the Communication takes adequate account of these. What is your assessment of EU relations with Cuba and Venezuela and how do they fit into the framework created by this Joint Communication? Are you confident that the Communication adequately accounts for the socio-economic differences between the countries it covers?

Fourth, the policy implications section of the EM states that “the Joint Communication aims to bring together different parts of the Commission and the EEAS to work together towards common aims”. Please provide us with specific examples of how the Communication aims to increase cooperation between the Commission and the EEAS. In which areas would the two work together and towards which specific aims?

Fifth, the EM does not refer to the UK’s post-Brexit relationship with LAC countries. What assessment has the Government made of the UK’s post-Brexit LAC policy and how would this policy differ from that of the EU?

Sixth, could you please send us a list of the LAC countries covered by this Communication? Are they the same as those belonging to the Community of Latin American and Caribbean States?

We have decided to retain the document under scrutiny and we look forward to your response within the usual 10 working days.

*7 June 2019*

**Letter from the Rt Hon Sir Alan Duncan KCMG MP, Minister of State for Europe and the Americas**

Thank you for your letter of 7 June responding to the Explanatory Memorandum (EM) of the above document. This letter addresses your questions related to the EU’s and the UK’s relationship with Latin American and Caribbean (LAC) countries.

First, you asked for an assessment of the development of EU-LAC relations and role of the Joint Communication. The EU and LAC have a strong relationship based on shared values and a belief in the rules-based international system. This is backed up by close historical and cultural links. The two regions align on multilateral issues like climate change and the 2030 Agenda for Sustainable Development. The EU has signed association, free trade or political and cooperation agreements with 27 of the 33 LAC countries and is the largest provider of development cooperation to LAC, with EUR 3.6 billion between 2014 and 2020. The Joint Communication is designed to provide strategic direction for the EU’s external action with LAC, and ensure coordination of action across the four priorities of prosperity, democracy, resilience and effective global governance as set out in the EM.

You asked about LAC participation in Common Security and Defence Policy (CSDP) missions. Part of the EU’s foreign and security policy includes the negotiation of framework participation agreements with third countries in order for them to take part in CSDP missions. In LAC, the EU has signed framework participation agreements with Chile and Colombia. Argentina, Brazil and the Dominican Republic have all participated in CSDP missions on an ad hoc basis; Argentina, Chile and Dominican Republic in EUFOR ALTHEA (Bosnia and Herzegovina) and Brazil in Artemis (Democratic Republic of Congo).

You asked about EU relations with Cuba and Venezuela. The EU signed a Political and Development Cooperation Agreement (PDCA) with Cuba in December 2016 with the purpose of creating a

framework for political dialogue (including on human rights), improved bilateral cooperation and trade facilitation. EU relations with Cuba are framed by this PDCA.

With regards to Venezuela, the EU does not recognise the legitimacy of the May 2018 presidential elections. 24 of 28 EU member states recognise Juan Guaido as interim constitutional President. The EU is urging the Maduro regime to engage in serious, credible, and results-based negotiations with the opposition; to respect democratic institutions; to ensure free and fair elections, together with a credible electoral calendar that allows international and independent observation; to release all political prisoners; and to facilitate access to humanitarian assistance for the population. The EU unanimously agreed a sanctions regime on Venezuela in November 2017, and established the International Contact Group (ICG) on Venezuela in February 2019 with the aim of establishing the conditions for a political process to respond to the situation in Venezuela.

You asked whether the Joint Communication adequately accounts for the socioeconomic differences between the countries it covers. The Joint Communication recognises that “a ‘one size fits all’ approach to the partnership does not fit the many diverse realities of LAC”, and that “partner countries have different policy priorities, needs and assets”.

You asked about cooperation between the Commission and the EEAS. One of the principle objectives of the Joint Communication is to encourage a more joined-up and coherent EU external policy in LAC. A joined-up approach is a key principle of the Global Strategy for the EU’s Foreign and Security Policy. In practice this means closer coordination and synchronisation of development and security policies and financial instruments. One example of a joined-up approach is EU action in Colombia in support of the peace process. The Commission Directorate-General for European Civil Protection and Humanitarian Aid Operations (ECHO), Directorate-General for International Cooperation and Development (DEVCO), and the EEAS work together towards shared objectives using a range of financial instruments.

You asked about the UK’s post-Brexit LAC policy. As we leave the EU, Latin America will be an increasingly important partner for the UK’s global ambitions. It is a region characterised by robust and well-functioning democracies, with a few notable exceptions. It shares our values, and believes and operates in the rulesbased international system and free trade. It is important for UK interests in multilateral fora and one-member one-vote organisations. Latin America is also a region of growing economic potential. It is already the fourth largest market in the world, with 638m people, a combined GDP of \$5.6tn, falling poverty levels and a growing middle class. We have signed agreements with Chile, Peru, Colombia and Ecuador to transition existing EU trade agreements and are negotiating similar agreements with Central America and Mexico. Net UK investment is growing strongly, more than doubling in Brazil since 2010 from £6.4bn to £15bn.

Finally, I confirm that the LAC countries covered by the Joint Communication are the 33 members of the Community of Latin American and Caribbean States.

