



HOUSE OF LORDS

European Union Committee

House of Lords
London
SW1A 0PW
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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 July – 13 October 2019

EU HOME AFFAIRS SUB-COMMITTEE

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COUNCIL ON HEALTH TECHNOLOGY ASSESSMENT AND AMENDING DIRECTIVE
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**Letter to the Chairman from the Baroness Blackwood, Parliamentary Under Secretary
of State, Department of Health**

I wrote to you on 18 February to update you on the above draft Regulation that has been proposed by the Commission to strengthen cooperation on health technology assessment across Member States. This letter provides an update on progress.

Since I last wrote to you, there have been six further working parties. The working parties have focussed on suggested amendments and additions to the text of the draft Regulation. The suggestions seek to address concerns raised by Member States around the proposals, in particular the development of joint scientific consultations and the supporting provisions relating to funding, the governance arrangements and the IT platform. The working parties have also considered additional text proposed by the Presidency and other Member States relating to important issues such as conflicts of interest, transparency and quality assurance. A progress report on the proposals was also noted at the health configuration of the Employment, Social Policy, Health and Consumer Affairs Council (EPSCO Health) meeting on 14 June.

The discussions have been useful in improving aspects of the proposals, though we remain concerned about the mandatory nature of the Regulation and the implications for timeliness of decision making. The UK continues to participate constructively in the working parties, and is working with other likeminded Member States to press the importance of producing timely and high quality assessments.

A further 6 working parties to discuss the draft Regulation are scheduled during the Finnish Presidency. The Finns have confirmed that they will focus on Articles 3-9 of the regulation and intend to work towards a progress report/policy debate at EPSCO Health Council on 9th December 2019. We will continue to contribute actively to the discussions particularly on those that focus on the possible mandatory nature of the regulation via Article 8 and I will update you later in the year unless there are significant developments before then.

22 July 2019

COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE
COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE
COMMITTEE OF THE REGIONS ON ENABLING THE DIGITAL TRANSFORMATION OF
HEALTH AND CARE IN THE DIGITAL SINGLE MARKET; EMPOWERING CITIZENS
AND BUILDING A HEALTHIER SOCIETY (6451/18)

**Letter from the Chairman to the Baroness Blackwood, Parliamentary Under Secretary
of State, Department of Health**

Thank you for your letter dated 27 June 2019 on the above Communication, which the EU Home Affairs Sub-Committee considered at its meeting on 10 July 2019.

We are content to clear this file from scrutiny and do not require a response.

10 July 2019

REPORT FROM THE COMMISSION TO THE COUNCIL AND THE EUROPEAN PARLIAMENT SUMMARY OF THE ANNUAL IMPLEMENTATION REPORTS FOR THE OPERATIONAL PROGRAMMES CO-FINANCED BY THE FUND FOR EUROPEAN AID TO THE MOST DEPRIVED IN 2017 (10602/19)

Letter from the Chairman to Victoria Atkins MP, Parliamentary Under Secretary of State for Crime, Safeguarding and Vulnerability, Home Office

Thank you for your EM dated 9 July 2019 on the above report, which the EU Home Affairs Sub-Committee considered at its meeting on 24 July.

You will know that the EU Committee has been concerned by the Government's inability to find a use for the UK's €3.96m FEAD funding allocation for some time. It is extraordinary that the UK has ended up in a situation where its failure to develop a suitable FEAD programme has wasted nearly six years and €600,000 of the UK's funding allocation. We note that a further €600,000 of the pot will be lost if the UK is unable to spend this sum by the end of 2019.

The Committee has taken a particular interest in the welfare of young refugees and unaccompanied asylum-seeking children. We therefore welcome your current plans to develop a FEAD programme which supports these vulnerable groups, but emphasise our disappointment that it has taken so long for the Government to come up with such a positive potential use for these funds.

We have decided to retain this file under scrutiny, and have several questions:

- When do you expect to hear back from the European Commission on whether it approves the proposed programme?
- What are the implications of a 'no deal' Brexit scenario for accessing FEAD funding?
- If the UK does lose access to FEAD as a result of a 'no deal' Brexit, will you commit alternative funding to ensure the important work envisaged in the proposed programme can still take place?

We also request that you send us a copy of the proposed FEAD programme that the Government submitted to the European Commission on 2 July, together with details of how you will ensure the sustainability of this important work and the proposed programme budget (including a break down of the projected budget spend on administration costs compared with 'on the ground' activities).

I look forward to your response within 10 working days.

24 July 2019

Letter to the Chairman from Victoria Atkins MP, Parliamentary Under Secretary of State for Crime, Safeguarding and Vulnerability, Home Office

Thank you for your Committee's letter regarding the Fund for European Aid to the Most Deprived (FEAD). As the Minister for Safeguarding and Vulnerability, I am committed to ensuring that trafficked children, including unaccompanied asylumseeking children, and young refugees have the support they need as they are some of the most vulnerable people in our society. I am glad that the Committee is welcoming of the proposed focus of the fund and approves of the target cohort. I want to assure you that, since the Home Office has assumed control of the UK's allocation for FEAD, my officials have been working hard to secure funding.

On 2 July 2019, the Home Office submitted our proposed operational programme for the FEAD to the European Commission for their approval. The programme will focus on vulnerable people aged 16 to 24 who have entered the UK, either via resettlement schemes, having been granted refugee status through the in-country asylum process, or as those who have been identified as potential victims of modern slavery, some of whom are unaccompanied children and young people.

The European Commission has a four to six-month window to consider the proposed programme. My officials are working closely with the Commission to respond to any requests for clarification. The Commission has, in turn, committed to providing feedback as soon as possible.

In your letter, you have asked about the projected budget spend on administration costs compared to on the ground activity. I would like to reassure you that we are complying stringently with European Commission rules regarding the proportion of funding that can be spent on administration or management costs. In line with this in our proposed programme no more than 5% of FEAD funding will be spent on management costs, with the clear majority of funding dedicated to 'on the ground' activity.

You have also asked about implications for the UK's FEAD programme once the UK leads the European Union. In the case of a withdrawal agreement, the UK will still benefit from the FEAD under the Multiannual Financial Framework (MFF) 2014-2020, as if it was still a member state. In case of no-deal, the UK will no longer be eligible for funding as this is linked to membership of the European Union.

As part of a 'final set' of no deal contingency measures, the Commission proposed a draft regulation that would allow the UK to continue participating in EU programmes, including FEAD, in return for continuing to contribute to the 2019 budget. The Government is currently analysing this proposal and its implications.

If the FEAD funding is no longer available once the UK leaves the European Union, funding from within the Home Office for the continuation of the proposed programme will need to be considered alongside other Departmental priorities, in the context of other support available for the vulnerable group of young people that our FEAD proposal targets.

I welcome your interest in this fund, and hope this response satisfies your concerns. This Government has a proud history of helping the most vulnerable and is absolutely committed to ensuring that child victims of trafficking, unaccompanied asylumseeking children and refugee children get the support they need.

27 September 2019