



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 January 2019 – 31 March 2019

EU EXTERNAL AFFAIRS SUB-COMMITTEE

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COMMUNICATION FROM THE COMMISSION TO THE COUNCIL - FINANCIAL
INFORMATION ON THE EUROPEAN DEVELOPMENT FUND - EUROPEAN
DEVELOPMENT FUND (EDF): FORECASTS OF COMMITMENTS, PAYMENTS AND
CONTRIBUTIONS (10042/18)

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

Thank you for your letter dated 10 January regarding the above document. This was considered by the External Affairs Sub-Committee on 24 January and we are now content to release this item from scrutiny.

You do not need to respond to this letter

25 January 2019

PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE
COUNCIL ESTABLISHING THE NEIGHBOURHOOD, DEVELOPMENT AND
INTERNATIONAL COOPERATION INSTRUMENT (10148/18)

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

Thank you for your letter of 21 September to confirm that the Neighbourhood Development and International Cooperation Instrument (NDICI) proposal has been cleared from scrutiny. I apologise for the delay in sending my response.

The consolidation of separate EU foreign policy instruments into one should not, in itself, impact on the UK's ability to co-operate with the EU on a case-by-case basis. The consolidated instrument comprises 'windows' that broadly mirror the current geographical and thematic instruments. Aside from remaining nimble and flexible ourselves – e.g. ensuring the UK can take a differentiated approach across 'NDICI' – the key factor will be the EU's willingness to reach different positions for each 'window'.

Our current focus is on securing, through the continuing negotiations on the NDICI Regulation, options that would allow our future participation in elements of the programme at instrument or subordinate levels where this is in the UK's interest, and where the EU would agree to an appropriate level of UK control over UK funds. There are various mechanisms that might allow for such case-by-case co-operation, if the instrument's eventual legal framework allows third party participation.

As you are aware, the UK's participation in NDICI and other external action programmes remains subject to negotiations on the future relationship. The Political Declaration sets out the UK and EU's shared aspiration for ambitious, close and lasting co-operation to address the root causes of global challenges. This provides the framework within which UK future participation in NDICI will be defined.

25 January 2019

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

Thank you for your letter dated 25 January 2019 regarding the proposal to establish the Neighbourhood, Development and International Cooperation Instrument (NDICI). This was considered by the External Affairs Sub-Committee on 7 February 2019.

We would be grateful if you could keep us updated on the inclusion of provisions for third country participation in the Regulation and the implications this will have for the UK's ability to co-operate with the NDICI on a case-by-case basis after Brexit.

12 February 2019

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

**Letter from Stuart Andrew MP, Parliamentary Under Secretary of State and Minister
for Defence Procurement, Ministry of Defence**

I am writing to inform you about the progress of the European Defence Fund (EDF) through the European legislative process.

The Regulation has now been through trilogue and largely agreed between Commission, Council and Parliament, with Parliament failing to achieve substantial adverse changes. The final budget has still to be finalised, along with all programmes in the next multiannual financial framework, and encouragingly Article 5 on Associated Countries remains in square brackets despite opposition from the European Parliament. Both of these aspects will be revisited in the autumn at the earliest following the European elections. You will recall from my previous correspondence with you that the UK approach has been to pursue a 'hook' in Article 5 that allows for the possibility of third country association to the EDF, beyond those countries that are members of EEA/EFTA. This remains a possibility while the text is bracketed.

You are likewise aware of concerns we had about the third-party restrictions on IPR. These concerns have been somewhat allayed with some tweaks in language, but not entirely. An attempt has been made to confine the restrictions only to that which receives 'financial support' from the fund, rather than entire programmes and it is now clear that third parties would own the IP they generate. However, the Regulation remains ambiguous on how restrictions would apply to products of combined EU-funded and third-party funded results. This will depend on how the Regulation is applied.

Whilst this text is an improvement, our initial view is that on their own the current terms may not provide an adequate framework for participation of the UK or UK industry after we leave the EU. My officials will continue to analyse it in consultation with industry.

A progress report reflecting the common understanding reached at the last trilogue was presented to COREPER on 27th February, and also at the General Affairs Council on 19th March. There will be no vote on the Regulation until all of the text has been agreed.

28 March 2019

COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN COUNCIL, THE
EUROPEAN PARLIAMENT AND THE COUNCIL. A STRONGER GLOBAL ACTOR: A
MORE EFFICIENT DECISION-MAKING FOR EU COMMON FOREIGN AND SECURITY
POLICY (12425/18)

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

Thank you for your letter of 24 December 2018 regarding the above document. This was considered by the External Affairs Sub-Committee on 17 January 2019. We welcome your commitment to keep us updated on further discussions taking place in the EU and, in particular, on how the 'emergency brake' would operate in practice. We would, however, welcome the FCO's views of how this emergency brake should operate and would be grateful for an update on how this is being communicated to the EU to influence the discussions.

While the Committee notes your assessment that there appears to be little appetite for reform and the proposal may not be agreed to, we are still concerned about the implications for the UK were this proposal to pass. Your letter acknowledges that a shift to QMV in certain specified areas could increase the likelihood of a proposal the UK disagreed with being adopted while the UK remains a member of the EU or during any transition period (which the UK would then have to implement). Consequently, does the Government intend to review those decisions on which the EU has found it difficult hitherto to reach consensus, with a view to identifying which ones could run counter to UK

interests if they were to be adopted under QMV? If so, we'd be grateful if you could provide us with information on timelines.

We look forward to receiving your response to this question within the usual 10 working days.

We have decided to continue to hold this document under scrutiny.

18 January 2019

JOINT STAFF WORKING DOCUMENT GULF OF GUINEA ACTION PLAN 2015- 2020 THIRD IMPLEMENTATION REPORT (13181/18)

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

Thank you for your Explanatory Memorandum (EM), dated 4 December 2018. This was considered by the External Affairs Sub-Committee on 10 January 2019.

Unfortunately, the EM did not provide us with sufficient information to consider this implementation report. We would therefore like to request the following information from you, as below.

First, please provide us with a summary of the objectives achieved under the Action Plan and those remaining to be addressed, including the recommendations regarding implementation of remaining objectives.

Second, the implementation report identifies maritime crime in the region as a significant problem and notes that the number of security-related incidents in the Gulf of Guinea has increased in 2018, after a decrease in 2017. What is your assessment of the causes of this increase, and to what extent does the Action Plan address these causes?

Third, your EM mentions the EU's Support to West Africa Gulf of Guinea Integrated Maritime Strategy (SWAIMS) programme and its complementarity to the Gulf of Guinea Inter-Regional Network (GoGIN) project. Please provide us with a summary of the principal objectives of the SWAIMS programme and how it complements the GoGIN project.

Fourth, your EM refers to the UK's bilateral approach to maritime security in the Gulf of Guinea and to the UK's Western Africa Maritime Security Strategy. It mentions, for instance, "work in Nigeria to address causes of the problem" as one of the strategy's objectives. Please inform us which specific problem and which specific causes the Government seeks to address as part of its strategy.

Fifth, the EM refers to "support for regional solutions through development of the Yaoundé Code of Conduct maritime security architecture." Please specify what principal elements and institutions the maritime security architecture entails and what progress has been made in the development of this architecture to date. How does the UK Government support such regional solutions in practice?

Sixth, your EM helpfully refers to the UK's Western Africa Maritime Security Strategy. It mentions that the strategy focuses on "work in Nigeria to address causes of the problem". Please clarify which specific maritime security problem this refers to and which causes the UK seeks to address as part of its Strategy. Please also provide us with your assessment of how the UK's bilateral actions in addressing maritime security in the Gulf of Guinea relate to the EU's Action Plan.

Finally, the EM refers to the UK Government's intention to ensure continued complementarity and co-ordination between UK and EU efforts. In which of the Gulf of Guinea Action Plan's areas does the UK Government consider continuing co-ordination with the EU after Brexit?

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

10 January 2019

Letter from the Rt Hon Sir Alan Duncan MP, Minister for Europe and the Americas

Thank you for your letter of 10 January about the Third Implementation Report on the EU Gulf of Guinea Action Plan 2015-2020. You asked for several points of further information in order to allow the Select Committee to consider this report.

First, you asked for a summary of the objectives achieved under the Action Plan and those remaining to be addressed. The EU set out to achieve four objectives under its Action Plan:

(i) To improve common understanding of the scale of the maritime security threat in the region. Significant progress has been made through increased dialogue with oil and shipping industries; disseminating regular intelligence reports on maritime threats; and promoting the maritime security agenda at international fora. Further work needs to be done to encourage industry reporting into the region by improving security of communication systems and designating trusted points of contact. (ii) To support regional and national institutions. The EU made significant progress on this in 2017. This included the launch of the Gulf of Guinea InterRegional Network (GoGIN) for capacity-building and the development of an IT system for information sharing across the regional maritime institutions. EU projects have also contributed to harmonising national legal frameworks and strengthening inter-regional cooperation in law enforcement. The EU has identified greater co-ordination between partners as a key next step (see objective four). (iii) To provide for more prosperous and resilient economies and coastal communities. Some progress has been made, notably through the Improved Regional Fisheries Governance in West Africa (PESCAO), which helps Gulf of Guinea states develop capacity to deal with illegal fishing. The next step is to move co-ordination of local capacity-building over to the Interregional Coordination Centre (ICC), the key regional centre responsible for implementing the Yaoundé Code of Conduct (YCC). (iv) To strengthen co-operation structures with the region, amongst EU Member States and international partners. Progress has been limited, with dialogue not progressing beyond intent due to issues around information sharing. The EU plans to escalate these issues to a higher level, and encourage host countries to engage more in the EU's regional projects.

You asked for an assessment of the causes in the increase in security-related incidents in the Gulf of Guinea. A key driver has been the impoverishment of coastal communities, which has been aggravated by illegal fishing. The EU's Action Plan aims to address this through its third objective to help coastal communities. A second aggravating factor may be due to the prevalence of militant groups and organised criminal networks in the Niger Delta, from where many maritime security incidents originate. To combat this, the EU works with the UK on law enforcement reforms in Nigeria and with the National Crime Agency on organised crime in the region.

You asked for a summary of the principle objective of the EU's Support to West Africa Gulf of Guinea Integrated Maritime Strategy (SWAIMS) programme. SWAIMS seeks to assist the Economic Community of West African States' (ECOWAS) strategy on maritime security in the Gulf of Guinea by strengthening legal governance, law enforcement frameworks, and operational capacity on a regional level. ECOWAS manages the SWAIMS programme, which complements on-going attack response training, capacity building and legal reform activities carried out under GoGIN at an inter-regional level.