*21 June 2019*

## REPORT FROM THE COMMISSION SUPPORTING THE SUSTAINABLE DEVELOPMENT GOALS ACROSS THE WORLD: THE 2019 JOINT SYNTHESIS REPORT OF THE EUROPEAN UNION AND ITS MEMBER STATES (9/19/19)

### **Letter from the Baroness Sugg CBE, Parliamentary Under-Secretary, Department for International Development**

Thank you for your EM dated 29 May regarding the above document. This was considered by the External Affairs Sub-Committee on 13 June.

Unfortunately, the EM did not contain sufficient information for us to be able to consider the document in detail. We would therefore welcome additional information on the following:

First, we would like to be provided with specific examples of where, according to the Joint Synthesis Report (JSR), progress has been made under the ‘5Ps’. The EM explains that the JSR sets out the achievements under the ‘5Ps’, but fails to provide a summary of what these have been.

Second, we welcome the summary of the six areas identified as requiring improvement to achieve implementation of the SDGs. However, please also provide us with information on the specific actions that have been recommended as a result.

Finally, we understand that, in relation to the UK's Voluntary National Review, a document of key messages was due to be submitted by the UK Government to the UN by 17 May. We would be grateful for an update on its contents.

We have decided to retain the document under scrutiny and we look forward to your response within the usual 10 working days.

*13 June 2019*

### **Letter from Baroness Sugg CBE, Parliamentary Under-Secretary, Department for International Development**

Thank you for your letter dated 13 June regarding our Explanatory Memorandum on EU Report 9199/19 on the Sustainable Development Goals and the Joint Synthesis Report. You asked for further information on three points.

#### ***1. Specific examples of progress on the '5Ps' (People, Planet, Prosperity, Peace and Partnerships)***

Firstly, you requested specific examples of where progress has been made under the '5Ps'. Across all of these, the measure for progress is the level of ambition set out for the European Union's external action in the Consensus on Development ('the Consensus'), which is explicitly structured around the delivery of the 2030 Agenda for Sustainable Development. The Joint Synthesis Report (JSR) provides a particularly good account of progress on Partnerships, and also outlines progress on the other four 'Ps': People, Planet, Prosperity and Peace, albeit in less detail.

##### *People*

The Consensus highlights the importance of supporting the poorest and most vulnerable communities, helping them to live more fulfilling lives. The report highlights the achievement of the EU and Member States in supporting over 100 million people in achieving food and nutrition security. A similar number of people have been supported in gaining better access to health and education.

##### *Planet*

The Consensus commits the EU and its Member States to address energy poverty by contributing to universal access for those in developing countries to energy services that are affordable, modern, reliable and sustainable. In 2017, the EU and Member States contributed over €23 billion to help developing countries tackle and adapt to the challenge of climate change. This included a commitment of €3.7 billion of EU funding to sustainable energy from 2014-2020. The JSR highlights the role played by this funding in greatly enhancing access for those communities most in need, delivering sustainable energy resources. The EU and Member States are on course to deliver energy access for approximately 40 million people, additional renewable energy capacity of 6.5 gigawatts and annual CO2 emissions savings of around 15 million tonnes through energy efficiency measures in partner countries.

##### *Prosperity*

The Consensus committed the EU and its Member States to lowering the risk profile of investment in developing countries through the External Investment Plan (EIP) in order to leverage additional finance, in particular from the private sector. Thus far, in the prosperity section of the JSR, it states that the EU has invested €3.7 billion, leveraging an additional €37.1 billion of public and private finance investment to improve economic and social development in Africa and the Neighbourhood. It is on target to reach the overall EIP goal of delivering €44 billion of leveraged funding by 2020.

##### *Peace*

The Consensus commits the EU and Member States to implementing humanitarian action and development cooperation in a more coherent and complementary way – an objective strongly supported by the UK. A more coherent approach across humanitarian and development efforts will

help build resilience, prevent and tackle crises, reduce chronic vulnerability and build self-reliance, and will help address extreme poverty overall. The JSR highlights progress on this commitment, with the EU and Member States having spent €30 billion supporting participatory development and good governance in 2017, which are key elements of delivering a better humanitarian/ development nexus approach. By the start of 2018, 1.42 million people had benefited from EU programmes of post-conflict peace building and conflict prevention from spending under the current Multi-Annual Financial Framework (MFF).

#### *Partnerships*

The Consensus commits the EU and Member States to enhance Joint Programming to increase the impact of their development cooperation by bringing together their resources and capacities. The JSR notes that, as of February 2019, Joint Programming has been adopted in 23 partner countries, with a further 36 to come. According to the Global Partnership for Effective Development Cooperation, the EU and Member States' joint programming has also demonstrated a strong alignment with developing country priorities.

The Consensus also commits the EU and Member States to strengthening their partnership with Civil Society. The JSR highlights the progress that has been made since 2015 with 25 framework partnership agreements signed with Civil Society Organisations in partner countries. These agreements recognise the key role of Civil Society in the delivery of many key services, as well as their role in ensuring good governance.

### **2. Specific actions to improve implementation of the SDGs**

You also asked for an account of specific actions relating to the six areas identified in the JSR as requiring improvement to achieve the SDGs. While the JSR sets out conclusions on the areas where further EU action should be focused, it does not recommend specific actions in this regard.

