

1 September 2022

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Document Number: 1

Rt Hon Elizabeth Truss MP
Secretary of State for International Trade
70 Whitehall
London
SW1A 2AS

25 July 2019

Dear Ms Truss

I write to congratulate on your appointment as Secretary of State for International Trade.

As you know, Scotland said no to Brexit in 2016. As the EU Parliament election results of 26 May make clear, we meant it. We believe that a second EU referendum should be held, with the option to remain on the ballot paper. This should be enabled by a further extension of the article 50 period.

While the Scottish Government maintains its position that the UK should remain part of the EU, we are committed to working with you to progress a trade agenda that reflects and serves the interests of the whole of the UK.

From trade promotion, to trade policy, to the investment climate, the Scottish Government wants the UK's trade agenda to promote, protect and project Scotland's economic and ethical interests in internationalising the economy underpinned by inclusive growth.

Success depends on sincere cross-government co-operation and trust. We must work together to facilitate regular, timely and proactive sharing of detailed, quality and up-to-date information, analysis and priorities. This applies across the board, but particularly in the areas of trade promotion, market access, trade agreements, disputes, trade remedies and regulatory cooperation.

We are committed to the promotion and protection of Scotland's key exports. We seek the support of your Department in all our exporting endeavours to ensure we can continue to play our part in growing the economy. From Scottish food and drink, with its record exports of £6.3bn in 2018, to our competitive Scottish services industry, we want to see more close collaborative working as set out in our recent publication *A Trading Nation*¹. The UK presence at the Dubai Expo 2020 will present another opportunity to showcase Scotland and we are ready to play our part.

For a trade policy to energise the whole of the UK, we want a genuinely equal role in setting priorities and mandates as well as engaging substantively in the negotiation

¹ <https://www.gov.scot/publications/scotland-a-trading-nation/>

and implementation of the UK's future trading arrangements. We must agree a Concordat at the earliest opportunity detailing the role that Scotland (and other Devolved Administrations) will play in the setting and implementing our national trade agenda. This is imperative given trade's impact on devolved areas. Moreover, in any next phase of the EU exit process, the meaningful involvement of all the United Kingdom's government in the decisions that affect them is crucial. That needs to include timely and effective involvement in the preparation of the UK negotiating position on all aspects of the future relationship with the EU, for which appropriate arrangements need to be put in place urgently.

Scotland has achieved a measure of success in recent years in attracting foreign direct investment but maintaining that level of investment is under threat. It is more important than ever that consistent promotion of Scotland as a potential investment destination is delivered by the global DIT network. On capital investment, there is positive and productive collaboration between our respective officials and we ask that Scotland's profile is given parity with that of comparable large English regions such as the Northern Powerhouse.

The above matters are by no means exhaustive but rather serve as a marker for further discussion. I look forward to meeting with you at the earliest opportunity to discuss how we will cooperate on these and other matters of importance to Scotland in the trade arena.

I look forward to working with you and wish you every success in your new post.

Your sincerely

Derek Mackay

Document Number: 2

Derek Mackay MSP
Cabinet Secretary for Finance, Economy and Fair Work
The Scottish Government
St. Andrew's House
Regent Road
Edinburgh, EH1 3DG

17 October 2019

Dear Derek,

Thank you for your congratulations on my appointment as Secretary of State for the Department for International Trade.

The Department for International Trade is committed to ensuring our policies work for the whole of the United Kingdom. We recognise the individual strengths of each nation within the UK and the value that our combined expertise brings to the UK's trading capability.

It will be crucial that we seek to work closely to achieve our goals. I was pleased to hear of the meeting between you and the Minister of State at the Department for International Trade, the Rt Hon Conor Burns MP, demonstrating how our governments are working closely together on a ministerial level. Likewise, the recent meeting of the Senior Officials Group in Edinburgh on the 16 August showcased the strong engagement that is already taking place between our officials.

DIT is a strong supporter of Scottish exporters and exports and we are happy to be a major force in growing the Scottish economy. DIT staff in 108 overseas markets are already working with many Scottish companies to realise their export potential. The co-location of the majority of SDI offices in British Embassies and High Commissions allows for even closer collaboration, not just on the major events such as Dubai 2020, but for all trading opportunities for Scottish companies.

