

Cabinet Secretary for Government Business and
Constitutional Relations
Michael Russell MSP



Scottish Government
Riaghaltas na h-Alba
gov.scot

T: 0300 244 4000
E: scottish.ministers@gov.scot

[REDACTED]

[REDACTED]

Our ref: 2019/0002078

15 February 2019

Dear [REDACTED]

Thank you for your correspondence of 17 January 2019 about the United Kingdom's exit from the European Union (EU) and the Danish model for EU membership. Can I first of all thank you for taking the time to write to me about this issue.

As you rightly point out, at present there seems to be no consensus in the UK Parliament for any of the options available, including the least worst option for Scotland and for the whole UK - permanent membership of the European Single Market and Customs Union. As you know, Scotland voted, overwhelmingly, to remain in the EU. Over the two and a half years since the EU Referendum took place, Scotland's interests have been ignored. The sidelining of Scotland throughout the Brexit process demonstrates beyond doubt that Scotland is not treated as an equal partner in the UK. More importantly, the chaos over Brexit demonstrates the cost to Scotland when decisions about our future are taken at Westminster instead of here.

With the clock ticking down to exit day the Scottish Government is working with others to extend Article 50 to avoid a catastrophic No Deal outcome and allow time for a second referendum on EU membership. A second EU referendum is an opportunity for the wishes of the people of Scotland to be respected. But the only way to guarantee that outcome is for decisions to be taken in Scotland as an independent country.

You are of course correct that there is already a range of differentiated arrangements within the EU and single market framework, such as the Danish model you refer to, reflecting a willingness on the part of the EU and its member states to be flexible. In December 2016, the Scottish Government set out a route through which Scotland could remain in the European Single Market, even if the remainder of the UK chose to leave. As explained in the Scottish Government's 'Scotland's Place in Europe' paper, this could be secured through UK membership of the European Economic Area Agreement alongside Norway, Iceland and

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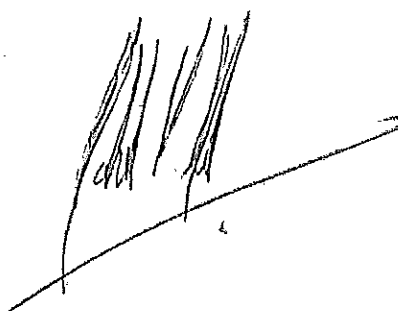
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Liechtenstein. The UK Government rejected the principle of differentiation for one part of the UK then, but has since signed an agreement that enables it for Northern Ireland which would potentially leave Scotland at a serious competitive disadvantage.

I would now like to turn to the Common Fisheries Policy. The Scottish Government's policy is for Scotland to be an independent member of the European Union. As a full member of the EU, recognised as a major fishing nation and with world class expertise to offer, Scotland would be in a much stronger position to help fashion an improved framework, and vigorously promote the interests of the Scottish seafood sector. We would also be able to negotiate directly for Scottish priorities at the top table in Europe without them being compromised in favour of wider UK objectives and wield significant influence in future international fisheries negotiations.

Thank you once again for your correspondence.



MICHAEL RUSSELL

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[REDACTED]
By email: [REDACTED]

Our ref: 2019/0003232
22 February 2019

Dear [REDACTED]

Thank you for your letter of 23 January 2019 in which you have raised your concerns in relation to the UK's membership to the EU and the Lisbon Treaty.

Before I address specifically your points, let me take this opportunity to set out the Scottish Government position. Since the EU Referendum outcome, the Scottish Government, through its "Scotland's Place in Europe" publications, has consistently demonstrated that the best future for Scotland, and the whole UK, is to stay in the EU – in line with the wishes of the people of Scotland.

Throughout the Brexit process, however, the Scottish Government has consistently demonstrated a willingness to compromise and has proposed that, failing full EU membership, we must continue to be permanent members of the European Single Market and Customs Union. This would be the least worst option, for Scotland, and for the whole UK.

With the clock ticking down to exit day, the Scottish Government is working with others to extend Article 50 to avoid a catastrophic No Deal outcome and allow time for a second referendum on EU membership. A second EU referendum would be an opportunity for the wishes of the people of Scotland to be respected.

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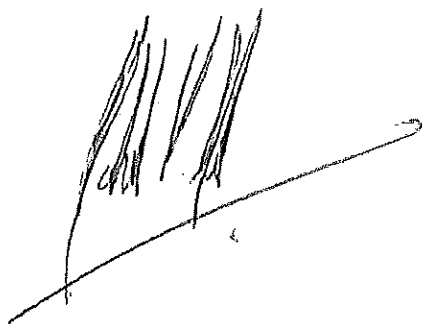
Moving to your comments on the Lisbon Treaty, I would like to note that the Lisbon Treaty came into force in the UK on 1 December 2009, some years after European leaders launched a process to make EU institutions more democratic, transparent and efficient. This Treaty, amended but did not replace, both the Treaty of the European Union and the Treaty establishing the European Community (known as the Treaty on the Functioning of the European Union) – which currently form the legal foundation of the EU.

