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From: [redacted]**Sent:** 22 December 2020 22:42

To: Cabinet Secretary for Transport, Infrastructure and Connectivity <CabSecTIC@gov.scot>; [redacted]News Desk <Newsdesk@gov.scot>; [redacted]; Press Transport Scotland <media@transport.gov.scot>

Cc: First Minister Covid Briefing Unit <FMcovidbriefingunit@gov.scot>; DL All Scottish Government Ministers <DLMPOPALLSGMIN@gov.scot>; Executive Team <DLPSECPET@gov.scot>; SGoRR Major Events <sgormajorevents@gov.scot> [redacted] Chief Executive Transport Scotland <ceo@transport.gov.scot>; Transport Hub Mailbox <TransportHubMailbox@gov.scot>; [redacted] Cabinet Secretary for Rural Economy and Tourism <CabSecRET@gov.scot> [redacted] First Minister <firstminister@gov.scot>; Deputy First Minister and Cabinet Secretary for Education and Skills <DFMCSE@gov.scot>; Cabinet Secretary for Economy, Fair Work and Culture <CabSecEFWC@gov.scot> [redacted]

Subject: RE: Line to clear - closure of French Border - Four Nations Meeting With Grant Shapps

For awareness, DfT statement still not online but agreement being reported, along with FM comments.

I have now issued [Response to agreement to reopen French border - gov.scot \(www.gov.scot\)](https://www.gov.scot/Response-to-agreement-to-reopen-French-border-gov.scot)

Thank you all for your help
[redacted]

From: [redacted] > **On Behalf Of** Cabinet Secretary for Transport, Infrastructure and Connectivity

Sent: 22 December 2020 21:56

To: [redacted] News Desk <Newsdesk@gov.scot>; Cabinet Secretary for Transport, Infrastructure and Connectivity <CabSecTIC@gov.scot>

Cc: First Minister Covid Briefing Unit <FMcovidbriefingunit@gov.scot>; DL All Scottish Government Ministers <DLMPOPALLSGMIN@gov.scot>; Executive Team <DLPSECPET@gov.scot>; SGoRR Major Events <sgormajorevents@gov.scot>; [redacted] Chief Executive Transport Scotland <ceo@transport.gov.scot>; Transport Hub Mailbox <TransportHubMailbox@gov.scot>; [redacted] Cabinet Secretary for Rural Economy and Tourism <CabSecRET@gov.scot>; [redacted]; First Minister <firstminister@gov.scot>; Deputy First Minister and Cabinet Secretary for Education and Skills <DFMCSE@gov.scot>; Cabinet Secretary for Economy, Fair Work and Culture <CabSecEFWC@gov.scot> [redacted]

Subject: Line to clear - closure of French Border - Four Nations Meeting With Grant Shapps

Hi [redacted]

Mr Matheson is content with below lines and is asking when will this be issued?

Many thanks

[redacted]

Cabinet Secretary for Transport, Infrastructure and Connectivity – Michael Matheson
Scottish Government | St Andrew's House, Regent Road, Edinburgh, EH1 3DG | [redacted]
Email: CabSecTIC@gov.scot

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From: [redacted]

Sent: 22 December 2020 21:40

To: [redacted]; News Desk <Newsdesk@gov.scot>; Cabinet Secretary for Transport, Infrastructure and Connectivity <CabSecTIC@gov.scot>

Cc: First Minister Covid Briefing Unit <FMcovidbriefingunit@gov.scot>; DL All Scottish Government Ministers <DLMPOPALLSGMIN@gov.scot>; Executive Team <DLPSECPET@gov.scot>; SGoRR Major Events <sgormajorevents@gov.scot> [redacted] Chief Executive Transport Scotland [redacted] Cabinet Secretary for Rural Economy and Tourism <CabSecRET@gov.scot> [redacted] [redacted] First Minister <firstminister@gov.scot>; Deputy First Minister and Cabinet Secretary for Education and Skills <DFMCSE@gov.scot>; Cabinet Secretary for Economy, Fair Work and Culture <CabSecEFWC@gov.scot>; [redacted]

Subject: RE: Line to clear - closure of French Border - Four Nations Meeting With Grant Shapps

Thanks, I have incorporated, please could the CS consider this version.