You asked how the UK Government supports regional institutions, such as the Yaoundé Code of Conduct (YCC). The YCC aims to ensure better co-operation between the various maritime security centres of the west and central regions and to ensure greater inter-operability. The YCC established the Interregional Coordination Centre (ICC) to implement this agreement. Although the operational capacities of most regional and interregional structures remain incomplete, the UK remains committed to working with international partners to agree a way forward. The UK supports regional solutions through fora such as the annual meeting of G7++ Friends of the Gulf of Guinea, regular liaison between the ICC and the British High Commission in Yaoundé, and operating a transitional reporting mechanism for industry jointly with France, which operates out of Brest, with support from the UK's National Maritime Information Centre (NMIC).

You asked about the UK's approach to maritime security in the Gulf of Guinea and the UK's Western Africa Maritime Security Strategy. The maritime security problem referred to in the strategy relates to piracy and armed robbery at sea. The strategy seeks to deal with this problem by supporting efforts to build capacity in the Nigerian Navy to conduct more effective patrols in the Gulf of Guinea, alongside supporting the Nigerian justice system to introduce anti-piracy legislation. The UK's bilateral

work complements the EU's Action Plan, which focuses on law enforcement capacity and provides attack response training in many other countries across the Gulf of Guinea.

Finally, you asked about post-Brexit co-ordination with the EU on this issue. The UK intends to ensure continued complementarity and co-ordination between UK and EU efforts. The exact details of this relationship will be subject to the terms of the UK's departure from the EU.

My officials will remain in close touch with the EU regarding the progress of their Action Plan, and I would be happy to keep the Committee informed.

23 January 2019

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

Thank you for your comprehensive letter dated 23 January 2019, which was considered by the External Affairs Sub-Committee on 7 February. The letter answers the Committee's questions and it has therefore decided to clear the item from scrutiny. You do not need to respond to this letter.

12 February 2019

COMMUNICATION FROM THE COMMISSION TO THE COUNCIL EUROPEAN DEVELOPMENT FUND (EDF): FORECASTS OF COMMITMENTS, PAYMENTS AND CONTRIBUTIONS FROM MEMBER STATES FOR 2018, 2019, 2020 AND NONBINDING FORECAST FOR THE YEARS 2021-2022 (13232/18)

Letter from Penny Mordaunt MP, Secretary of State for International Development, Department for International Development

I am responding to your request to be kept informed about the Government's progress in having its concerns over the Commission's contractual disclaimers addressed.

In my letter of 26 November regarding the UK's abstention on European Council decisions on payments to the European Development Fund (EDF), I set out the discrimination UK organisations have faced over the last two years or more in bidding for EU contracts. This has taken the form of disclaimers, as you note, which state that funding to UK organisations will be terminated in the event of a no deal, as well as requirements that UK organisations prove, at application stage, that they can self-fund the post-March 2019 outputs of humanitarian programmes.

I wrote to EU Commissioners Stylianides and Mimica on 23 August asking them to confirm they would cease any discrimination against UK organisations. It was the lack of response to this letter that prompted my decision to abstain on the EDF vote. I have now, as of 5th December received a reply, on which I would like to update the Committee.

The reply recognises the right of UK organisations to participate in current EU programmes until their closure, as set out in the Withdrawal Agreement. It also provides an assessment of eligibility criteria for individual instruments, in the event of a no deal, which matches our own understanding.

The Commissioners maintain that the disclaimer is a precautionary but necessary measure at this stage. However, following UK lobbying, the Commission agreed to amend the disclaimer to acknowledge the fact that UK organisations will continue to be eligible to bid for both EDF and Development Cooperation Instrument (DCI) funds, when implemented in Least Developed Countries (LDCs) and Highly Indebted Poor Countries (HIPC), by virtue of our continuing status as an OECD country. The letter confirms that the Commissioners have informed all EU Heads of Delegations of this change, which directly responds to the request I made in my letter.

In order to ensure fair treatment of UK organisations going forward, my officials will continue to monitor UK organisations' reports of discrimination and raise these regularly with the Commission. We will also seek further details regarding the Commission's communications to Heads of Delegations on this issue, and continue to engage with key stakeholders, such as Bond, to keep them abreast of any developments with the Commission.

With regards to further decisions required regarding EU funding and other matters, we will continue to take these on a case by case basis, based on evidence of how UK organisations are being treated in practice and in line with our legal obligations. I will continue to update the Committee as needed or requested.

10 January 2019

PROPOSAL FOR A COUNCIL DECISION ON THE SIGNING, ON BEHALF OF THE EUROPEAN UNION, OF THE INVESTMENT PROTECTION AGREEMENT BETWEEN THE EUROPEAN UNION AND ITS MEMBER STATES, OF THE ONE PART, AND THE SOCIALIST REPUBLIC OF VIET NAM, OF THE OTHER PART (13314/18)

PROPOSAL FOR A COUNCIL DECISION ON THE CONCLUSION OF THE INVESTMENT PROTECTION AGREEMENT BETWEEN THE EUROPEAN UNION AND ITS MEMBER STATES, OF THE ONE PART, AND THE SOCIALIST REPUBLIC OF VIET NAM, OF THE OTHER PART (13315/18)

Letter from the Chairman to George Hollingbery MP, Minister of State for Trade Policy, Department for International Trade

Thank you for your letter of 7 December regarding the above documents. It was considered by the External Affairs Sub-Committee on 17 January 2019.

We are now content to release the Council Decisions on the signature and conclusion of the Vietnam IPA from scrutiny. You do not need to reply to this letter.

17 January 2019

JOINT COMMUNICATION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL ON ELEMENTS FOR AN EU STRATEGY ON INDIA (14504/18)

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

Thank you for your Explanatory Memorandum (EM), dated 6 December 2018. This was considered by the External Affairs Sub-Committee on 10 January 2019.

We were disappointed to see that the EM lacked the basic information required for us to be able to consider the Joint Communication. We would like to draw to your attention that over the last months, we raised the issue of missing information in EMs in relation to several dossiers, including I1986/18 EUAM Iraq, EMs submitted on the mandate extensions of EUPOL COPPS and EUBAM Rafah, restrictive measures against the Democratic Republic of the Congo, and the mandate extension of EUBAM Libya. The Committee Secretariat had constructive exchanges with your officials on these issues and we hope that this will contribute to improving the quality of content in Explanatory Memorandums in future.

In relation to the EM on the EU strategy on India, we would like to request the following information from you.

The EM neither sets out what the proposed Strategy's content is, nor what the previous 2004 Communication it builds on contained. Please provide us with a summary of the content of the Strategy and of the key differences between the current Strategy and its predecessor document, to enable us to trace how the EU's policy has evolved.

Please provide us with your assessment of the content of the Strategy, including to what extent it complements or overlaps with the UK's policy towards India.

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

Letter from the Rt Hon Sir Alan Duncan MP, Minister for Europe and the Americas

Thank you for your letter of 10 January, confirming that the EU-Sub Committee on External Affairs considered the above document and have retained it under scrutiny. You asked for a more detailed analysis of the strategy content, how it pertains to the 2004 Commission Communiqué it builds on, and how the new strategy compares to UK policy towards India.

The 2018 Communiqué sets out the basis of a 10-15 year strategy to reinforce the EU-India strategic partnership. This aims to preserve peace and stability, promote prosperity and sustainable development, and strengthen the rules-based order. It recommends intensifying high-level dialogue with India to achieve this and more dynamic public diplomacy by the EU.

The communiqué sets out the EU's an interest in India playing a greater role in a multipolar world, which requires a multipolar Asia but notes that Indo-Pakistan relations need to improve to help achieve this. The EU and India could collaborate more on promoting shared values such as democracy, building shared positions such as working towards a two state solution on the Middle East Peace Process and join forces on post-conflict institution building and reconciliation in third countries, such as Afghanistan. The EU also expresses its support for greater Indian participation in global governance, working together to reform the UN, WTO and G20.

On security, the communiqué proposes developing military-to-military relations with India, including at the highest levels. Joint exercises, crisis management and training of UN peacekeepers could all help develop practical collaboration. It also recommends greater co-operation on counter-terrorism, piracy, cyber-security and internet governance.

On trade, the EU's main objective is to work towards an open, non-discriminatory and predictable business environment for European companies trading with or investing in India. This includes protection of their investments and intellectual property. The EU is committed to working towards comprehensive and balanced agreements with India, ensuring market access, addressing trade barriers and preventing the emergence of new ones. It recommends enhanced business cooperation, for example through summits and trade visits.

On overseas development, the communiqué recommends increasing joint assistance to third countries, and specifically on food security and humanitarian assistance. As for India's development, it identifies opportunities for the EU in: transport development; supporting India's clean energy transition and joint approaches to climate change; promoting data protection; and strengthening India's alignment with international standards e.g. pharmaceutical products. To promote European science, technology and innovation interests, the communiqué suggests setting up a European Innovation Centre in India and strengthening space cooperation.

Finally, on migration and mobility, the Communiqué states that it is in both sides interest to manage it better using a balanced approach. The EU should promote cooperation on legal migration from India to achieve its skills objectives, notably on highly-skilled workers such as scientists, IT specialists and engineers, with a move to mutual recognition of qualifications. There should be better co-operation on returns/readmissions.

Key differences with previous Communiqués

The main difference to the documents produced when the EU and India entered a strategic partnership in 2004 is one of tone. The 2018 Communiqué treats India more as a partner in meeting global challenges such as climate change and promoting shared values such as democracy. It also gives more recognition to India's potential to help reform institutions such as the UN and the WTO and act as a counter-balance to China, particularly in Asia.

There are some EU new ideas in the 2018 document too, with a specific reference to developing military-to-military relations and science and innovation co-operation, such as on space. Overall, the 2018 communiqué reflects India's growing global importance and contains many more specific ideas for collaboration across a wider spectrum of issues, which if carried through would amount to a broader, deeper relationship on a more equal basis.

How it compares to UK policy

As might be expected, there is a huge amount of cross-over between UK policy and EU policy, some of which will continue to compliment UK policy post-Brexit and some where the EU and UK may find themselves in competition.

We agree with the aims stated in the communique, particularly in promoting peace and stability and in strengthening the rules-based order. It is right that India, as an emerging power plays an active role in global governance. As democracies with shared values, the UK, the EU and India all have a similar stake in upholding the rules-based order and in modernising and reforming the institutions in which we are a part. The UK plays a key role in this globally, and we welcome a more active Indian role in this area. As such the strategy document compliments and strengthens UK policy in these areas.