Some further recommendations regarding EU action are proposed for the Council Conclusions on the JSR, which are still currently being negotiated by the relevant Council Working Group. We expect these Conclusions to reaffirm the focus on 'Leave No One Behind' highlighted in the Consensus (an emphasis strongly supported by the UK). We also expect the Conclusions to reaffirm a commitment on working better together, to Policy Coherence for Development, and on putting the SDGs at the centre of engagement with partner countries.

Looking beyond the Council Conclusions, the EU is already focusing on the areas identified for further action highlighted in the report. The proposals for the future Neighbourhood, Development and International Cooperation Instrument (NDICI) under the next MFF will further align the EU's development cooperation with SDG implementation as recommended in the JSR, as well as further mainstream programming on the environment and climate.

### **3. The UK's Voluntary National Review**

Lastly, you asked for an update on the content of the UK's Voluntary National Review (VNR). The main messages of the VNR were submitted to the UN on 17 May and are available at: <https://www.gov.uk/government/publications/main-messages-for-uk-voluntary-national-review/uk-voluntary-national-review-main-messages>.

Furthermore, the full VNR was published on 26 June and is available at: <https://www.gov.uk/government/publications/uks-voluntary-national-review-of-the-sustainable-development-goals>

The VNR sets out the UK's collective efforts on the SDGs since their adoption in 2015; covers domestic and international work on all 17 SDGs; and is underpinned by data. It reflects work across Government at all levels, civil society, our universities and institutions, the private sector, and individuals. It tells the story not only of the work of the Government to deliver the SDGs but also showcases contributions from beyond Government. The VNR has demonstrated that while progress has been made, more must be done to deliver the SDGs.

*26 June 2019*

COUNCIL DECISION (CFSP) 2019/... OF [DD/04/2019] AMENDING DECISION  
2013/184/CFSP (THE PRINCIPAL COUNCIL DECISION) CONCERNING RESTRICTIVE  
MEASURES AGAINST MYANMAR/BURMA (OTNYR)

COUNCIL IMPLEMENTING REGULATION (EU) 2019/... IMPLEMENTING REGULATION  
(EU) NO 401/2013 CONCERNING RESTRICTIVE MEASURES IN RESPECT OF  
MYANMAR/BURMA (OTNYR)

**Letter from the Rt Hon Sir Alan Duncan KCMG MP, Minister of State for Europe and  
the Americas, Foreign & Commonwealth Office**

I am writing with regard to the attached EU Council Decision and Council Implementing Regulation concerning restrictive measures in respect of Myanmar/Burma. The Council Decision and Council Implementing Regulation renew the measures, which include the designation of 14 individuals subject to an asset freeze and travel ban across the EU, for 12 months, until April 2020.

As detailed in the attached Explanatory Memorandum, the human rights situation in Burma continues to be of serious concern and therefore it is important that the UK is able to continue to send a strong message to Burma by supporting the EU Council in its decision to renew these restrictive measures for another 12 months.

The measures would have lapsed had they not been renewed in advance of their renewal date. Unfortunately the draft Council Decision and Council Implementing Regulation were written so close to the renewal date that they needed to be agreed very quickly. Therefore I regret that I find myself in the position of having to agree to the adoption of these Council Decisions and Implementing Regulations before your Committee has had an opportunity to scrutinise the documents.

Your Committee has previously expressed concern that renewals of this type are not considered earlier in the EU, reducing the possibility of the documents being scrutinised. This is something I am very aware of and I have instructed my officials to continue to raise these concerns with colleagues in the EU.

As you know, the responsibility to keep your Committee informed on issues concerning Burma sanctions is something I take seriously and the need for the override of scrutiny on this occasion is regrettably unavoidable.

*25 April 2019*

COUNCIL DECISION (CFSP) 2019/535 OF 29 MARCH 2019 AMENDING DECISION  
(CFSP) 2015/778 ON A EUROPEAN UNION MILITARY OPERATION IN THE  
SOUTHERN CENTRAL MEDITERRANEAN (EUNAVFOR MED OPERATION SOPHIA)  
(UNNUMBERED)

**Letter from the Rt Hon Sir Alan Duncan KCMG MP, Minister of State for Europe and  
the Americas, Foreign & Commonwealth Office**

I am writing with regard to the EU Council Decision to extend EUNAVFOR Med Operation SOPHIA for six months until 30 September 2019.

As detailed in the Explanatory Memorandum, this Council Decision would allow Operation SOPHIA to continue. As EU Member States have yet to agree long-term arrangements for disembarking migrants rescued by vessels attached to the Operation, a further technical extension to the mandate became necessary to allow time to find a solution.

In order for the Council Decision to be adopted before the current Mandate expires on 31 March, it needed to be adopted by written procedure on 29 March. If it was not adopted then Operation would have been forced to close. As was the case in December, unfortunately the draft Council Decision was finalised close to mandate expiry, in this case on 27 March. It was therefore not possible for your Committee to have considered it before the Mandate expired on 31 March.

Therefore I regret that I found myself in the position of having to agree to the adoption of this Council Decision before your Committee has had an opportunity to scrutinise the documents.