My Department has been engaging with colleagues in the devolved administrations through a variety of channels as we look to fulfil our commitment to develop a trade policy that works for the whole of the UK. We recognise the important role that devolved administrations will play in fulfilling this commitment, both in the implementation of Free Trade Agreements (FTAs) and contributing to the development of future trade policy. There is ongoing engagement with officials from the UK Government and the devolved administrations, notably the Senior Officials Group that is held every six weeks. As well as this regular official level engagement, it remains our intention to convene a Ministerial Forum on Trade, which will serve as a consistent channel for sharing information and seeking the views of the devolved administrations on future trade policy. I hope to agree a date for the inaugural meeting of this forum very soon. I am also keen to continue bilateral discussions with you to ensure the Scottish Government's views are being fed into our evolving thinking.

Scotland is a strategic investment location for many companies and DIT will continue to promote foreign direct investment opportunities in Scotland. The DIT global network is extremely adept at marketing the attributes of the United Kingdom and Scotland is a major part of that offer. The record numbers of investments over the last three years are testament to this. On capital investment, DIT continue to develop its portfolio of opportunities and again Scotland is a major part of that offer. I know that officials in DIT, Scottish Government and Scottish Development International work closely together to ensure that Scotland and the United Kingdom fully realise these opportunities. We will continue to do so.

I am excited to continue our work together, strengthening trade for all nations within the UK.

Best wishes,

THE RT HON ELIZABETH TRUSS MP
Secretary of State for International Trade
& President of the Board of Trade

Document Number: 3

Rt Hon Elizabeth Truss MP
Secretary of State for International Trade
Department for International Trade
King Charles Street
Whitehall
LONDON
SW1A 2AH

17 August 2020

Dear Liz

Airbus/Boeing dispute – US tariffs on Scottish products

The US Government's imposition of additional tariffs in October 2019 on a range of Scottish products has had a major impact on Scottish exports, businesses and the jobs and livelihoods that they support. From talking to businesses and Chambers of Commerce, we know how important it is that these tariffs are removed. The Scottish Government has repeatedly called on the UK Government to work with the US administration to find a swift resolution to this dispute and the full removal of these tariffs.

It is therefore very disappointing that the outcome of the most recent US Trade Representative review of these tariffs has resulted in the majority of tariffs remaining on Scottish products, including single malt Scotch whisky, wool, cashmere and cheese. It is of course welcome that the tariff on sweet biscuits, including shortbread, will be removed and this will be a relief for the Scottish bakery sector. However it is important that this piece of good news does not distract from the efforts to secure a full resolution. It is vital that the UK Government steps up its engagement with the US administration and prioritises the removal of the remaining tariffs.

We repeatedly urged the UK Government to make the lifting of tariffs a condition of entering free trade agreement (FTA) negotiations with the US earlier this year, but this did not happen. Now that these talks are ongoing, this issue must be resolved separately from the FTA. We do not want to see these tariffs used as a bargaining chip and cannot afford to wait for the outcome of those negotiations.

The impact of these tariffs is significant and will only get worse as long as tariffs remain in place. The Scotch Whisky Association has said that exports to the US have fallen by 30% since the tariffs were introduced and for knitwear companies, these tariffs put them at a significant disadvantage compared to overseas competitors. While some companies have been absorbing some or all of the cost of these tariffs, this is not sustainable, and action needs to be taken now to stem the damage to these important sectors. Many of the affected companies are in rural areas, providing valuable jobs and supporting communities. The impact of these tariffs has of course been compounded by the economic crisis of Covid-19 and your Government's approach to Brexit.

Ivan McKee, the Minister for Trade, Investment and Innovation has raised the impact of these tariffs repeatedly with his counterparts in your department. He has also engaged directly with the Assistant USTR in Washington DC. In his last letter to Greg Hands, Minister of State on 22 July, he requested an update on your plans to address this issue with the US Government and a commitment that you will raise this subject at every possible opportunity.

I repeat that request, and offer our support in achieving a swift resolution to this issue. Now more than ever, it is vital that the UK Government commits to prioritising the removal of these tariffs, which have impacted so unfairly on Scottish companies, and develops an action plan to make this happen.

FIONA HYSLOP

Document Number: 4

18 August 2020

Dear Fiona,

Thank you for your letter. As you know, the tariffs are part of the wider dispute between the EU and the US over aircraft subsidies – a saga that has been running for more than 15 years.