Cabinet Secretary for Transport, Infrastructure and Connectivity Michael Matheson, said:

“This has been an extremely worrying time for a number of our sectors who are heavily dependent on the Channel ports, especially at this time of year. It has provided an alarming insight into the likely disruption a No Deal Brexit or any additional trade barriers will bring, and I would again stress the need to extend the transition period while the country gets to grips with coronavirus (Covid-19).

“I spoke with the UK Transport Secretary earlier tonight and am pleased that he reported that significant progress had been made regarding arrangements to reopen the closure of the French border to UK freight and that the UK Government has agreed that a Lateral Flow Test - of similar quality to that being used by the NHS - will permit drivers and other essential travellers to travel to France within 72 hours of a clear test. Arrangements will be in place until 6 January, with a mutual review agreed for 31 December.

“The UK Government has informed us that they have a plan to deploy Lateral Flow Tests to drivers at locations in Kent where drivers are parked, and UK Ministers must now urgently prioritise those drivers with perishable goods, such as Scottish seafood and salmon. What has always been of concern is the impact on exporters, not least of Scotland’s premier food produce rightly in demand in Europe. This is their most critical time of year and the dismay caused by the uncertainty and length of delay has been avoidable and regrettable.

“Now we have clarity on the type of test required, the Scottish Government will work with the haulage industry and the NHS to explore how we can support drivers to take those tests in Scotland in the future, before beginning their journey.

“To reiterate, Scotland is currently well stocked with food and medical supplies. We remain in close communication with the NHS and with food retailers and there is no issue that causes concern for the immediate few days ahead. What has always been of concern is the impact on exporters, not least of perishable goods such as seafood. This is their most critical time of year and right now, and the dismay caused by the uncertainty and length of delay has been avoidable and regrettable.

“I have again raised the question of financial support for those hit by this action with the UK Government. We stand ready to help in any practical way we can as this situation develops and will keep all actions under active review.”

[redacted]

2.

Mr Russell Parliamentary Statement – EU Exit –The end of Transition

Wednesday 23 December 2020

Presiding Officer,

On 8 December, when I last addressed this Chamber on our readiness for the end of the transition period, it was ***scarcely believable*** that with only 23 days to go we knew nothing about how the UK would trade with the EU.

Now, with a mere 8 days to go and no outcome I would say that my reaction – and that of almost all others – is that we are now in the realm of the ***unbelievable***.

Presiding Officer even if a deal is being done as we speak – and I have no information that is the case – then time has run out for Westminster to approve the legislation before Christmas and for this chamber to consider the necessary legislative consent to aspects of the deal that will be required.

Of course as we do not know what would be in any deal, what our consent would be required for is also not clear. The UK Government will have to

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formally ask us for that consent and this chamber will , in turn, of course be asked to agree or disagree.

Practically it is clear that the earliest that that can now happen is next Wednesday and the Minister for Parliamentary Business will keep you , Presiding Officer, and the Bureau closely informed and will notify you the moment the Scottish Government receives any request for legislative consent if it does.

This also means, of course, that if Westminster has to be recalled it would be under stringent Tier 4 lockdown regulations and the same would be true here and across Scotland.

The evidence of the last few days tell us not only that the pressure of the pandemic is increasing again, but also that refusing to extend transition – despite all the pleas – was utterly foolish, reckless, arrogant and very damaging.

In addition the last 48 hours remind us of the dependence of our supply chains and our way of life on the closest of trading links with the EU and shows that any action which disrupts those has severe consequences.

Presiding Officer if there is no deal that disruption will resume.

That is one of the many reasons why a no deal is a lunatic prospect and anyone who asserts that any part of these islands will “prosper mightily” in such circumstances is either woefully ignorant or deliberately deceiving.

For a Prime Minister to do so beggars belief.

But even with a deal – the lowest of deals which is, and has been throughout the last year all that could be achieved given the UK red lines – there will be disruption to trade and a major dislocating change in our status and relationship with other countries.

There will be – no deal or low deal - a diminution in our safety and protection with regard to law and order given the withdrawal from us of the Schengen Information System which means Police Scotland will be less able to combat criminality at speed. We’ll also lose access to the European Arrest Warrant, which means it will be far harder to ensure that foreign national criminals face justice in Scotland.