Our security cooperation with India is based on the 2015 Defence and International Security Partnership, outlining priority areas for UK-India collaboration. This includes all of the areas outlined in the EU strategy document and more. Our established relationship in this sphere, and leading expertise in cyber security, counter-terrorism and counter-extremism will continue to place the UK as a natural partner in these areas post-Brexit. We expect our partnership with India to continue to develop in 2019 with continued military-military talks, joint exercises and the next round of the strategic defence talks to take place in London. We welcome increased EU activity in this area, collectively or as individual member states, which will complement international efforts.

While on trade, post-Brexit, the EU will naturally be a competitor in a crowded field to trade in India, there are a number of areas where our policy aims complement each other. The strategy document commits to working with India to open up the business environment and increase the ease of doing business there. This is a common objective we share and one where the UK has already been working closely with India following the signing of an MOU in 2016. Total bilateral trade with India is increasing, up to £19.8bn in the year ending September 2018. India and the UK are top five investors in each other, which will be boosted by the recently announced UKIndia Fast Track Start-up Fund.

EU aid and EU cooperation with India in third countries are both complementary to UK objectives and we welcome a greater EU focus on this. In Science and Innovation, the UK is already a leading partner with India on developing and sharing our research and innovation capabilities. In 2010 our research partnership was worth only £1million, and by 2018 that increased to £250 million. By 2021 it will rise £400million.

Lastly, the EU migration policy with India naturally does not directly affect the UK and will not post-Brexit. The UK continues to be an attractive destination for Indian students and for highly-skilled workers. In the year ending September 2018, we issued almost 19,000 Tier 4 student visas and over 475,000 Tier 2 skilled work visas. Our natural advantage with a shared language and huge Indian diaspora will keep us well placed to grow this further post-Brexit. To this end, we are engaging with India on the Migration White Paper to further Indian understanding of opportunities available, and continue to engage at senior levels on returns/readmissions.

24 January 2019

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

Thank you for your letter of 24 January 2019. This was considered by the External Affairs Sub Committee on 7 February 2019.

Your letter contained the information we were looking for. We have therefore decided to clear the document from scrutiny. You do not need to reply to this letter.

12 February 2019

RECOMMENDATION FOR A COUNCIL DECISION AUTHORISING THE OPENING OF
NEGOTIATIONS ON A PARTNERSHIP AGREEMENT BETWEEN THE EUROPEAN
UNION AND COUNTRIES OF THE AFRICA, CARIBBEAN AND PACIFIC GROUP OF
STATES (15720/17)

UPDATE ON EU ACP POST-COTONOU NEGOTIATIONS

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

Thank you for your letters dated 29 August 2018 and 11 December 2018 regarding the above document. This was considered by the External Affairs Sub-Committee on 10 January 2019.

In your letter of 29 August, you referred to the Council's published negotiating directives of 21 June 2018, which state that "When appropriate, each [regional] Council may decide to invite third parties as observers." What negotiations on third country participation have taken place to date and when are further negotiation rounds taking place, if any?

We look forward to receiving your reply within the usual ten working days.

10 January 2019

Letter from the Rt Hon Lord Bates, Minister of State

Thank you for your letter dated 10 January 2019 regarding whether negotiations are currently taking place with African, Caribbean and Pacific (ACP) states around third country participation, and the date of future negotiations.

Before addressing your letter, I wanted to take this opportunity to update you on the progress of the negotiations following my previous letter sent on 11 December 2018. The outlining chapters for the "foundation" of the future agreement between the ACP and the EU have now been agreed. The chapters focus on the relationship between the EU and the ACP structured around strategic priorities, such as trade, human development, social development and other areas of cooperation. The specific Articles that will come under each of the chapter headings of the foundation will be drafted later this year. Negotiations between the EU and the regional leads within the ACP negotiating taskforce will begin this month, starting with the African protocol of the agreement. The Commission aim remains to be finalisation of the full agreement in time for the EU-ACP Joint Ministerial Council on 23-24 May 2019. However, we have raised the need to develop contingency plans with the Commission, and to inform Member States if the negotiations fall behind schedule.

With regard to your question, negotiations have not begun with any state on third country participation. Observer status is dealt with in the final provisions of the agreement and will therefore be one of the last issues addressed by the negotiating parties. The dates of the future negotiations rounds for the regional pillars have not yet been confirmed to member states.

As the finalisation of the agreement will not take place until after the United Kingdom has left the European Union we are considering internally what relationship to the Post Cotonou agreement would be in the best interest of the UK. Once a position has been finalised we will update the Committee

21 January 2019

Letter from the Chairman to the Rt Hon Lord Bates, Minister of State

Thank you for your letter dated 21 January 2019 providing an update on the state of EU-ACP Post-Cotonou negotiations. This was considered by the External Affairs Sub-Committee on 31 January 2019.

We are very grateful for your offer to keep the Committee informed of the outcome of your considerations on what the UK's relationship to the new EU-ACP Agreement should look like, especially as this is something that has been raised with some Members of the Committee. We would

also welcome being kept up-to-date with the timelines, once available, for negotiations on third-country participation.

We look forward to receiving an update in due course.

31 January 2019

RECOMMENDATION FOR A COUNCIL DECISION AUTHORISING THE OPENING OF NEGOTIATIONS OF AN AGREEMENT WITH THE UNITED STATES OF AMERICA ON THE ELIMINATION OF TARIFFS FOR INDUSTRIAL GOODS (5459/19)

RECOMMENDATION FOR A COUNCIL DECISION AUTHORISING THE OPENING OF NEGOTIATIONS OF AN AGREEMENT WITH THE UNITED STATES OF AMERICA ON CONFORMITY ASSESSMENT (5461/19)

Letter from the Chairman to George Hollingbery MP, Minister of State for Trade Policy, Department for International Trade

Thank you for your Explanatory Memorandum (EM) of 4 February 2019. This was considered by the External Affairs Sub-Committee on 21 February 2019. We have three further questions about the proposal, as follows.

First, it is not clear to us whether the proposal includes the elimination of tariffs on cars and car parts. In its Interim Report of 30 January 2019, the Commission refers to “reciprocal liberalisation of trade in (non-auto) industrial goods”¹ as one of the five areas for cooperation, but your EM states that “the Commission defines industrial goods as all goods other than those included in Annex I of the WTO Agreement on Agriculture.” Could you please clarify the scope of the proposal?

Second, your EM states that due to the political imperative to act quickly, no EU impact assessment has taken place. It also states that, because this is only the negotiating mandate, the UK Government has not prepared an impact assessment. Does the Government intend to prepare an impact assessment in the case of a transition period following the UK’s withdrawal from the EU, during which the agreement may then apply to the UK?

Third, your EM states that these proposals are “consistent with the UK’s objectives in trade policy and with relevant wider policy goals”. In the case of a no deal Brexit, would the UK seek to negotiate a similar agreement with the US, or would it seek to incorporate the elements of it in a wider UK-US free trade agreement?

We look forward to your response within the usual ten working days. Meanwhile, we have decided to retain the documents under scrutiny.

22 February 2019

Letter from George Hollingbery MP, Minister of State for Trade Policy

Thank you for your letter of 22 February 2019. I welcome the interest of the Committee in this matter and I have responded to your questions in the Annex to this letter.

The EU-US negotiating mandates were most recently discussed at the Informal Trade Foreign Affairs Council (FAC) meeting in Bucharest, which I attended last week. At this meeting the majority of EU Member States made clear their desire to move quickly to adopt these mandates and noted the importance of negotiations as a means of deescalating trade tensions between the EU and US. We expect the mandates to come to Council for a formal vote in the near future. As ever, I will continue to keep the Committee updated with further developments.

28 February 2019

¹ http://trade.ec.europa.eu/doclib/docs/2019/january/tradoc_157651.pdf

Letter from the Chairman to George Hollingbery MP, Minister of State for Trade Policy

Thank you for your letter of 28 February 2019. This was considered by the External Affairs Sub-Committee on 7 March 2019. We are now content to clear this item from scrutiny, but would welcome being kept informed of the agreement's progress. You do not need to respond to this letter.

12 March 2019

PROPOSAL OF THE HIGH REPRESENTATIVE OF THE UNION FOR FOREIGN AFFAIRS AND SECURITY POLICY, WITH THE SUPPORT OF THE COMMISSION, TO THE COUNCIL FOR A COUNCIL DECISION ESTABLISHING A EUROPEAN PEACE FACILITY (9736/18)

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

Thank you for your letter dated 13 July 2018. Please accept my sincere apologies for the delay in responding to you. The delay occurred due to an administrative error, and we have been in contact with the parliamentary clerks to apologise and inform them of this. We have advised them that we would respond with urgency and I trust that my reply will still be useful. I have sought to address each of your questions in turn.

In your first question, you ask what work the Government is undertaking to assess its interests regarding the European Peace Facility and by when it would have adopted a position. Based on our analysis of the draft Council Decision (CD) and information shared by the Commission regarding the purpose and scope of the European Peace Facility (EPF), we have determined that if future arrangements with the EU allow, we might want to pay into the EU's external action instruments, including the EPF in support of actions and geographies of strategic importance for HMG. Any participation in future CSDP operations and missions will be considered on a case by case basis dependent on HMG decisions on whether to prioritise EU operations/missions against competing pressures in the defence and security sphere.

However, in relation to when we will be able to adopt a final position, the EPF is currently being discussed weekly at the RELEX working group. It is likely that EPF negotiations will continue well beyond 29th March this year. While the UK remains in the EU we will continue to engage in a constructive and flexible manner on all aspects of the EPF.

Your second question requests further details on what governance and oversight we would seek if we were to participate in the EPF. The EPF draft CD offers third countries the ability to make direct voluntary contributions towards specific actions. But it stipulates that whilst third countries could participate in discussions on actions related to their contributions, they would neither have voting rights, nor be present for votes. As a matter of principle, we would expect our level of oversight to be commensurate with the level of contribution we make. At an operational level, the draft CD stipulates that contributions would be managed through an "administrative arrangement." Any UK contribution would therefore need to be set out in this way; it is too early to establish the specific terms we would seek in such an arrangement.