It is also worth noting that, since its accession to the EU in 1973 the UK has negotiated certain 'opt-outs' from legislation, meaning that the UK is not legally obliged to participate in policy areas such as the Economic and Monetary Union (the so-called Eurozone); the Charter of Fundamental Rights; and certain measures within the Area of Freedom, Security and Justice and the Schengen area. These opt-outs, currently enshrined in EU law, do not have an end date and mean in practice that the EU cannot force the UK's participation in all their policy areas against its will.

While I have taken note on your concerns, the Scottish Government is clear membership of the EU has enriched Scotland. Individuals, businesses and communities have gained from the ability to live, study, work, trade and travel across the 28 Member States, and membership of the world's largest single market is a fundamental part of Scotland's economy

EU Membership enables Member States to act collectively to address major challenges affecting the continent, for example, tackling youth unemployment, dealing with the impacts of climate change, and combating cross-border crime and terrorism. By leaving the EU, the UK and Scotland will lose significant influence over the EU's decision-making and will no longer be able to directly promote UK and Scotland's interests in the European arena.

I trust you find this information helpful.



MICHAEL RUSSELL

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Ms Joan McAlpine MSP
Convener
Culture, Tourism, Europe and External Relations
Committee
Scottish Parliament
Edinburgh
EH99 1SP

14 February 2019

Dear Joan

I wrote to you and the Convener of the Finance and Constitution Committee on 5 February to alert your committees to the meeting of the Joint Ministerial Committee (EU Negotiations) on 7 February. I am now writing to report on the Scottish Government's actions and provide you with a copy of the Joint Communiqué agreed at the meeting.

The other Ministers attending were:

- From the UK Government: The Chancellor of the Duchy of Lancaster and Minister for the Cabinet Office, Rt Hon David Lidington MP; The Secretary of State for Exiting the European Union, Rt Hon Stephen Barclay MP; The Secretary of State for Scotland, Rt Hon David Mundell MP; and The Parliamentary Under Secretary of State for Wales, Lord Bourne of Aberystwyth.
- From the Welsh Government: The Counsel General and Brexit Minister, Jeremy Miles AM.

In the absence of Ministers from the Northern Ireland Executive, a senior civil servant from the Northern Ireland Civil Service was in attendance.

The meeting of the Committee provided an opportunity to discuss the UK Government's intentions following the defeat of the Prime Minister's negotiated deal, in the House of Commons on 15 January 2019.

I made clear that the Article 50 period must be extended and that a "no deal" should be ruled out as an option immediately.

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I told the Committee that after sixteen meetings of JMC (EN) and four meetings of JMC (Plenary) since the EU referendum, we were no further forward in having a clear and agreed approach to exiting the EU. Given the current impasse therefore, I made the case that there should be a second EU referendum.

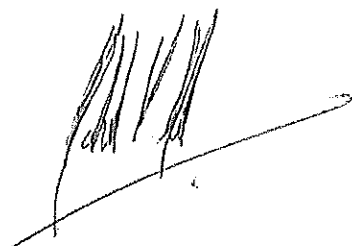
I said that the Prime Minister's recent commitment to an "enhanced role" for the Devolved Administrations in the next phase of negotiations with the EU, must mean full respect with the Joint Ministerial Committee's intended remit to provide the oversight of negotiations with the EU, to ensure, as far as possible, that outcomes agreed by all four governments are secured from these negotiations.

The Committee also discussed domestic issues arising from EU exit, including operational readiness. I voiced concern about the temporary leave to remain arrangements that were currently set at three years, as this would not work for students at Scottish Universities where the majority of undergraduate courses in Scotland are four years in length (rather than three years as in England). I said that this needed to be considered as a matter of urgency.

On the EU (Withdrawal Agreement) Bill, I raised concerns about whether it could be delivered in time for EU exit if required, and reiterated the importance of it respecting the devolution settlement.

Finally, the Committee was presented an update paper on Common Frameworks. I said that I was content that there were fewer areas requiring legislative solutions, and that as no Section 12 orders had been issued which demonstrated that through appropriate collaborative working we could proceed by consent rather than by imposition.

I attach the Joint Communiqué which was agreed at the meeting.