As you know, the responsibility to give your Committee the opportunity to scrutinise EU Council Decisions ahead of adoption is something I take seriously and the need for the override of scrutiny on this occasion is regrettably unavoidable.

2 April 2019

**Letter from the Chairman to the Rt Hon Sir Alan Duncan KCMG MP, Minister of State for Europe and the Americas**

Thank you for your Explanatory Memorandum (EM) and your letter of 2 April regarding the above document. This was considered by the External Affairs Sub-Committee on 25 April 2019.

Your EM raised a number of questions, about which we seek to obtain further information from you, as follows.

First, how many aircraft will be used by Operation Sophia and be surveilling at any given time? Will they cover the same geographic area that the naval assets had covered previously?

Second, if an aircraft was to spot, for instance, people smuggling activity on a vessel on the Mediterranean, who would intercept the smugglers' boats and where would the migrants disembark? Please take us through the practical steps taken after a spotting of people smuggling activity.

Third, if an aircraft was to suspect a violation of the UN arms embargo, who would board a suspicious vessel to implement the embargo? What cooperation would there be with FRONTEX, the European Border and Coast Guard Agency?

Fourth, your EM mentions the training of the Libyan Coastguard, which includes two modules that were completed by the end of March. Please provide us with specific information about the upcoming scheduled training modules during the extension period, including their location, the number of trainees, and the areas covered by the training.

Fifth, the UK has previously deployed air assets to Operation Sophia. What consideration has the Government given to the deployment of UK air assets during the extension period of Operation Sophia, as long as the UK remains an EU Member State?

Lastly, we are highly concerned about the current political instability in Libya, which may have an impact on the functioning of Operation Sophia and its cooperation with the Libyan Navy and Coastguard. What contingency planning has Operation Sophia undertaken to prepare for different political developments in Libya?

We have decided to retain this under scrutiny. We look forward to receiving your response within the usual 10 working days.

29 April 2019

**Letter from the Rt Hon Sir Alan Duncan KCMG MP, Minister of State for Europe and the Americas**

Thank you for your letter of 29 April requesting further information regarding Operation SOPHIA. I have addressed your questions below.

The area of operations (AOO) remains unchanged. The Operation uses both piloted and unmanned aerial vehicles (UAVs) for situational awareness within the AOO. The operation uses UAVs, provided by Italy in Associated Support and therefore do not offer continuous cover, to surveil the Eastern portion of the AOO. There are presently four piloted aviation assets provided in Direct Support to the Operation by Spain (1), Poland (1) and Luxembourg (2). The normal operating pattern is to have one or two aircraft surveilling at any given time in the western portion of the AOO.

If an aircraft observes a vessel in distress, the crew would pass the position and vessel details to Rome Maritime Rescue and Coordination Centre (MRCC) to coordinate any required rescue or delegate to an alternative MRCC if the incident falls within another State's area of responsibility.

Under the International Convention for Safety of Life at Sea (SOLAS), it is beholden upon all mariners to come to the aid of vessels in distress; who intercepts and where the migrants are subsequently disembarked will differ according to the closest vessel able to provide life saving assistance.

In the event of the Operation SOPHIA spotting a vessel suspected of violating the UN arms embargo, the Operation would monitor the suspect vessel and conduct analysis. This assessment would be passed to the Crime Information Cell, a civilian-military cell composed of personnel from Europol, Frontex, the European Border and Coast Guard Agency, and the Operation for coordination and dissemination to other organisations.

The Operation plans further Coastguard training modules requested by the Libyan Navy and Coastguard (LNCG):

Title	Period (2019)	Host Nation	Trainees
Visit, board, search and seizure (VBSS)	01/07 – 20/07	Greece	Up to 40
Naval and Maritime Communication	14/06 – 26/07	Greece	Up to 20
Basic Ship's Diver	17/06 / 19/07	Croatia	Up to 15
Advanced Ship's Diver	26/08 – 27/09	Croatia	Up to 11
Deck Officer	TBD by 30/09	Italy	Up to 57
Mechanical Engineer Officer	TBD by 30/09	Italy	Up to 14
Electrical Engineer Officer	TBD by 30/09	Italy	Up to 20
Electronic Maintainer	TBD by 30/09	Italy	Up to 16
Electric Maintainer	TBD by 30/09	Italy	Up to 10
Operation Room & SMART Operator	TBD by 30/09	Italy	Up to 10

The Ministry of Defence has considered providing air assets to the Operation. However, the UK has a limited number of air assets and they are already deployed in other operations.

With regard to contingency planning, the Operation regularly reviews the security and political situation within Libya. The operational activities considered most at risk from the current situation in Libya are the training of the LNCG and monitoring ashore. At present, no alterations have been required to the future training schedule, however the Operation has temporarily suspended monitoring visits due to the security situation around Tripoli.

7 May 2019

**Letter from the Chairman to the Rt Hon Sir Alan Duncan KCMG MP, Minister of State for Europe and the Americas**

Thank you for your Explanatory Memorandum (EM) and your letter of 2 April regarding the above document. This was considered by the External Affairs Sub-Committee on 25 April 2019.

We are grateful for the detailed information provided in your letter on the Libyan Navy and Coastguard's forthcoming training schedule. There are, however, a number of other areas covered by your response that we would like to seek clarification on.