In your letter, you also ask for specific examples of what type of capacity building projects could be supported by UK ODA, and what conditions would allow for this to be done through the EPF. As currently formulated, the EPF will be a non-ODA instrument. Once the EPF is established, the FCO and MOD will determine whether we wish to support military capacity building through the EPF. As for what type of capacity building projects could be supported through UK ODA. DFID and the FCO continue to engage in parallel discussions in the NDICI working group, and are seeking more details on the type of projects that would be funded under this instrument.

You also asked in your letter what funds, other than ODA, we would consider using to co-operate with actions under the EPF. Should Ministers decide that the EPF is a viable mechanism through which to pursue HMG policy objectives, subject to securing the necessary arrangements and conditions as set out above, and the forthcoming spending review, the FCO and/or MOD will consider this question further.

Your last query asks what will be the implications of the restructuring of EU funding instruments, in particular the inclusion of the African Peace Facility in the off-budget EPF, and of the European Development Fund in the next Multiannual Financial Framework, for UK co-operation with these after Brexit. As currently envisaged, in the next MFF, the EPF will *replace* the African Peace Facility. It will allow the EU to support organisations and institutions outside of the African Peace and Security Architecture (APSA), and by remaining off the EU budget, it will be able to fund types of support to partner militaries that cannot be funded from the EU budget. It is envisaged that the European Development Fund (EDF) will be incorporated into the NDICI, which will be funded from the EU budget. In respect of the implications for UK cooperation with the EPF and the NDICI after Brexit, the primary implication is that UK ODA will no longer be spent on African Peace Support Operations such as AMISOM, as they are through the APF. Currently, the APF is funded from the EDF, which is an ODA Instrument. Since AMISOM is a military mission, and since the EPF will be a non-ODA instrument, there will be no future option to support AMISOM through the EU with ODA.

29 January 2019

Letter from the Chairman to the Rt Hon Lord Bates, Minister of State

Thank you for your comprehensive response on the above item, dated 29 January, regarding the proposal to establish a European Peace Facility (EPF). This was considered by the External Affairs Sub-Committee on 14 February 2019.

Given that negotiations on the establishment of the EPF are still ongoing, we have decided to continue to keep the above item under scrutiny. We would welcome being kept updated on discussions about third country participation in the EPF and, in particular, the nature of any potential future participation by the UK after Brexit.

18 February 2019

Council Decision In Support of the Biological and Toxin Weapons Convention (BTWC) In The Framework of the EU Strategy Against Proliferation of Weapons of Mass Destruction (OTNYR)

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

My Explanatory Memorandum (EM) of 8 November 2018 set out the rationale for this Council Decision supporting the Biological and Toxin Weapons Convention for 36 months, and undertook to update Parliament once a budget had been approved and funding information became available. The EM cleared the Chairman's Sift (1713) on 14 November 2018 and the Council Decision 2019/97/CFSP was adopted on 21 January 2019 [attached].

The approved budget for this Council Decision at EUR 3,029,856.79 will be funded in its entirety through the 2019 CFSP budget. As foreseen in my earlier EM, I am therefore pleased to confirm no additional UK bilateral contribution is required.

22 March 2019

COUNCIL DECISION AMENDING AND EXTENDING COUNCIL DECISION 2013/34/CFSP ON A EUROPEAN UNION MILITARY MISSION TO CONTRIBUTE TO THE TRAINING OF THE MALIAN ARMED FORCES (EUTM MALI) (OTNYR)

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

I apologise for the delay in responding to your letter of 25 May 2018, which was due to an administrative error. We have since put in place systems to avoid this happening in future. Please find below an update on the EU's work in Mali on stabilisation in Mopti and Segou, and the EUTM Mali Strategic Review.

As part of the EU's stabilisation efforts in Mali and at the request of the Malian Government, a team of EU experts was deployed to support the Malian Government to counter growing insecurity and to re-establish and expand civilian administration in the Mopti and Segou regions. The aim of these efforts was to consolidate and support democracy, the rule of law, human rights and gender equality by strengthening governance for the benefit of the local communities. The UK seconded two individuals to the EU for this work. The work concluded on 31 January 2019 and will be replaced by a €10m EU Trust Fund stabilisation programme which is likely to focus on technical assistance, security infrastructure and projects in support of the Malian government's stabilisation plan for Central Mali.

The current work has contributed to some positive steps, such as the launching of the Malian Government's Plan for the Integrated Security of the Central Regions (PSIRC) in both Mopti and Segou and improved coordination of donor activities and security projects. It has also shown the benefits of technical assistance to government officials in the field. However, in the context of the deteriorating security situation in central Mali, the overall impact has been more limited than envisaged. The UK will support the EU's new stabilisation project, whilst encouraging EU colleagues to follow stabilisation best practice, including by engaging with the political dimensions of the conflict.

The next Strategic Review for EUTM Mali is expected early 2020. A six-monthly report of EUTM Mali was discussed with EU colleagues on 29 January where it was confirmed that the Mission would continue to focus on its core mandate, and also support the G5 Sahel Joint Force.

We anticipate that the Mission will continue to face significant challenges in the year ahead, given the difficult security and political context. While negotiations continue in relation to the UK's exit from the EU, our present stated ambition is to remain involved in all CSDP missions and operations during any implementation period and actively participate in all EU discussions. In the event of 'no deal' the UK would cease our present contributions to EUTM Mali whilst ensuring a professional withdrawal of military and civilian personnel. In this eventuality, we intend to continue working closely with EU partners on the Sahel as the UK increases our presence in the region.

Work is also underway by the EU which aims to strengthen both civilian and military support to cross-border cooperation and regional cooperation structures and the capacity and ownership of the G5 countries to address the security challenges in the region. This EU work includes the establishment of a Regional Advisory and Coordination Cell as part of a more integrated regional approach.

5 February 2019

SIX-MONTH MISSION REPORTS FOR THE EU POLICE MISSION FOR THE PALESTINIAN TERRITORIES (EUPOL COPPS) AND EU BORDER ASSISTANCE MISSION FOR THE RAFAH CROSSING POINT (EUBAM RAFAH) (OTNYR)

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

I am writing to let you know that the six monthly Mission reports for EUPOL COPPS and EUBAM Rafah have recently been circulated. Please find below a summary of their findings and analysis, giving information about the work and progress of the Missions. The reports are for the period covering 1 June 2018 to 30 November 2018. I thought that this would be a good opportunity to provide your committee with an update on the Missions' progress.

In terms of context, during the reporting period, the Missions operated in an environment marked by an increasing number of political and security challenges. The situation in the OPTs was influenced both by shifts in US policy, including a reduction in US funding to the United Nations Relief and Works Agency for Palestine Refugees (UNRWA), and the continuation of the 'Great March of Return' protests in Gaza. Additionally, there was violence in Gaza and on its periphery, caused by Hamas rockets and mortars, and the Israeli Air Force retaliating with airstrikes. The period between 11-13 November witnessed the fiercest exchange of fire since the 2014 Gaza conflict.

During the reporting period, Palestinian security and intelligence cooperation with the US and Israel continued, as did US support to the Palestinian security and justice sectors. Conditions in Gaza continued to impede the redeployment of EUBAM Rafah to the Rafah Crossing Point. While the

frameworks in which the Missions operate continue to be very challenging, especially in light of the deteriorating humanitarian and economic situation with the OPTs, I am pleased to report that both Missions have made positive advances during the reporting period.

EUPOL COPPS

Implementation of the Mission's mandate has progressed in a number of areas, particularly in relation to improving technical level competencies and enhancing institutional capacities in both the justice and security sector. The Mission has enhanced oversight functions within the Ministry of the Interior (Mol), and supported the Mol to implement its Security Sector Strategic Plan 2017-2022. The Mission has also supported the Mol to develop and promote the Palestinian Civilian Police Gender Strategy and implement the first gender training curriculum for the Palestinian police. Further, the Mission has helped to advance an amendment of the Judicial Authority Law. Cooperation and communication with the Palestinian Civil Police has improved by setting up weekly coordination meetings with senior officials to increase strategic level interaction and assistance.

I note that the strategic reform process the Mission is engaged in supporting can be a slow one, and was further slowed during the reporting period by a number of trends affecting Rule of Law as a whole in the OPTs. For example, I understand that the special committee appointed by President Abbas to develop a vision for the justice sector, the National Committee for Justice Reform, did not lead to a wider discussion about the separation of powers between the executive and the judiciary, but instead got diverted by internal PA power struggles. Events such as the publication in October of the Human Rights Watch report "Two Authorities, One Way, Zero Dissent", documenting arbitrary arrest and torture under the PA and Hamas, combined with uncertainty related to US policies in the OPTs, have led to additional political attention being placed on the issues the Missions deal with.

The new US 'Anti-Terrorism Clarification Act' (ATCA) passed in October 2018 may impact US funding to the United States Security Cooperation (USSC) which supports Palestinian security forces. The USSC closely coordinates with EUPOL COPPS. This could lead to the downsizing or closing of the USSC, which would make COPPS the only major international intervention for the security sector. At the time of writing, US support continues.

In line with the findings of the review, the Civilian Operation Commander and the Head of Mission have stated their operational priorities, in line with Member States' advice, are to:

- Maintain strategic engagement with the Ministry of Interior and heads of the criminal justice institutions, to advance structural reforms and the adoption of key pieces of legislation in the security and justice sectors;
- Continue supporting the Ministry of Interior and Palestinian Civil Police in the operationalisation of their strategic plans;
- Focus additional efforts on supporting Gender and Human Rights Units, and continue to assist the security and justice sectors on fair trial, torture prevention and juvenile justice;
- Continue to support the institutional development of criminal justice institutions, and advise on the development of legislation in the criminal justice sector;
- Work to improve Police-Prosecution cooperation, helping to increase cooperation in their fight against corruption-related crimes, family and juvenile crimes, in their fields of forensics and as regards the right to fair trial;
- Continue to support security cooperation between the Israeli National Police and Palestinian Civil Police at a technical level, through the facilitation of joint activities;
- Continue to actively engage with Member States and the EU to work together to assist the Palestinian security and justice sectors to advance reforms.

EUBAM RAFAH

During the reporting period, EUBAM Rafah achieved a new momentum in accomplishing its objectives. The Mission progressed along its three lines of operations; improving the functioning of the Palestinian border agency, increasing the knowledge and skills of its staff and senior management, and delivering projects. For example, the first 'Twinning' project was launched, aimed at strengthening the capacity of the PA to improve customs revenue collection and border controls. The project was a

result of joint cooperation between EUBAM, the Office of the Prime Minister, and the PA's General Administration for Border and Crossings (GABC) and Customs Department. This will help to provide concrete support to the PA in their efforts to resume operations at the Rafah Crossing Point (RCP).