MICHAEL RUSSELL

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Mr Michael Russell MSP
Cabinet Secretary
The Scottish Government
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David R Martin - Chief Executive

Chief Executive's Department
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Tel: 01382 434201
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Our Ref: DM/BF/AG
Your Ref:
Date: 20 February 2019

Dear Cabinet Secretary

BREXIT

At its meeting on 18 February 2019, Dundee City Council's Policy and Resources Committee passed a motion which supported the call for an extension of Article 50 to allow for a People's Vote on the final Brexit deal, with an option to remain in the EU.

I was instructed to write to the Cabinet members for Brexit in both the UK and Scottish Governments and to Dundee MPs, MSPs and MEPs informing you of the City Council's view and asking you to support such a People's Vote.

A copy of the full motion is attached.

Yours sincerely



David R Martin
Chief Executive

Enc

If you have trouble understanding English please contact the address below

اگر آپ کو انگریزی سمجھنے میں مشکل پیش آتی ہے تو براہ کرم مہربانی نیچے درج پتے پر رابطہ کریں:

जेवळ तुम्हें इंग्लिश भाषण समझने में कठिनाई होती है तो कृपया यहाँ दाल पते से संपर्क करें।

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DUNDEE CITY COUNCIL
POLICY AND RESOURCES COMMITTEE

18 FEBRUARY 2019

MOTION ON BREXIT

Policy and Resources Committee notes:

1. that Dundee, in common with London, Northern Ireland, many cities across the UK and every local authority area in Scotland, voted to remain in the European Union in the 2016 Referendum;
2. that the United Kingdom government has struggled to agree its own position on the Brexit Withdrawal Agreement and our future relationship with the European Union, far less to negotiate a Brexit deal with Europe with any identifiable benefits to Dundee or the country at large;
3. the growing evidence across many economic sectors that Brexit will damage UK trade and the UK economy;
4. that Brexit is reducing our influence in the world, and leading to the complete loss of say and control over the rules of the European Single Market and Customs Union, the largest market in the world;
5. the mounting popular concern at the prospect a "no deal" Brexit is resulting in increasing support for a People's Vote on the Brexit terms;
6. the huge complexities of unravelling the UK's relationship with the EU and, in particular, the implications of the Northern Ireland border with the Republic of Ireland;
7. the estimate by the Bank of England that households are already around £900 a year worse off because of lower growth due to Brexit; and
8. the uncertainty caused for the 2.9 million EU citizens living in the UK and the 1.2 million UK nationals who live elsewhere in the EU.

Policy and Resources Committee is therefore greatly concerned about the threat to the future prosperity of Dundee posed by Brexit, the reality that jobs are already moving from the UK to other parts of the EU and the risk that lower economic performance will result in reduced public sector revenues and support for Council services.

Policy and Resources Committee therefore:

1. Supports the call for an extension of Article 50 to allow for a People's Vote on the final Brexit deal, with an option to remain in the EU.
2. Instructs the Chief Executive to write to Dundee's MPs, MSPs and MEP's, and to the Brexit Secretaries in the UK and Scottish Governments, informing them of the City Council's view and asking them to support such a People's Vote.

<Scottish_Ministers@gov.scot<mailto:Scottish_Ministers@gov.scot>>
Subject: THE DANISH MODEL FOR EU MEMBERSHIP

FROM :

E:

17.01.2019

TO : Michael Russell MSP, Cabinet Secretary for Government Business and Constitutional Relations.

Dear Mr Russell

Given that there seems little likelihood of the present Conservative Government achieving an agreed policy on relations with the EU, in view of the negative approach revealed by Mr. Mundell today, I would like to suggest that the Scottish Government give consideration to the model which has developed in relations with the EU achieved over a period of years by the Kingdom of Denmark and its two autonomous countries of Greenland and the Faroe Islands. As you will know, neither of the latter two is a member of the EU while co-operating closely with the EU and benefitting from such co-operation while Denmark itself is a full member of the EU.

I cannot see why a similar arrangement should not be adopted by the UK, particularly in view of the fact that this would marry well with the voting results in the flawed Brexit referendum i.e. England, which voted in favour of leaving the EU, could continue with arrangements to do so while Northern Ireland and Scotland, which voted to remain in the EU, could discuss with the EU arrangements permitting them to do so, both being parts of the UK which already satisfied EU requirements. This plan clearly reflects democracy very much better than any hitherto discussed, to my knowledge, and would appear to obviate difficulties inherent in the so-called backstop arrangements. Wales, following a fresh referendum, might choose to join this Celtic Fringe.