First, you explain that the Eastern Area of Operations is not subject to continuous air surveillance because this area is covered by unmanned aerial vehicles provided by Italy in Associated Support. It is not immediately clear to us why this would necessarily result in non-continuous cover and we would appreciate an explanation of the reason behind the differing approach to surveillance being taken in the Eastern Area of Operations. Also, it would be helpful if you could provide some further information to help us understand the geographic extent of the Eastern Area of Operations.

Second, the response provides detailed information about Operation Sophia's role in the event of spotting a vessel in distress. However, this raises the question of what would happen if a migrant boat were to be spotted that was not facing imminent danger. What would Operation Sophia's role be in that instance? Would the presence of migrants automatically render a ship 'in distress' and trigger the response described in the letter?

Lastly, your letter sets out that if an aircraft were to suspect a vessel of violating the UN arms embargo, information would be passed to the Crime Information Cell, which would then pass on the information to "other organisations". Please provide us with information about what organisations this refers to and who would ultimately be responsible for boarding a suspicious vessel.

We have decided to continue to keep the document under scrutiny and we look forward to your response within the usual 10 working days.

*17 May 2019*

**Letter from the Rt Hon Sir Alan Duncan KCMG MP, Minister of State for Europe and the Americas**

Thank you for your letter of 19 May requesting further information regarding Operation SOPHIA. I have addressed your questions below.

First, you ask about the non-continuous air cover in the Eastern Area of Operations and the reason behind the difference in surveillance strategy with the Western Area. Having reflected on military advice, EU Member States agreed that 60 hours of Unmanned Aerial Vehicle (UAV) surveillance per month in Associated Support to SOPHIA's Eastern Area of Operations would be appropriate to deliver its mandate. This Associated Support is not for the exclusive use of the operation and can also be used for national taskings, as it was not judged necessary to have continuous UAV surveillance of the Eastern Area of Operations. By contrast, the Western Area of Operations is served by manned aircraft in Direct Support as that is where most smuggling activity has historically taken place.

The Eastern Area of Operation stretches from East of Maltese contiguous waters to international waters off the coast of the Libyan city of Tobruk, and up to but not including the territorial waters of neighbouring states.

You also ask about vessels that are sighted but are not in imminent danger. There are three main international treaties (Safety of Life at Sea (SOLAS) Convention, Salvage Convention and United Nations Convention on the Law of the Sea (UNCLOS)), which place an obligation regarding the rendering of assistance. The primary purpose of all three, in respect of this obligation, is to ensure that assistance is provided to persons who are in distress at sea. By their nature migrant boats, mostly due to overcrowding, are unseaworthy vessels and certainly do not conform to SOLAS regulations for vessels at sea, putting the lives of those onboard at risk. As such, boats that are unseaworthy and are visibly not properly equipped, manned or incapable of making a crossing of the Mediterranean without significant risk to life for those onboard, are reported to the Maritime Rescue and Coordination Centre Rome. Seaworthy vessels that are not visibly in distress are not reported.

Finally you ask about the other organisations in communication with the Crime Information Cell; and who has responsibility for boarding suspicious vessels. The other organisations referred to include those who make part of the EU Justice and Home Affairs agencies' network (presently nine agencies including Europol and Frontex). The Operation Commander of Op SOPHIA would ultimately be responsible for operational assets and personnel involved in boarding a vessel suspected of violating the UN arms embargo on Libya.

*30 May 2019*

**Letter from the Chairman to the Rt Hon Sir Alan Duncan KCMG MP, Minister of State for Europe and the Americas**

Thank you for your letter of 30 May regarding the above document. This was considered by the External Affairs Sub-Committee on 6 June 2019.

We are grateful for the detailed information provided in response to the Committee's questions and are now content to clear the item from scrutiny. You do not need to respond to this letter.

*7 June 2019*

**COUNCIL DECISION EXTENDING DECISION 2014/486/CFSP ON THE EUROPEAN UNION ADVISORY MISSION FOR CIVILIAN SECURITY SECTOR REFORM UKRAINE (EUAM UKRAINE) (OTNYR)**

**Letter from the Chairman to the Rt Hon Sir Alan Duncan KCMG MP, Minister of State for Europe and the Americas, Foreign & Commonwealth Office**

Thank you for your comprehensive Explanatory Memorandum (EM), dated 25 April 2019, regarding the above document. This was considered by the External Affairs Sub-Committee on 16 May 2019.

We have two further questions relating to EUAM, to which we would be grateful for your reply, as below.

First, your EM outlines the progress Ukraine has made in a number of areas. Few of those, however, appear to be directly related to the work EUAM Ukraine is doing. Please provide us with your assessment of the progress achieved as a result of EUAM's work to date.

Second, your EM does not provide any information about the last Strategic Review of EUAM. Please provide us with your assessment thereof, with the lessons learnt, and with the measures adopted to address any deficiencies.

We look forward your response within the usual 10 working days.

*17 May 2019*

**Letter from the Rt Hon Sir Alan Duncan KCMG MP, Minister of State for Europe and the Americas**

Thank you for your letter of 17 May, confirming that the EU-Sub Committee on External Affairs considered the above document. You raised some questions about progress achieved as a result of the EUAM's work, and our assessment of the last Strategic Review.