During the reporting period, the Mission conducted a total of nine visits to the RCP, meeting with representatives of border authorities and finalising a technical assessment of PA needs at the crossing. This comprehensive assessment identified gaps, and the Mission is currently working on proposed solutions to enhance the quality of the border operations to bring them in line with international border management standards. Following a detailed assessment, the Mission also managed to procure and deliver some basic equipment to the PA which was urgently needed to effectively conduct operations at the RBC. The visits of the Mission to the RCP continued to show support to the PA and emphasise the Mission's role as a key actor in the field of border management.

Positively, the crossing was opened by Egypt for 130 days in the reporting period, the longest period in many years, and three times as many as during the previous reporting period. This allowed the entry and exit of more than 100,000 Palestinian passengers and trucks in both directions, helping to improve the humanitarian situation in Gaza. It also provided an opportunity for the GABC to improve its ability to handle and process a large number of passengers. While the security situation means that the Mission cannot yet redeploy, the PA still considers a redeployment to ensure its third party presence role as crucial.

Within the reporting period, activities within the PA Preparedness Project continued; the Mission developed a new Mission Implementation Plan; the Activities Matrix was finalised; and the new Joint Road Map was drafted and signed off by the Head of Mission and the Director General of the GABC in November 2018. This was an indication of GABC's renewed commitment to continue their productive partnership with EUBAM Rafah, based on clear and jointly agreed objectives. In October, a training delivered by the Palestinian Anticorruption Committee, was facilitated by EUBAM.

Although conditions did not allow for a redeployment to the RCP, the Mission maintained its readiness to do so and continued actively engage with key stakeholders, such as Egypt, Israel and the PA. Despite the challenging conditions, EUBAM Rafah serves as a demonstration of the EU commitment to Palestinian freedom of movement.

In line with the findings of the review, the Civilian Operation Commander and the Head of Mission have stated their operational priorities, in line with Member States' advice, are:

- The Mission maintain its readiness to redeploy to the Rafah Crossing Point once conditions allow;
- The Mission continues implementing the PA Preparedness Project along its three lines of operations, with a specific focus on sustainability of training, the implementation of GABC Integrated Border Management and Business Strategies, and the delivery of projects;
- The Mission continues support activities of the PA Preparedness Project to ensure meeting GABC needs in terms of training, procedures and equipment at Rafah Crossing Point, as appropriate;
- The Mission, whilst receiving local political guidance from the EU Representative and the EU Special Representative, continues to liaise with Palestinian, Israeli and Egyptian stakeholders at technical level regarding the management of the Rafah Crossing Point.

I hope the above information proves helpful for the Committee.

24 January 2019

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

Thank you for your comprehensive update letter of 24 January regarding the above document. This was considered by the External Affairs Sub-Committee on 7 February 2019.

We are very grateful to you for keeping us informed of progress with EUPOL COPPS and EUBAM Rafah. The Committee has one follow-up question. Your letter mentions the Human Rights Watch report, "Two Authorities, One Way, Zero Dissent", which was published in October 2018 and documents the arbitrary arrest and torture under the PA and Hamas. Given EUPOL COPPS' close relationship with the PA's Ministry of the Interior, one of the entities the report accuses of

involvement in arbitrary arrests and torture, what work is the mission undertaking to help put an end to these?

We look forward to your reply within the usual 10 working days.

12 February 2019

Letter from the Rt Hon Sir Alan Duncan MP, Minister for Europe and the Americas

Thank you for your letter of 12 February regarding the EU Police Mission for the Palestinian Territories (EUPOL COPPS).

EUPOL COPPS works closely with both local and international civil society organisations, including Human Rights Watch, to improve the protection of human rights in the OPTs and strengthen accountability of Palestinian institutions. The Mission provides strategic advice to the Palestinian Ministry of Interior primarily on planning and legislation. Together with Birzeit University, it is supporting the development of a comprehensive Human Rights training curriculum, which includes modules on arrest and detention, and torture prevention. The Mission is also advising the Ministry on the establishment of the National Preventive Mechanism on torture.

EUPOL COPPS is a technical Mission and the Palestinian Civilian Police (PCP) is the only security agency supported by the Mission. The PCP were implicated in two of the 90 cases investigated by Human Rights Watch. This low-level of PCP involvement in arbitrary arrest and torture is the result of all our advisers' work alongside their Palestinian colleagues.

Following the publication of the report, a meeting was organised with Human Rights Watch, prompting a dialogue with the PCP on the two cases. EUPOL COPPS Head of Mission raised the findings of the report with his counterparts including the Chief of Police and the Security Assistant to the Minister of the Interior. The Mission works to ensure that all wrongdoings are properly investigated, addressed appropriately and remain rare exceptions.

The Mission and other EU actors are currently contemplating appropriate initiatives towards other security agencies to improve practices relating arbitrary arrest and torture.

21 February 2019

COUNCIL DECISION AMENDING JOINT ACTION 2008/851/CFSP ON A EUROPEAN UNION MILITARY OPERATION TO CONTRIBUTE TO THE DETERRENCE, PREVENTION AND REPRESSION OF ACTS OF PIRACY AND ARMED ROBBERY OFF THE SOMALI COAST (OTNYR)

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

Thank you for your Explanatory Memorandum (EM), dated 4 December regarding the above document. It was considered by the External Affairs Sub-Committee at its meeting on 10 January 2019.

The EM states that the purpose of the proposed amendment is to allow "full information sharing on illegal activities" between those involved in Operation Atlanta and Interpol and Europol. Examples of the criminal activity "not directly related to the mission's mandate" that could be passed on to these agencies include "unregulated and unreported fishing and various forms of smuggling and trafficking". The Committee welcomes this holistic approach to tackling crime off the Somali coast.

Notwithstanding our support for the Council Decision, we would be grateful if you could provide us with your assessment of its fundamental rights implications, given that the Council Decision could give rise to profound consequences for the individuals involved, including the loss of liberty. Presumably the safeguards that currently exist for the sharing of information directly related to the mission's mandate will equally apply to the sharing of non-piracy related information. We would be grateful if you could confirm this and briefly set out what they are.

We look forward to your response within the usual 10 working days. In the meantime, we have decided to keep the item under scrutiny.

10 January 2019

Letter from the Rt Hon Sir Alan Duncan MP, Minister for Europe and the Americas

Thank you for your letter of 10 January, confirming that the EU-Sub Committee on External Affairs considered the above document and have decided to keep it under scrutiny. You asked for the FCO's assessment of the Council Decision's fundamental rights implications, given that the Council Decision could give rise to profound consequences for the individuals involved.

As you acknowledge in your letter, there is an existing agreement between EU NAVFOR Operation ATALANTA and INTERPOL, and a similar agreement between EU NAVFOR Operation ATALANTA and EUROPOL that allows for the transfer of information relating to acts of piracy. I can confirm that the safeguards which exist in relation to the transfer of information under these agreements, will also apply to the transfer of information regarding other criminal acts that come to the attention of EU NAVFOR.

You also asked for brief information on the current arrangements. EU NAVFOR information on suspected criminal activities can only be shared with EUROPOL and INTERPOL with the approval of the Operation Commander and following a legal review of the evidence pack. This procedure for sharing information is governed by EU agreements that explicitly acknowledge obligations under international human rights law, recognising the EU's commitments to human rights.

23 January 2019

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

Thank you for your letter, dated 23 January, regarding the above document. It was considered by the External Affairs Sub-Committee on 31 January and we have decided to clear this item from scrutiny. You do not need to respond to this letter.

31 January 2019

**COUNCIL DECISION AMENDING DECISION (CFSP) 2010/788 CONCERNING
RESTRICTIVE MEASURES AGAINST THE DEMOCRATIC REPUBLIC OF THE CONGO
(OTNYR)**

**COUNCIL IMPLEMENTING REGULATION (EU) IMPLEMENTING ARTICLE 9 OF
REGULATION (EC) NO 1183/2005 IMPOSING CERTAIN SPECIFIC RESTRICTIVE
MEASURES DIRECTED AGAINST PERSONS ACTING IN VIOLATION OF THE ARMS
EMBARGO WITH REGARD TO THE DEMOCRATIC REPUBLIC OF THE CONGO (DRC)
(OTNYR)**

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

Many thanks for your letter and continued interest in the EU DRC sanctions regime and your questions relating to the EM we submitted.

First, you asked about our assessment of the current political climate. CENI, the DRC's electoral commission, provisionally announced opposition candidate Felix Tshisekedi as president on 10 January 2019. Opposition candidate, Martin Fayulu, launched a legal challenge through the constitutional court which was subsequently rejected and Tshisekedi was inaugurated on 24 January. We remain extremely concerned about reported discrepancies between results for Presidential, Parliamentary and Provincial elections in DRC, and parallel tallies by independent observers. We have therefore

joined calls for CENI to publish its data, this is a crucial step towards providing the stability that the DRC and the region needs.

The human rights situation in the DRC continues to cause concern. Recent reporting from the UN indicates that state agents are responsible for over half of the human rights violations in DRC, including the extrajudicial killing of 50 people in November. We have been clear that only a stable government delivered by a credible and inclusive election process can deliver the stability needed to achieve a reduction in tensions and the basis for longer-term efforts to build stability and prosperity in the DRC. We will therefore press the new government to act appropriately and in good faith to improve the human rights record in the DRC.

With regard to your second question, the UK believes that sanctions should be used as part of a wider response to human rights abuses. In the context of the DRC, the UN Security Council has imposed a ban on the sale of arms and related materiel to non-governmental entities and individuals in the DRC, as well as designating several DRC individuals and entities under travel bans and asset freezes. EU measures mirror UN sanctions. Since December 2016, the EU has also listed a number of additional individuals for human rights violations and obstructions to the electoral process in DRC. Along with sanctions, the UK supports MONUSCO, which is mandated by the UN Security Council to protect civilians in DRC. Since 2015, the UK has contributed over £11.1m to a Stabilisation Coherence Fund, which supports stability in Eastern DRC. The UK, EU and MONUSCO also contribute in various ways to the current ebola response in DRC. The UK, EU and MONUSCO have also worked closely together to support credible and inclusive elections in December 2018, in order to support longer-term stability. The UK has worked unilaterally, through the EU, and together with MONUSCO to press the Congolese Government to build consensus around the electoral process, and address the concerns of stakeholders.