While I appreciate that remaining part of the UK is not the desired end result of SNP policy, it seems to me that this arrangement would be a considerable step in the right direction and discussions with the EU could include improvements to the CFP which would be to Scotland's advantage and satisfy some of those in Scotland who thought (wrongly, in my view) that leaving the EU would bring advantages to our fishing communities.

Yours sincerely,

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Cabinet Secretary for Government Business and
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Michael Russell MSP



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[REDACTED]
By email: [REDACTED]

Our ref: 2018/0043975

14 January 2019

Dear [REDACTED]

Thank you for your e-mail message of 30 November 2018, in which you have raised a number of questions regarding the Withdrawal Agreement and the Northern Ireland backstop.

Before I address specifically your questions, let me take this opportunity to reiterate the Scottish Government position. The Scottish Government believes that continued membership of the EU is in the best interests of Scotland's future, in line with the wishes of the people of Scotland as expressed in the EU Referendum of 2016. Failing that, we have consistently offered a compromise proposal which is for the whole UK to remain in the European Single Market and Customs Union to protect the future economy and social prosperity.

Our analysis demonstrates that continued membership of the European Single Market and Customs Union is essential to limit the damage of Brexit and protect jobs and living standards as much as possible. In November last year we published an analysis which demonstrated the proposed Prime Minister's deal is bad for Scotland and the UK. We believe that this deal would severely damage Scotland's economy, sacrifice the benefits of free movement of people, undermine our security, and condemn us to several more years of uncertainty.

In view of the lack of consensus behind the UK Government's proposed deal, and with time rapidly running out before the UK is due to leave the EU in March 2019, the Scottish Government believes that a Second EU Referendum should now be the priority. Following the ruling of the European Court of Justice on the 10 December 2018, it is now clear that there is a route for the UK to revoke the notification under Article 50 and remain in the EU. A Second EU Referendum would offer the opportunity to establish consensus for that choice.

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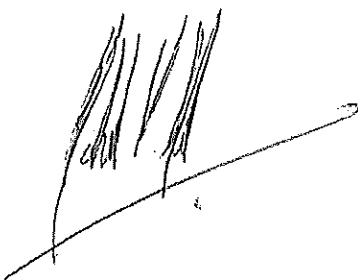
In respect of the Northern Ireland backstop, the inclusion of the backstop in the Agreement has provoked widespread debate and you will know that despite this, and the significant attention it has received, there are still many questions unanswered and the possible implications for future trading arrangements are unclear.

In this context, the Scottish Government continues to believe that the best option for Scotland would be to remain in the EU. Failing that we should look to remain in the Single Market and Customs Union. In these circumstances there would be no need for a backstop arrangement.

The Scottish Government fully and unconditionally supports the Good Friday Agreement and the maintenance of an invisible border on the island of Ireland. However, we also firmly believe that if the UK is determined to pursue a more distant relationship with Europe, there should be an extension of the principle of differentiation established in the draft Withdrawal Agreement in respect of Northern Ireland to other parts of the UK. This is essential to safeguard Scotland's and the UK's wider interests.

In the current circumstances there is no certainty about the ratification or otherwise of the Withdrawal Agreement (including the backstop provision) and it is difficult if not impossible to comment on what may or may not be the practical implications for Scotland and the UK as a whole.

I trust you find this information helpful.



MICHAEL RUSSELL

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Mr Bruce Crawford MSP
Convener
Finance and Constitution Committee
Scottish Parliament
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EH99 1SP

14 February 2019

Dear Bruce

I wrote to you and the Convener of the Culture, Tourism, Europe and External Relations Committee on 5 February to alert your committees to the meeting of the Joint Ministerial Committee (EU Negotiations) on 7 February. I am now writing to report on the Scottish Government's actions and provide you with a copy of the Joint Communiqué agreed at the meeting.

The other Ministers attending were:

- From the UK Government: The Chancellor of the Duchy of Lancaster and Minister for the Cabinet Office, Rt Hon David Lidington MP; The Secretary of State for Exiting the European Union, Rt Hon Stephen Barclay MP; The Secretary of State for Scotland, Rt Hon David Mundell MP; and The Parliamentary Under Secretary of State for Wales, Lord Bourne of Aberystwyth.
- From the Welsh Government: The Counsel General and Brexit Minister, Jeremy Miles AM.

In the absence of Ministers from the Northern Ireland Executive, a senior civil servant from the Northern Ireland Civil Service was in attendance.

The meeting of the Committee provided an opportunity to discuss the UK Government's intentions following the defeat of the Prime Minister's negotiated deal, in the House of Commons on 15 January 2019.

I made clear that the Article 50 period must be extended and that a "no deal" should be ruled out as an option immediately.