There will be – no deal or low deal - a growing threat to the standards we apply and expect to food , the environment and a range of other issues though we will be able to mitigate some of that as a result of the passage last night of the EU Continuity Bill by a massive majority here – which we hope the UK Government, supported by the Tories in this place will not again try and destroy by means of changing UK law.

Food prices will rise – no deal or low deal - as is admitted by the UK Government and range and availability may be affected, particularly in the early days after 31st December. That will be felt most keenly at the end of supply chains, which means in Scotland .

It will also be harder for Scots to live and work in the European Union and visas are now required for prolonged stays overseas. Even a simple holiday, something we have taken for granted for so long, will mean longer queues at borders and paying far more for health insurance.

And there will be a shortage of labour in some key Scottish sectors , which will get worse as the growing season starts.

There will also be – no deal or low deal - an inevitable fall in our GDP.

Even in the very best case scenario of a basic trade agreement outcome, our modelling shows that Scottish GDP is estimated to be 6.1% lower by 2030 compared to continued EU membership. This equates to a cost to each person in Scotland of an equivalent to £1,600.

A catastrophic exit on WTO terms, could lead to a loss of up to 8.5% of GDP in Scotland by 2030 compared to continued EU membership – equivalent to £2,300 per person.

My definition of “prospering mightily” does not include losing £2300 for every man, woman and child in Scotland.

But some impacts will be felt almost immediately.

Presiding Officer, on the 8 December I set out what the Scottish Government is doing, as far as it is able, to mitigate the worst effects of the end of transition which will produce immediate changes, low deal or no deal.

I can therefore report that the Scottish Government Resilience Room arrangements for EU Exit and concurrent risk are now fully established and the stand-up of the National Coordination Centre and a single Scotland wide Multi Agency Coordination Centre (MACC) is well underway. These arrangements put us in the best possible position to deal in a coordinated way with the impacts of EU Exit and the concurrent risks of Covid-19 and winter weather. We have already made use of them this week when considering the possible effects of the short straits situation.

We are fully focused now on protecting people, protecting imports and exports of essential goods, minimising economic impact, and ensuring necessary legislative changes are in place in so far as we are able.

We continue to do everything we can to protect vulnerable people, our communities and the third sector through a £100 million package of support measures.

We are ,as we said we would, providing £5m worth of support to Scottish wholesale food and drink businesses to help support food supplies across the country and we will now need to do more particularly with respect to the shellfish and fishing sectors badly affected this week.

We are doing all we can to make sure that patients continue to receive the medicines they need over the difficult months ahead and we have confidence in those measures. We are also confident that the flow of vaccines will be protected.

We have implemented a wide range of measures to support businesses across all sectors of the Scottish economy. Our enterprise agencies are providing targeted advice and guidance to companies that are likely to encounter operational and financial challenges as a result of both EU-Exit and COVID-19. Our multi-agency 'Prepare for Brexit' website, hosted by Scottish Enterprise, continues to provide advice, sources of financial support and online self-assessment toolkits.

Throughout the entire Brexit process the Scottish Government has always sought to engage constructively with the UK Government on preparedness issues and we will continue, as we always have done, to advocate for the interests of Scottish businesses and of the Scottish people whenever possible.

However I must be entirely straight with this Parliament and with the people of Scotland.

Regardless of whether we exit transition with a low deal or no deal jobs and living standards will be hit hard.

And there are many things that we still simply do not know , though they will change in 8 days time.

For example we still do not know any detail on complex issues such as Rules of Origin requirements. If a deal is agreed , rules of origin are essential in gaining preferential market access.

We still do not know what the rules for importing and exporting industrial goods between Scotland and the EU will be and whether there will be an agreement on mutual recognition of conformity or specific provisions individual sectors.

We don't yet know if there will be a data adequacy decision and when this would be in place. Even if there is one, there will be a gap and we don't know how long that will be or whether there will be bridging mechanisms in place that cover data flows to business sector organisations in Scotland.

It is however certain that red tape and the costs of doing business will massively increase, with UK-wide customs declarations estimated to

increase by a staggering 215 million. Scottish food and drink businesses will face damaging and expensive new paperwork requirements, including Export Health Certificates as goods will be subject to separate regulation in the UK and the EU.