Relating to your third question, Member States will review restrictive measures in light of, and following, elections in DRC.

In response to your fourth question, we continue to monitor the effectiveness of the sanctions regime. The EU measures are focused on ensuring that the 2018 elections were both free and fair, and aims to ensure that those responsible for human rights abuses are held to account whilst reducing the chances of future abuses.

With regard to your fifth question, the EU was not accredited to observe the DRC elections in 2018. The UK, along with other international partners, co-supported approximately 20,000 short-term observers. The African Union and SADC also sent observers.

The elections were noticeably peaceful, and as I write the DRC remains relatively calm. As I outline above, there were discrepancies between the result announced and the result suggested by seemingly-reliable polling. The UK still has concerns regarding these discrepancies and we continue to push for greater clarity of the election data.

Finally, you asked about the security situation in eastern DRC. Unfortunately, the region remains unstable, as it has done for some time. There are some 150 armed groups operating in eastern DRC and violence, including sexual violence, is episodic and commonplace. As part of our efforts to combat this instability, the UK contributes to the UN's peacekeeping operation in the DRC, MONUSCO, which is the largest UN peacekeeping operation in the world – reflecting the seriousness of the ongoing instability there. In addition to this, the EU and UN sanctions regimes outlined above are both aimed at deterring those who commit human rights abuses in the DRC and also at discouraging others from doing the same.

31 January 2019

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

Thank you for your letter dated 31 January 2019. This was considered by the External Affairs Sub-Committee on 14 February and we are content to release the item from scrutiny. You do not need to respond to this letter.

18 February 2019

COUNCIL DECISION AMENDING DECISION (CFSP) 2013/233 ON THE EUROPEAN UNION INTEGRATED BORDER MANAGEMENT ASSISTANCE MISSION IN LIBYA (EUBAM LIBYA) (OTNYR)

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

Thank you for your letter of 18 December, regarding the above Council Decision, in which you stated that the Explanatory Memorandum (EM) lacked sufficient detail for the proposal to be fully considered, and requested further information.

I would like to reiterate my regret that in ensuring the timely adoption of the legal acts, an extension had to be agreed before your Committee had had an opportunity to scrutinise it. I will address the Committee's seven questions in turn:

First, you asked whether the proposal to expand EUBAM to a fully fledged civilian CSDP mission had been discarded. I can confirm that the proposal has not been discarded and under the new mandate, effective 1 January 2019, EUBAM has been operating as a civilian CSDP mission. EUBAM was intended to operate as a civilian mission from its inception; however, the security situation meant the mission had to relocate to Tunis, thus preventing it from operating as a fully fledged civilian CSDP mission. The re-establishment of the Mission in Tripoli, and its change of focus from the planning and mapping phase to operational delivery means EUBAM is now a fully fledged civilian CSDP mission.

Second, you asked what "providing capacity delivery" entails, requesting specific examples. This will involve the strengthening of Libyan institutions' abilities to deliver four lines of operation: Border Management; Law Enforcement; Criminal Justice; and Strategic Coordination and Project Implementation. In the context of border management, for example, the mission aims to provide strategic advice and capacity building within the Ministry of Interior (Mol). This includes the enhancement of coordination capacities among relevant Libyan authorities in fighting organised crime and terrorism as well as providing training in accordance with best practice standards. The mission also provides capacity building to the criminal justice sector, including relevant actors such as the Prosecution Service and the High Judicial Institute.

Third, you asked for an update on the principal findings of the 2018 Strategic Review. The Review was released 27 July 2018 and we reported a summary of the findings to you in the letter entitled "**EUNAVFOR MED operation SOPHIA Six Monthly Review and the Strategic Review of CSDP Operations in Libya**", dated 30 August 2018.

In summary, following the conclusion of the mapping and planning phase, the Review recommended amending and extending the existing mandate towards enhanced delivery and engagement as a fully fledged civilian CSDP mission (this recommendation was incorporated into the new mandate adopted by the Council on 17 December 2018). This would include supporting the Libyan authorities in tackling organised criminal networks involved in illicit activities, including the smuggling of migrants, human trafficking and terrorism, through the three tasks of border management, law enforcement and criminal justice.

It also recommended discontinuing the planning for a new civilian CSDP mission. Instead, the Review recommended extending and amending the current mandate into a fully fledged civilian CSDP mission in its own right, on the basis that the Mission would now be able to deliver these objectives owing to its re-establishment in Tripoli. The UK welcomed this recommendation, as it would allow the mission to continue building on its progress and the role it has established whilst focusing fully on operational, coordinating and enabling activities. We also believe it is important that the mission continues to work closely with UNSMIL, who have the overarching international lead for the mission's workstreams.

Fourth, you asked how the mission proposes to increase its staff resources considering the difficult security situation in Libya. Whilst the security situation in Libya remains unstable, EUBAM has been able to establish and maintain a light presence in Tripoli since December 2017 and has also assisted UNSMIL on the ground (at UNSMIL's request) because of the downsizing of UNSMIL's Security Division. Building on this progress, from 1 January 2019, 10 new staff (nine of whom will be operational) will be stationed at the mission headquarters to consolidate its presence in Tripoli and to

further engage with their Libyan counterparts. You questioned the proposal to increase staff resources despite a perceived lack of progress. This lack of progress can largely be attributed to the difficulties in deploying staff. The outbreak of civil war in 2014 forced the mission to relocate to Tunis which halted its operational delivery. The re-establishment of the mission's presence in Tripoli, including an increase in staff size, allows the resumption of operational delivery and further efforts to deploy staff will help deliver the mission's objectives.

Fifth, you asked what operational capability would look like under EUBAM's plan to expand the mission's permanent and rotational presence in Tripoli to the South and West of Libya. The possibility of expanding operational capability outside the capital is dependent on the security conditions at the time.

An assessment of the security conditions will be made by both EUBAM and the Libyan authorities in cooperation with other EU and international actors. Along the southern border, for example, EUBAM will work with the Libyan National Team Border Security and Management (NTBSM) to assess the security infrastructure in the area, taking into account the presence of local police and militias. With respect to EUBAM's expansion into the west, the Mission will notify member states once they have identified a suitable location. The mission's operational capability will be developed with a "flexible and scalable approach" which will enable EUBAM to adapt to the fluid security situation on the ground.

Sixth, you asked whether the UK Government thought the focus of the mission is adequate. The UK Government is content with the focus of the mission, and is encouraged by the re-establishment of the mission's presence in Tripoli and the ability to increase staff deployment, which will help deliver the mission's objectives. You also asked for further details regarding the delivery timetable of the mission. The mission's mandate has been extended to June 2020 and member states will review the mission's progress during this period.

Seventh, you asked us for specific information about the mission's shortfalls and what has been done to address them. As mentioned in my answer to your fourth question, the outbreak of civil war in 2014 forced the mission to relocate to Tunis. This had an adverse impact as EUBAM were unable to deploy staff in Libya to engage with their interlocutors, and as a result, the mission was unable to move from the planning and mapping phase into the operational delivery phase. Now the mission has reestablished its presence in Tripoli, EUBAM are able to deploy the number of staff needed to deliver the mission's objectives. The initial phase of the mandate will see the majority of new staff deployed at the mission headquarters in Tripoli; however, there will be a small increase in rotational staff deployed outside of Tripoli, which also supports the mission's objectives.

10 January 2019

Letter from the Chairman the Rt Hon Sir Alan Duncan MP, Minister for Europe and the Americas

Thank you for your letter, dated 10 January 2019, regarding the above document. This was considered by the External Affairs Sub-Committee on 24 January and we are now content to clear this item from scrutiny. You do not need to respond to this letter.

25 January 2019

COUNCIL DECISION (CFSP) 2018/1797 OF 19 NOVEMBER 2018 AMENDING AND UPDATING DECISION (CFSP) 2018/340 Establishing the list of projects to be developed under PESCO (OTNYR)

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

Thank you for your Explanatory Memorandum (EM), dated 5 December 2018. The item was cleared from scrutiny at the Chairman's sift and was considered by the External Affairs Sub Committee at its meeting on 10 January 2019.

The EM mentions that the Ministry of Defence is currently scrutinising the 34 PESCO projects to identify areas of potential UK participation after Brexit (subject to the terms of third country participation still to be agreed). Once that scrutiny exercise has concluded, the Committee would welcome an update setting out the basis on which potential participation in individual projects has been either ruled in or ruled out.

The Committee would also like to raise the point that while the EM does provide comprehensive information on the UK Government's position, it does not contain any detail about the 34 PESCO projects. This information has been made publicly available by the Council and it would have been useful to have had this included as part of the EM or appended as an annex.

10 January 2019

COUNCIL DECISION (CFSP) 2019/86 OF 21 JANUARY 2019 AMENDING DECISION (CFSP) 2018/1544 CONCERNING RESTRICTIVE MEASURES AGAINST THE PROLIFERATION AND USE OF CHEMICAL WEAPONS (OTNYR)

COUNCIL IMPLEMENTING REGULATION (EU) 2019/84 OF 21 JANUARY 2019 IMPLEMENTING REGULATION (EU) 2018/1542 CONCERNING RESTRICTIVE MEASURES AGAINST THE PROLIFERATION AND USE OF CHEMICAL WEAPONS (OTNYR)

Letter from the Rt Hon Sir Alan Duncan MP, Minister 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 against the proliferation and use of chemical weapons.

The Council Decision and Council Implementing Regulation add nine new persons and one entity to the EU's chemical weapons sanctions regime, related to the use and proliferation of chemical weapons in Syria and the United Kingdom. The designations include the two GRU officials, and the Head and Deputy Head of the GRU (also known as the G.U., or the Main Directorate of the General Staff of the Russian Armed Forces) responsible for possession, transport and use in Salisbury in March 2018, as well as the Scientific Studies and Research Centre (SSRC), and five Syrian officials directly involved in the SSRC's activities.

The documents were adopted at the Foreign Affairs Council on 21 January. Unfortunately, due to the risk of asset flight, I have found myself in the position of having to agree to the adoption of these measures without being able to follow the normal parliamentary scrutiny process. As you know, the responsibility to keep your Committee informed on issues concerning sanctions is something I take seriously and the need for the override of scrutiny on this occasion was regrettably unavoidable.