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Taken from: <https://www.gov.scot/news/mps-asked-to-dismiss-uk-government-brexit-options/>

Text of letter:

11 January 2019

Member of Parliament

I am writing to you to set out the Scottish Government's position on the Prime Minister's proposed Withdrawal Agreement and Political Declaration on the future relationship with the EU.

It is our view that the deal which has been presented will take Scotland out of the EU against our will, Scotland voted by 62% to remain in the European Union in 2016, something which has been consistently ignored by the UK Government.

As set out in Scotland's Place in Europe: An assessment of the UK Government's proposed future relationship with the EU, the deal which MPs are being asked to endorse on Tuesday 15 January 2019 will make us poorer, diminish our rights and damage opportunities for future generations.

On 5 December 2018 the Scottish Parliament voted (92-29) to reject the Prime Minister's proposed deal and to call for a better alternative to both the 'deal' and no-deal. SNP, Labour, Green and Liberal Democrat MSPs all supported the motion.

In our view four steps need to be taken.

Firstly, MPs should vote against no deal. No deal would be catastrophic and would have severe and disproportionate impacts on Scotland - on food supply, on medicines, on transport, and rural matters. In view of the damage which uncertainty on this issue has already caused - and will continue to cause - to the interests of citizens and businesses, immediate steps should be taken to exclude this possibility.

Secondly, MPs should vote against the Prime Minister's deal. As set out above it is a deal which will leave this country poorer and diminished internationally as well as domestically. It is not what people voted for in 2016.

Thirdly, the EU should be asked to extend the Article 50 process to stop the UK crashing out in March and allow a sensible debate about the choices now available to take place and an informed choice to be made.

Finally, MPs should come together to support a new referendum on EU membership. The debate in 2016 has been consistently shown to have been manipulated and undermined by misinformation and false promises. The truth has now been laid bare and in the absence of a consensus in Parliament the choice must be put back to the people.

Throughout this process the Scottish Government has offered to work with others to soften the blow of Brexit but our offers of compromise have been dismissed by the UK Government.

Despite the Prime Minister's statements of having worked closely with others, and her pleas for the Parliament to come together and back her, she has consistently cut others out of her plans. There has been no attempt to reach a consensus and bridge gaps over the past two and a half years.

If the UK is a genuine partnership of nations it is essential that the views of the people of Scotland, the Scottish Parliament and Scottish Government are taken seriously, and not ignored, when the vote on the Prime Minister's deal takes place.

Michael Russell

Cabinet Secretary for Government Business and Constitutional Relations

Cabinet Secretary for Government Business and
Constitutional Relations
Michael Russell MSP



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E-mail: david.martin@dundeecity.gov.uk

Your ref: DM/BF/AG
Our ref: 2019/0006438

15 March 2019

Dear Mr Martin,

Thank you for your letter of 20 February, in which you shared details of a motion by the Council Policy and Resources Committee, supporting an extension of Article 50, and a second referendum including the option to remain in the EU.

In line with the views of the majority of people who live in Scotland, the Scottish Government believes both Scotland and the UK should remain in the European Union, or if that is not possible, in the European Single Market and Customs Union. At present, Scottish Government Ministers are working with others to stop a No Deal Brexit and to promote a second referendum on EU membership as an alternative to the Prime Minister's Brexit deal because of the damage Brexit will do to Scotland. You can read the Scottish Government's assessment of the UK Government's proposals [here](#).

The Scottish Government is always mindful that 62 per cent of people in Scotland voted to remain in the European Union and although the First Minister has said that the EU is not a perfect institution it is our view that Brexit, and in particular the hard Brexit being pursued by the UK Government, will make Scotland poorer, damage living standards and take away rights that we currently enjoy as EU citizens.

The Scottish Government is clear that the clock must be stopped on the Article 50 process, and that a second EU referendum should now be the priority. We are calling upon the UK Government to enable that referendum to take place.

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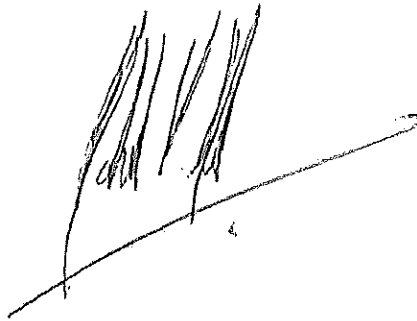


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I thank you again for passing on the views of the Policy and Resources Committee, and welcome the support they reflect for the position of the Scottish Government.

A handwritten signature in black ink, appearing to read 'Michael Russell', written over a horizontal line.

MICHAEL RUSSELL

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