Presiding Officer, the Scottish Government understands how difficult and damaging EU Exit will be for Scottish businesses. That is why we will continue to engage closely with them and to implement the wide range of measures I outlined in detail in my previous statement. As soon as this information becomes available from the UK Government we will ensure refreshed advice and guidance is available through our 'Prepare for Brexit' website.

We have been engaging with the UK Government to advocate specific Scottish needs for low Deal/No Deal border planning but we have this week had to remind the UK Government that we had already been assured that fresh seafood exports would be prioritised in the event of traffic delays at the Short-Straits crossing.

The UK Government must urgently set out further details on how these arrangements will operate and put them into effect, even though the business highlight (and absolute necessity) of the Christmas trade has been lost.

We are also working with partners to develop traffic management contingency plans for south west Scotland, including plans for HGVs, should

capacity at Cairnryan and Loch Ryan ports be exceeded. The Plan is owned by the Dumfries and Galloway Local Resilience Partnership (LRP) and we will provide further details in due course.

Presiding Officer,

Scotland did not vote for any of this and it is with profound and deep regret that we find ourselves in this position today or all days and at this difficult time of all times.

The solution for Scotland, of course, is to choose its own future as an independent nation within the EU and we can decide on making that choice in less than five months at the Holyrood election.

Meantime we will do everything we can to support and help all who live in Scotland at this difficult time. We will continue to keep this chamber updated and we will also redouble our efforts to make sure all our neighbours – all our neighbours – understand that we aspire to a better future and are working to achieve it .

Presiding Officer, all this is not over. There are still difficult times ahead but we believe we are as best prepared for them as we can be and we look forward to that future in confidence.

REASONS FOR NOT PROVIDING INFORMATION

An exemption under section 38(1)(b) of FOISA (personal information) applies to some of the information requested because it is personal data of a third party (i.e. names/contact details of individuals), and disclosing it would contravene the data protection principles in Schedule 1 to the Data Protection Act 1998. This exemption is not subject to the 'public interest test', so we are not required to consider if the public interest in disclosing the information outweighs the public interest in applying the exemption.

An exemption under section 30(b)(i) of FOISA (free and frank provision of advice) applies to some of the information requested. This exemption applies because disclosure would, or would be likely to, inhibit substantially the free and frank provision of advice. This exemption recognises the need for officials to have a private space within which to provide free and frank advice to Ministers before the Scottish Government reaches a settled public view.

This exemption is subject to the 'public interest test'. Therefore, taking account of all the circumstances of this case, we have considered if the public interest in disclosing the information outweighs the public interest in applying the exemption. We have found that, on balance, the public interest lies in favour of upholding the exemption. We recognise that there is a public interest in disclosing information as part of open, transparent and accountable government, and to inform public debate. However, there is a greater public interest in allowing a private space within which officials can provide full and frank advice to Ministers, as part of the process of exploring and refining the Government's policy position. This private thinking space is essential to enable all options to be properly considered, based on the best available advice, so that good policy decisions can be taken. Premature disclosure is likely to undermine the full and frank discussion of issues between Ministers and officials, which in turn will undermine the quality of the policy making process, which would not be in the public interest.

An exemption under section 30(b)(ii) of FOISA (free and frank exchange of views) applies to some of the information requested. This exemption applies because disclosure would, or would be likely to, inhibit substantially the free and frank exchange of views for the purposes of deliberation. This exemption recognises the need for Ministers and officials to have a private space within which to discuss and explore options before the Scottish Government reaches a settled public view. Disclosing the content of free and frank discussions on the Scottish Government's deliberations would substantially inhibit such discussions in the future.

This exemption is subject to the 'public interest test'. Therefore, taking account of all the circumstances of this case, we have considered if the public interest in disclosing the information outweighs the public interest in applying the exemption. We have found that, on balance, the public interest lies in favour of upholding the exemption. We recognise that there is a public interest in disclosing information as part of open, transparent and accountable government, and to inform public debate.

However, there is a greater public interest in allowing Ministers and officials a private space within which to explore and refine the Government's position until the Government as a whole can adopt a policy that is sound and likely to be effective.

This private thinking space is essential to enable all options to be properly considered, so that good policy decisions can be taken.

Premature disclosure is likely to undermine the full and frank discussion of issues between Ministers and officials, which in turn will undermine the quality of the policy making process, which would not be in the public interest.