4 February 2019

COUNCIL DECISION (CFSP) 2018/2078 OF 21/12/2018 AMENDING DECISION 2014/512/CFSP CONCERNING RESTRICTIVE MEASURES IN VIEW OF RUSSIA'S ACTIONS DESTABILISING THE SITUATION IN UKRAINE (OTNYR)

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

I am writing with regard to the attached EU Council Decision, and Council Regulation concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine. This Decision renews the sectoral "Tier III" sanctions against Russian entities, including an arms embargo, ban on the supply of equipment and services to Russian deep water, Arctic and shale oil exploration and production projects, and a ban on Russian access to certain EU financial instruments and services.

Following the conclusions of the March 2015 European Council, the duration of the Tier III sanctions was explicitly linked to the complete implementation of the Minsk agreements. There has since been

little progress on Minsk made by Russia. Due to the importance of the Russia Tier III regime ("Sectoral Measures"), the political decision to rollover the Russia Tier III Sanctions regime was taken at the December European Council; 13 December 2018. Rolling over these sanctions immediately after the December European Council is essential to keeping the pressure on Russia and unfortunately meant that, due to such tight time constraint, I have had to override Parliamentary Scrutiny. The EU formally adopted these measures on the 21 December 2018.

As you know, the responsibility to ensure your Committee can scrutinise sanctions decisions is something I take seriously but the need for the override of scrutiny on this occasion was regrettably unavoidable.

9 January 2019

COUNCIL DECISION (CFSP) 2019/284 OF 18 FEBRUARY 2019 AMENDING DECISION 2011/101/CFSP CONCERNING RESTRICTIVE MEASURES AGAINST ZIMBABWE (UNNUMBERED)

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

I am writing with regard to the attached EU Council Decision, Council Regulation and Commission Implementing Regulation concerning restrictive measures against Zimbabwe.

The attached Council Decision prolongs the restrictive measures against Zimbabwe until 20 February 2020. The Council Decision, Council Regulation and Commission Implementing Regulation also update the statement of reason for Grace Mugabe to better reflect her position. They also remove two individuals, Happyton Bonyongwe and Augustine Chihuri from the application of the travel ban and asset freeze. Sanctions against Bonyongwe and Chihuri had already been suspended, meaning that the application of restrictive measures against these two individuals had already been paused. They have now been permanently removed from the regime, this will not have any practical impacts on these individuals, or the effectiveness of the wider regime.

Unfortunately, I found myself in the position of having to agree to the adoption of these measures without being able to follow the normal parliamentary scrutiny process. This is due to procedural and timing pressures, particularly the need to adopt these measures by 18 February at the Foreign Affairs Council. As you know, the responsibility to keep your Committee informed on issues concerning sanctions is something I take seriously and the need for the override of scrutiny on this occasion was regrettably unavoidable.

28 February 2019

GENERAL CORRESPONDENCE

EUROPEAN DEFENCE INDUSTRIAL DEVELOPMENT PROGRAMME (EDIDP) WORK PROGRAMME

Letter from Stuart Andrew MP, Parliamentary Under Secretary of State and Minister for Defence Procurement, Ministry of Defence

I am writing to you, in your capacity as Chair of the House of Lords European Union Select Committee, to inform you of the latest developments regarding the EDIDP Work Programme (WP). The WP was agreed by the EDIDP's Programme Committee on 22 February 2019, and the Commission has now adopted the WP by an Implementing Decision of 19 March 2019. My officials are content that the WP is suitably wide-ranging and covers the full breadth of European capability priorities. Calls for proposals (for funding) for the 2019 programme will now take place in mid-2019, with calls for proposals for the 2020 programme planned for January 2020. Please see attached a copy of the WP for your information.

We have worked hard to look for potential eligible programmes, although the tight timescales of calls for proposals under the EDIDP mean that any project we could propose would need to already have full funding in place and already involve, or have the potential to involve, industry from a minimum of 3 EU member states.

The UK is exploring consortium opportunities for EDIDP funding across a range of different programmes, including with regard to Counter Unmanned Air Systems, and Mine Counter-Measures.

I trust that this letter reassures you that we are working very hard to look after the interests of the UK and UK industry.

26 March 2019

ROMANIAN PRESIDENCY PRIORITIES

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

As you are aware, the six month Romanian Presidency of the Council of the EU commenced January 2019. I wanted to take this opportunity to update you on the Presidency's priorities.

Two themes, citizens and cohesion, will underpin Romania's four planned priority areas (i) Converging Europe: growth, competitiveness, connectivity; (ii) A safer Europe; (iii) Europe, a stronger global actor; (iv) Europe of common values.

European Consensus on Development

A key focus for the Romanian Presidency in relation to the Consensus, is to ensure that inequality, both within and among member states, is at the centre of delivering the 2030 agenda. The UK supports the direction of the future policy set out in the Consensus.

A key aspect of the Consensus is aligning European external action to the Sustainable Development Goals (SDGs). The Government remains committed to delivering SDGs at home and around the world; working with its partners such as the EU to do so. It is important that the EU can monitor its progress towards the SDGs, and the UK supports the EU's efforts. Under the Romanian Presidency, we will expect a Joint Synthesis Report (JSR) on the implementation of the new European Consensus on Development which will include the impact of the EU and Member States actions in support of the 2030 Agenda on Sustainable Development in developing countries. We have contributed to the EU's Joint Synthesis Report and look forward to the JSR strengthening the EU's monitoring of progress towards the SDGs. The report is expected to be adopted in April 2019 and presented at the UN High Level Political Forum in July.

Neighbourhood, Development and International Cooperation Instrument

Having now received a draft proposal for a regulation establishing the **Neighbourhood, Development and International Cooperation Instrument** (NDICI – 2021-2027) we will gladly share our views with you on this as part of the regular parliamentary scrutiny process. The UK is part of the EU NDICI Working Party, which is one of a number of EU groups discussing aspects of the future EU budget (Multiannual Financial Framework 2021-2027). We are pushing for a strong emphasis on the SDGs, poverty reduction, inequality, gender and other UK development priorities. In February the Romanian presidency will move from the current line-by-line negotiations to specific thematic negotiations.

Future EU-ACP Partnership Agreement

The first round of negotiations on the negotiating mandate for the **future EU-ACP partnership Agreement** has taken place. The EU and ACP negotiators have agreed the chapter headings of the foundation of the future agreement. The second round of negotiations is set to commence in the coming weeks to discuss the regional specific chapters, beginning with the African Pillar. The UK supports this approach. EU Member States will continue to be consulted regularly on the progress of the negotiations with the aim of finalising the entire content of the agreement in time for the EU-ACP Council of Ministers in May 2019.

Humanitarian-Development Nexus

Work on the **Humanitarian-Development nexus** is one of the UK's priorities, and this will be treated jointly at CODEV and COHAFA working groups. The working groups will focus on the operationalisation of the nexus, providing a forum for implementing partners, Member States, the Commission and the EEAS to share best practices. CODEV will monitor the implementation of the nexus in six pilot countries (Chad, Iraq, Myanmar, Nigeria, Sudan, and Uganda) and discuss the inclusion of the peace dimension in the operationalisation of the nexus with the relevant working parties of the Council. The UK welcomes the decision of the new Presidency to prioritise the humanitarian-development-peace nexus and is strongly committed to getting this architecture to work together more effectively. COHAFA will also continue to build on the efforts of the previous Presidencies to strengthen the EU's collective response to humanitarian crises and will cover topics related to innovation, compliance with international humanitarian law, gender and disability. COHAFA's main priorities include disaster risk reduction, innovation and disruptive technologies and education in emergencies.

Other Issues

Other cross-cutting and horizontal files CODEV will look to cover are the role of children and youth in development cooperation; Energy Cooperation; EU cooperation with Central Asia; Gender Equality (including the implementation of GAP II and the EU-UN Gender Spotlight Initiative); and the nexus between migration and development (including monitoring of the EU Emergency Trust Funds for addressing the root causes of irregular migration in Africa).

Lastly, we anticipate the examination of the following documents for which Council Conclusions will be prepared: Annual Report on the Implementation of the European Union's Instruments for Financing External Action in 2017; Special Report of the EU Court of Auditors on the European Trust Fund for Africa; Annual Report to the European Council on ODA targets and the Staff Working Document on Policy Coherence for Development.

23 January 2019

THE POLITICAL SITUATION IN LIBYA

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

Thank you for your letter of 20 December. You asked a number of questions in relation to the current political situation in Libya.

You raised the Committee's concerns about the conditions in refugee camps in Libya, and asked for my assessment of the current human rights situation. I should like to take this opportunity to reaffirm our shared concern and set out what the Government is doing to improve the situation.

The conditions in detention centres in Libya are appalling and the Government is deeply concerned about those living in them. The UK Government does not fund the operational costs of these centres or have any involvement in the day-to-day running of them. The migrant centres are the responsibility of the Libyan authorities. We are urging the Libyan authorities to improve conditions in the centres and, where it is possible to do so, UK aid is providing basic humanitarian support to those who are in need of it, including blankets and clothes.

Alongside this, we are also working with the European Union Emergency Trust Fund for Africa (EUTF). This fund improves conditions for migrants in detention centres, where it is possible to do so. Initiatives include providing safe spaces for the most vulnerable, air ventilation, water, sanitation and hygiene items, toilet facilities, and mobile medical assistance.

We have consistently raised with the Libyan authorities the need to respect the human rights of migrants, including during the visit by the Development Secretary in August 2018. These efforts are part of our wider approach to protecting those who are travelling on the dangerous migration route into Libya. As part of our current £75 million migration programme we have allocated up to £5 million to humanitarian assistance and protection for migrants and refugees in Libya, including targeted

healthcare provision. UK aid is also making those migrating aware of the dangers ahead and supporting them to return voluntarily.

Despite these international efforts, it is clear that the human rights situation in Libya can only be improved under the stability of a united and representative Libyan government.

You asked for my assessment of the progress made in the organisation of the Libyan National Conference and in the electoral process. The UK is fully supportive of UN special envoy Ghassan Salamé's plan for the National Conference, which will be an opportunity to secure agreement on key issues relating to Libya's political transition, including the constitutional basis, sequencing and model for elections, and the equitable distribution of resources. The UK continues to engage with the UN on preparatory work for the National Conference, and is lobbying key Libyan and international players to engage constructively in the conference process.

2 January 2019

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

Thank you for your letter, dated 2 January 2019, regarding the political situation in Libya. This was considered by the External Affairs Sub-Committee on 17 January 2019.

We have a few more questions relating to the information provided in your letter, as below.