Ukraine has made significant reform progress in a large number of areas. The EUAM supports Ukraine's reforms of the civilian security sector, including law enforcement and rule of law agencies. Its five priorities are human-resource management, criminal investigations, public order, community policing and delineation of competencies.

The work of the EUAM has been important in encouraging and supporting Ukraine's reform progress. This includes community policing, where the EUAM has implemented a nationwide training programme. A number of UK secondees to the EUAM have been leading this work. The EUAM has supported the drafting of over 40 laws, including the Law on National Security, a significant step towards developing a vision for a reformed Security Sector, including proper democratic oversight and delineation of responsibilities. In terms of rule of law, reform of the judiciary has had some positive results, with the selection and re-evaluation of judges and the adoption of legislation establishing the High Anti-Corruption Court, with the EUAM supporting training. The EUAM also plays a central role in the International Advisory Group on ensuring reform of the Security Services of Ukraine. This is critical not only to strengthen Ukrainian government institutions, but also to rebuild public trust in Ukraine's security services. The EUAM's field offices in Lviv and Kharkiv, and new office in Odesa, opened in 2018, have contributed to the visibility of the Mission, increasing understanding of the mandate across the country.

We therefore judge the mission to have made good progress, though further support is still needed in the EUAM's priority areas, both to implement measures already agreed and to continue reforms. On this basis, we support the extension of the mandate of the EUAM.

The EUAM's last Strategic Review was finalised in December 2018, and the UK agreed with its main conclusions. The Review highlighted the risks of overlapping or competing initiatives by the range of international partners working in Ukraine, and set out how, in response to this, the EUAM will continue to cooperate closely with the EEAS and other related bodies to form an integrated approach. This will also help increase the limited political leverage of EUAM within Ukraine. The Review highlighted the challenging environment in which the EUAM operates to implement reforms, due to the ongoing conflict in the east of Ukraine and during an election year. In light of this, the Review emphasised the need to ensure that the political will for reform continues after the presidential and parliamentary elections. The UK is already engaging with the new presidential authorities and we are clear that Ukraine needs to continue its reform progress.

In sum, the Review agreed that the mandate and objectives remained valid, with progress on strategic advice, operational support and coordination and cooperation. It concluded the desired end state would not be reached by the end of the mandate. It therefore recommended extending the Mission for two years without changes to the current mandate and objectives and, given challenges to implementation, focusing on existing reforms.

The response to the Strategic Review was also shaped by the EU and UK's broader response to the attack on Ukrainian vessels in the Black Sea on November 25. This drew attention to the difficulties being faced by areas of south-east Ukraine bordering the Sea of Azov, and the acute needs of communities in those areas who require international support. Therefore, the Strategic Review recommended establishing a second Mobile Unit, giving the EUAM greater scope to operate in government controlled areas of south-east of Ukraine, including Mariupol. The UK supports this approach.

30 May 2019

## GENERAL CORRESPONDENCE

### THE POLITICAL SITUATION IN LIBYA

#### **Letter from the Rt Hon Lord Bates, Minister of State, Department for International Development**

Thank you for your follow-up question dated 25th March in which you raise the issue of how the UK ensures safe delivery of support to refugee centres in Libya. We continue to be extremely concerned for the wellbeing of refugees and migrants in Libya. Rather than having a set of security criteria *per se*, my Department applies robust risk management approaches and international humanitarian principles to ensure the safe delivery of support to vulnerable beneficiaries. I have outlined this below in more detail, alongside a clarification of the centres to which our partners are delivering aid.

Refugee centres/camps are places where asylum seekers, refugees and migrants can access accommodation or other essential services. The only facility of this kind in Libya is the UNHCR's Gathering and Departure Facility in Tripoli, which the UK is supporting via our contributions to the EU Trust Fund (EUTF).

Detention centres in Libya are either official centres run by the Libyan Department for Combatting Illegal Migration (DCIM) to detain migrants, or unofficial centres which exist beyond DCIM's control. The UK (as well as other international actors) is delivering limited humanitarian aid in official centres (for example phone calls), but we do not fund any operational/maintenance costs of these centres or longer-term assistance to migrants in centres, as we do not support a detention system that does not uphold human rights and is not meeting international humanitarian standards.

The UK understands that any initiative conducted in a conflict affected environment will interact with that conflict either positively or negatively. We therefore adopt a systematic approach to ensuring we understand and minimise the negative effects (risks) and maximise positive effects of our actions (opportunities) on conflict and stability.

For example, in Libya under our £75 million Safety, Support and Solutions Phase II (SSSII) programme, the International Organisation for Migration has conducted four comprehensive local level conflict analysis assessments for Benghazi, Kufra, Qatroun, and Sabha, each with detailed recommendations on conflict sensitivity considerations. Furthermore, we require all our partners to continually report on changes in the risk context in the countries they are working in, including demonstrating how any findings from conflict analysis have informed their individual project design. With this detailed understanding, we would not give any assistance where we consider the potential risk of harm (whether direct or indirect) to be too high, for example, the risk of aid diversion through blankets provided being sold onwards by militia, or refurbishing detention centres or funding their operational costs as effectively condoning a system of illegal detention. We also have regular discussions with our first-tier partners about how they are developing the capacity of downstream partners to deliver conflict-sensitive programming. Furthermore, this year during the Independent Commission for Aid Impact's (ICAI) second follow-up review of their 'rapid' review into HMG's response to irregular migration in the Mediterranean, they have recognised my Department's very strong approach to risk management under SSSII, particularly commending our integration of the 'do no harm' principle throughout programming.

The UK often cannot intervene in Libyan detention centres because our partners do not have unconditional access to beneficiaries - a core international humanitarian principle. This principle means that we and/or our partners would need to be allowed to enter every room in the detention centres to assess the vulnerability of every detainee and provide assistance as required. In the case of detention centres this is not respected by the Libyan authorities, which is why we are only delivering limited aid.

We also cannot deliver aid unless it is safe for our partners to do so. Libya is a difficult environment to operate in and security is difficult to guarantee. There is no unified security structure or police force, inter-militia fighting is common, and lawlessness is widespread. This is why in Libya under SSSII we were able to access one detention centre to deliver non-food items (for example blankets) only during a pause in fighting in the area during summer last year. We continue to closely monitor the security situation across the whole of Libya through our Embassy in Tripoli and with partners in Tunisia, to assess where aid can be delivered.

Sexual exploitation and abuse and sexual harassment is a significant risk in humanitarian emergencies, particularly in situations of protracted crisis and refugee settings. It is critical that all beneficiaries of our aid programmes are safeguarded, and that all those engaged in poverty reduction and the provision of humanitarian assistance take all reasonable steps to prevent harm (particularly sexual exploitation, abuse and harassment) from occurring, listen to those who are affected, respond sensitively but robustly when harm or allegations of harm occur, and learn from every case.

In Libya under SSSII we have ensured safeguarding and other 'do no harm' risks are clearly articulated in all partner risk registers and appropriate mitigation measures and contingency actions are firmly in place. These risks are reviewed with partners on at least a quarterly basis. To date, there have been no reports of safeguarding concerns on the programme. We have also conducted enhanced due diligence assessments for all our partners operating in Libya, which ensured compliance with DFID's robust safeguarding guidelines.

*8 April 2019*

**Letter from the Chairman to Baroness Sugg CBE, Parliamentary Under-Secretary,  
Department for International Development**

Lord Bates wrote a letter to the External Affairs Sub-Committee on 8 April 2019 regarding the support provided by the UK to refugee and detention centres in Libya. This was considered by the External Affairs Sub-Committee on 2 May 2019.

We are very grateful for the comprehensive information contained in his correspondence. You do not need to reply to this letter.

*3 May 2019*

## EUROPEAN UNION ANNUAL REPORT ON HUMAN RIGHTS AND DEMOCRACY IN THE WORLD 2018

### **Letter from the Rt Hon Sir Alan Duncan KCMG MP, Minister of State for Europe and the Americas, Foreign & Commonwealth Office**

I am writing to draw your attention to the EU's Annual Report on Human Rights and Democracy in the World 2018, which will be adopted by the Council as an outcome of proceedings this month. Overall, the report provides a comprehensive snapshot of the EU's activities, not only in promoting and defending human rights, but also democracy, the rule of law and the promotion of humanitarian law.

Last year's report noted the continuing challenges to human rights, democracy and the rule of law and in particular the constraints on civil society. This year it notes the increase in threats and violence against journalists and other media workers and the threat this poses to a free press, as well as the role that disinformation plays in undermining democracy and faith in democratic institutions.

The report notes the strong leadership role of the EU in multilateral institutions, in particular the UN and the OSCE, but also in other agencies such as the International Labour Organisation. Here, the EU contributed to the work of the ILO's standard supervisory mechanisms on compliance with the Declaration on Fundamental Principles and Rights at Work and in combatting work-place violence.

While the report is frank about the challenges faced, it is not entirely negative about the direction of human rights in the world, noting some successes, particularly in the UN Human Rights Council, where, by building an alliance with the Organisation of Islamic States a resolution was passed establishing an international accountability mechanism for Burma/Myanmar. The EU led resolution on Freedom of Religion or Belief was adopted by consensus and focused on the importance of implementing states' commitments undertaken at previous UN human rights fora. Another notable resolution was the resolution on the rights of the child, focusing on the protection of children in the context of humanitarian situations. Also, in an effort to provide a positive narrative on human rights the EU Special Representative for Human Rights, Stavros Lambrinidis, launched at the UN General Assembly, the 'Good Human Rights Initiative' to promote and recognise advancements in human rights.

The report notes that the EU continues to play an important role in promoting democracy and the rule of law and is expected to give this more prominence in coming years. Support, both financial and practical is provided, including by supporting parliaments, political parties, civil society and democratic governance.

Practical support for human rights defenders is provided through the European Instrument for Democracy and Human Rights (EIHDR). Specific support has been provided for those working to promote the human rights of women and girls and a new initiative was launched to support the work of HRDs working on LGBTI issues.