First, your letter refers to the Government's £75 million migration programme, of which £5 million have been allocated to humanitarian assistance and protection for migrants in Libya. Please provide us with further information about the spending of these £5 million, including whether this assistance is implemented by the UK Government directly or through other entities, and what specific projects are funded by it. Please also provide us with information about how many refugee centres the Government has been able to provide humanitarian support to. Your letter states that the UK provides support "where it is possible to do so". Which criteria need to be fulfilled for such support to be provided?

Second, your letter refers to the UK Government working with the EU Emergency Trust Fund for Africa (EUTF). Please provide us with specific examples of co-operation between the Government and the EUTF.

Third, in your letter you confirm the UK Government's support for the UN special envoy Ghassan Salamé's plan. What is your assessment of the progress made in implementing his plan to date, and what are the next steps in this process?

Fourth, your letter states that UK Government "engage[s] with the UN on preparatory work for the National Conference". In which ways does it engage? We would be grateful for specific examples.

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

17 January 2019

Letter from the Rt Hon Sir Alan Duncan MP, Minister for Europe and the Americas

Thank you for your follow-up letter dated 17 January 2019, regarding the political situation in Libya. I will address the Committee's four questions in turn:

First, you asked about the Government's £75 million migration programme, which is in the early stages of delivery. Up to £5 million has been allocated to humanitarian assistance and protection for migrants and refugees in Libya. Support is provided where it can be safely delivered and where it is not doing harm. We are working with established humanitarian agencies to provide UK aid support under the programme. To date, specific support in Libya under the programme has included provision of health care (including mental health and psycho-social support), information dissemination to migrants about where to access services and the dangers of travel within Libya (including that of modern slavery), and the distribution of non-food items (for example blankets and clothes) to meet basic humanitarian needs.

Second, you asked about the Government's cooperation with the EU Emergency Trust Fund for Africa (EUTF). Rather than cooperation between the Government and EUTF on particular projects, the UK's involvement is based on the provision of UK Official Development Assistance (ODA) to the Fund. This includes a direct contribution of €3M to the Fund's North Africa and Horn of Africa 'windows'. In addition, an estimated 15% of the EU funds used by the Trust Fund are attributable to UK ODA. The UK plays a full role in the governance of the Trust Fund on that basis, attending its Strategic Board and Operational Committees (which set the overall strategy and approve project proposals), and engages bilaterally with the European Commission's Trust Fund Managers and with relevant EU Delegations to help shape the Fund's activities. DFID is also responsible for the implementation of two of the Trust Fund's projects – one on Enhancing State and Community Level Conflict Management in North Eastern Nigeria, and a second on a Health Pooled Fund in South Sudan.

Third, you asked for our assessment of the progress made to implement UN Special Representative Ghassan Salamé's plan to date, and queried the next steps in the implementation process. We are fully supportive of the Special Representative's plan for the National Conference, due to take place in early 2019, and applaud his efforts to engage key Libyan stakeholders in the conference process. The Special Representative has set out his aim to use the National Conference to secure agreement on key issues relating to Libya's political transition, including the constitutional basis for elections, the sequencing and model of elections, and the equitable distribution of resources.

Finally, you requested specific examples of the ways in which the UK engages with the UN on preparatory work for the National Conference. We have an active diplomatic presence in Tripoli which allows us to engage with both UNSMIL and key local actors on the ground. In addition to this bilateral engagement, we hold regular meetings with Special Representative Salamé and other regional and international countries through a range of small group fora. We are also active in the United Nations Security Council where, as pen-holder on Libya, we emphasise the need for unified support for the UN-led political process.

31 January 2019

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

Thank you for your letter dated 31 January 2019, regarding the political situation in Libya. This was considered by the External Affairs Sub-Committee on 14 February 2019.

We regret that your letter did not provide much detail in response to most of our questions.

We remain very concerned about the situation in Libyan refugee camps. We would appreciate greater clarity from you on how many refugee centres the Government has been able to provide humanitarian support to and which humanitarian agencies the Government works with. Your letter states that UK support "is provided where it can be safely delivered and where it is not doing harm". Which security criteria need to be fulfilled for such support to be provided?

Additionally, we request you to provide us with your assessment of the results of the Libyan National Conference once it has taken place.

We look forward to your response to our request for information regarding refugee centres within the usual ten working days.

18 February 2019

Letter from the Rt Hon Sir Alan Duncan MP, Minister for Europe and the Americas

Thank you for your follow-up letter dated 18 February 2019, regarding the situation of the mixed migrant population in Libya. I will address the Committee's questions in turn:

I should firstly like to clarify there are many different avenues through which we are seeking to improve the situation for the mixed migrant population in Libya (i.e. asylum seekers, refugees and migrants) and this goes beyond the work being done in refugee centres, as referred to in your letter.

There are 26 official detention centres operating in Libya. It is estimated that less than one percent of the mixed migrant population in Libya are being detained in such centres. Conditions in these centres are a source of deep concern to the UK Government. We are clear that these centres are the responsibility of the Libyan authorities. As such, we continue to lobby the Libyan authorities to pursue alternatives to detention and implement a better functioning migration system that respects human rights.

Under our £5 million support allocation in Libya (part of the £75 million migration programme referenced in my previous letter) we have delivered humanitarian support in eight of these detention centres. This has been limited to providing access to phone calls for detained migrants, legal assistance and distribution of non-food items like blankets, as well as a one-off emergency food distribution (during a break in inter-militia clashes last year). I should like to note the primary focus of our migration programme in Libya is to assist vulnerable migrants in urban areas (not in formal centres) who make up the majority of the mixed migrant population. The partners that are currently implementing the programme in Libya are the International Organisation for Migration and a NGO consortium comprised of the Danish Refugee Council and the International Rescue Committee.

Alongside this, UK ODA is being spent through the European Union Emergency Trust Fund for Africa (EUTF), whose projects include humanitarian efforts to improve living conditions for migrants and refugees in detention centres. Like the UK, the EU recognises the appalling situation in detention centres in Libya, is actively promoting alternatives, and is supporting sustainable solutions for those migrants and refugees in the centres. Overall, the EUTF has dedicated €127.7 million to protecting and assisting migrants in need in Libya.

We are also supporting the UNHCR's new Gathering and Departure Facility in Tripoli, which opened in December 2018, where migrants and refugees can access food and health services, before travelling onwards (for example to Niger for evacuation). We are supporting the facility via our contribution to the EU Emergency Trust Fund for Africa and lobbying the Libyan authorities to ensure it operates successfully.

Since 2017, we have also awarded the World Health Organization £2 million to increase the technical knowledge and skills of 300 doctors, 600 nurses and 100 Libya Ministry of Health staff, with an overall aim to improve primary health care services for 3.6 million people in Libya. We have also contributed a total of £1 million to the International Committee of the Red Cross' 2017 and 2018 appeals, with £500,000 to each appeal respectively, which seek to address the urgent humanitarian needs of people across Libya. Furthermore, £240,000 has been allocated to United Nations Office for the Coordination of Humanitarian Affairs secondments to improve humanitarian coordination.

All UK aid responses to irregular migration are underpinned by the humanitarian "do no harm" principle and have a strong focus on risk management to ensure that potential risks to beneficiaries are identified, mitigated and subject to ongoing monitoring. As part of our migration programming we also require our partners to complete additional assessments before commencing activity in fragile countries like Libya. As I have already highlighted, programme funding is channelled through established international organisations, and all activity is subject to additional external scrutiny from a variety of stakeholders, including NGOs and the Independent Commission for Aid Impact.

I will also write to the Committee to provide my assessment of the results of the Libyan conference, once it has taken place.

4 March 2019

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

Thank you for your letter dated 4 March 2019, regarding the political situation in Libya. This was considered by the External Affairs Sub-Committee on 21 March 2019.

We remain highly concerned about the situation in Libyan refugee camps. Your letter of 31 January stated that UK support "is provided where it can be safely delivered and where it is not doing harm". We asked in our letter of 18 February which criteria needed to be fulfilled for the safe delivery of support. This was not answered in your letter of 4 March. Please provide us with specific information about the criteria to be fulfilled to safely deliver support to refugee centres in Libya.

We look forward to your reply within the usual ten working days and to receiving your written assessment of the results of the Libyan National Conference once it has taken place.

25 March 2019

IRAN SANCTIONS: INSTEX TRADE VEHICLE

Letter from the Rt Hon Sir Alan Duncan MP, Minister for Europe and the Americas

Your Committee has asked to be updated on the progress of the European Special Purpose Vehicle (SPV).

Following US withdrawal from the Joint Comprehensive Plan of Action (JCPOA) – the Iran nuclear deal – the remaining parties to the deal (the UK, France, Germany, Russia and China) committed to continuing to facilitate sanctions relief to Iran, as long as Iran continued to comply with the nuclear restrictions in the deal. The UK has worked with France and Germany (the ‘E3’) to develop the SPV as part of our efforts to live up to this commitment. The SPV aims to support legitimate trade in compliance with remaining EU and UN sanctions.

Whilst the EU does not recognise the extraterritorial application of recent unilateral US secondary sanctions on Iran, it is not accurate to say that the SPV is intended to ‘circumvent US sanctions’ as some reports have suggested. Rather, it is to ensure that legitimate trade between European and Iranian actors can continue to take place.

On 31 January the E3 registered the SPV in France under the name INSTEX (Instrument for Supporting Trade Exchanges). The UK, France and Germany are the initial owners and shareholders of the vehicle and we are working with other interested EU Member States who may also wish to play a formal role. The E3 each have a seat on the Supervisory Board of the company, and have appointed experienced banker Mr Per Fischer as the company President. The Supervisory Board determines the scope, purpose and future development of INSTEX. The E3 have also begun engaging with businesses and banks that are interested in using the vehicle.

Initially, INSTEX will focus on the sectors most essential to the Iranian population – such as pharmaceutical, medical devices and agri-food goods. INSTEX aims in the long term to be open to economic operators from third countries who wish to trade with Iran, and the E3 continues to explore how to achieve this objective. INSTEX aims to limit the number of cross-border payments between Iran and the EU by enabling European businesses to settle debts and payments to/from Iran via a clearing mechanism, complementing the the role of commercial banks.

INSTEX is not yet operational and we are working closely with the E3 to overcome the technical challenges necessary to ensure that it can deliver. We will also work with Iran to create the effective and transparent corresponding entity that will be required to be able to operationalise INSTEX.

When operational, the vehicle will have appropriate compliance measures in place in line with EU and national regulatory standards in particular concerning anti-money laundering, counter-terrorist finance regulations and sanctions legislation.

I welcome the Committee’s interest in this project.

26 February 2019