Gender equality and women's empowerment is integrated into all of the EU's external actions, including the Common Security and Defence Policy (CSDP) that guides the EU's humanitarian actions and in working to achieve the Sustainable Development Goals. The EU places gender equality and the Women Peace and Security agenda at the centre of its work and partnerships with multilateral partners this was reflected in a successful Commission on the Status of Women at the UN and the first G7 meeting of women Foreign Ministers in partnership with Canada.

As the UK moves towards leaving the EU we will continue to find ways to work with our European colleagues to promote and defend the fundamental values that we share in the face of continuing efforts to undermine not only the rules based international order but also the universality of human rights.

*8 May 2019*

## UPDATE ON THE NEIGHBOURHOOD DEVELOPMENT AND INTERNATIONAL COOPERATION INSTRUMENT (NDICI)

### **Letter from the Rt Hon Sir Alan Duncan KCMG MP, Minister of State for Europe and the Americas, Foreign & Commonwealth Office**

The Neighbourhood Development and International Cooperation Instrument (NDICI) is a proposed EU external action instrument which will operate during the next Multi-annual Financial Framework (MFF) 2021-27. NDICI will merge twelve separate 2014-2020 MFF external action instruments.

These twelve instruments are the Development Cooperation Instrument (DCI), the European Development Fund (EDF), the European Instrument for Democracy and Human Rights (EIDHR), the European Neighbourhood Instrument (ENI), the Partnership Instrument (PI), the Instrument contributing to Stability and Peace (IcSP), the Instrument for Nuclear Safety Co-operation (INSC), the External Leading Mandate (ELM), a Guarantee Fund for external action, the European Fund for Sustainable Development (EFSD), Macro-Financial Assistance (MFA), and the Common Implementing Regulation (CIR).

Instead of being implemented by different instruments, EU external action programmes will be implemented by different thematic and geographic 'windows' within the NDICI instrument. The exception to this consolidation is the Instrument for Pre-accession Assistance (IPA) III which will remain separate. By this merger the Commission wishes to simplify the legislative framework of external action and provide greater flexibility in responding to unforeseen challenges and crises.

#### **NDICI working group**

The NDICI working group has discussed thematic packages on Governance, Least Developed Countries (LDCs) and Middle Income Countries (MICs), Overseas Countries and Territories (OCTs), Gender, Working Better Together and Peace Building. These have been through three revisions and some have come to conclusion. The aim of these discussions has been to reach provisional agreement and highlight areas which will be contentious for member states. NDICI's climate spending target and the compatibility of EU external action with the Paris Agreement were discussed at the 7 May Committee of Permanent Representatives (COREPER).

UK representatives are constructively contributing to the working group's discussions. Only the Governance thematic package bears directly on the UK's future relationship with the instrument in terms of future funding cooperation, although the EU with its member states is the world's largest block of development actors and the EU's external actions and development strategies are important to us.

The current text of NDICI's geographic, rapid response and thematic pillars does not include provision for non-member contributors to receive governance rights in pillars to which they have contributed. However the current text does allow third country contributors to receive such rights in NDICI's investment pillar.

UK attempts to alter this text to extend third party contributors' governance rights to all the instruments' pillars have so far been unsuccessful. At present, we believe we are unlikely to make much progress on this in the ongoing next-MFF negotiations. The text of the regulation is not yet final and we continue to pursue this line of action. However, we anticipate that the terms of any possible UK future contribution to NDICI will need to be addressed at future UK-EU talks.

#### **13 December 2018 the European Court of Auditors (ECA) Opinion**

On 13 December 2018 the ECA adopted Opinion No 10/2018 concerning the Proposal for a Regulation of the European Parliament and of the Council establishing the Neighbourhood, Development and International Cooperation Instrument [COM(2018) 460 final]. This opinion was published in Volume 62 of the Official Journal of the European Union, 4 February 2019 (2019/C 45/01).

Opinion judged that overall the proposal achieves its goals of simplifying the legislative framework of external action and enhancing flexibility.

On flexibility, the ECA noted the proposal's 11% 'emerging challenges and priorities cushion' (Article 6(3)) and changes to make it easier to carry over commitments to the next year and to reallocate money from terminated projects.

On simplification, the ECA praised the consolidation of multiple instruments into NDICI but noted that competing thematic and geographic windows within NDICI still present the possibility of incoherence and inconsistency.

The ECA commended the merger of the EDF, previously an off-budget instrument, into the on-budget NDICI instrument. The ECA noted that this change increases the European Parliament's scrutiny over external action spending and therefore increases democratic accountability.

The ECA recommends a number of specific changes to the regulation. Most of these are minor and relate to clarifying the proposal's structure or correcting apparent drafting errors. More significantly the ECA recommends expanding the use of performance-based approaches across the Instrument, specifically broadening the use of performance-indicators from only Neighbourhood Area programmes to all geographic and thematic programmes.

The ECA noted that the current proposal 'does not make sufficient provision for the management and control systems to include an internal control framework whose design would allow the court to pursue the move towards an attestation engagement.' The ECA will therefore not make a statement of assurance approving the proposal until greater provision for the internal control framework is made.

The Opinion's recommendations do not affect British interests or values but we welcome the ECA's support for the increased use of performance indicators. The Opinion will not alter the prospects for future British collaboration with the instrument.

*20 May 2019*