In that time the EU has summarily failed to stand up for British interests, and Scottish interests in particular. It has sat behind its high tariff wall, with its largely protectionist policies, and done little to resolve an issue that should have been sorted years ago.

I am angry and frustrated by this, which is why I have been fighting for British interests where the EU will not. I was in Washington DC recently urging the US not to impose additional tariffs on vital goods like gin and blended whisky, and was delighted when they chose not to. As you say, we also won an important victory on sweet biscuits and shortbread – saving 250 jobs at Walkers and many more across Scotland.

The government will now be stepping up talks to get existing tariffs on single malt, cashmere and salmon removed and help struggling producers. These tariffs are completely unfair and unacceptable, and hurt business and industry on both sides of the Atlantic.

This issue embodies why British interests are better served outside the EU. From the start of next year we will be an independent trading nation once again and be able to take control of this. We will have our own trade policy, with our own tariff regime, and be able to go further and faster than the EU in opening up new opportunities for our whisky distillers and brilliant businesses.

The SNP would deny our businesses those opportunities. Your party would have Britain and Scotland remain part of an intransigent EU that consistently fails to stand up for Scottish interests. Having our own tariff policy and own trade policy will help us defend our businesses much more effectively, yet the SNP wants none of that. I for one am determined to stand up for businesses in Scotland and across our United Kingdom. I will be fighting hard to remove these tariffs and succeed where the EU has not.

Best wishes,

THE RT HON ELIZABETH TRUSS MP
Secretary of State for International Trade
& President of the Board of Trade

Document Number: 5

George Eustice MP
Secretary of State for the Environment, Food
and Rural Affairs

Liz Truss MP
Secretary of State for International Trade

2 July 2020

Dear George and Liz,

Ministers with responsibility for food, agriculture, environment and rural affairs in the Scottish and Welsh Governments, and the Northern Ireland Executive were only informed about the UK Government's announcement on establishing a Trade and Agriculture Commission minutes before the Secretary of State for International Trade tweeted about the decision. Given that agriculture, food standards and animal welfare are all devolved areas of responsibility, the UK Government's failure to provide the Devolved Administrations with any notice of the decision, let alone to involve them in any way in informing that decision and the scope of the Commission, is completely unacceptable. Whilst it is welcome to note that the Secretary of State for International Trade is finally responding to growing public and producer alarm on this issue and has had discussions with the NFU, the failure to involve the Devolved Administrations in any way – not even to the extent of acknowledging in advance that devolved areas of responsibility are covered by this announcement – shows a remarkable level of discourtesy (even by recent standards).

As I said to the Secretary of State for the Environment, Food & Rural Affairs on our Inter-Ministerial Group call, during which we were informed of the UK Government's decision, the Scottish Government has consistently argued on the paramount need for standards to be maintained. However, this is not the way to do it.

If the UK Government is genuine in its insistence that current standards on food safety, food production, animal welfare and the environment must be maintained, then there should be full legislative safeguards for this. And that means new safeguards in the Agriculture Bill or Trade Bill, not just relying on existing laws that can easily be replaced. Or indeed a Commission that can be ignored if its conclusions don't concur with your own views.

It is also important to note that mandates for trade negotiations with our key partners have already been developed, meaning that the timing for the Commission formation raises doubts that it can have any real influence over policy at all.

It is important to be clear that standards applied in Scotland on food safety, food production, animal welfare and the environment are set by Scottish Ministers. They cannot be determined in trade negotiations conducted by the UK Government, and on which the Devolved Administrations are given no direct say. Our responsibilities in these areas mean that we have a right, and you have an obligation, to involve us and indeed to discuss UK wide proposals such as this with us.

I must say in conclusion, George, that I did find this failure to consult at all disappointing, and this is by no means the first time. This recurrence of failure to consult DAs does tend to reduce one's faith in the processes in which we have engaged, in good faith.

I am copying this to the Chancellor of the Duchy of Lancaster, the Minister for Environment, Energy & Rural Affairs in the Welsh Government and the Minister of Agriculture, Environment and Rural Affairs in the Northern Ireland Executive. I am also copying to my Cabinet colleague, the Cabinet Secretary for Constitution, Europe and External Affairs, and to the Scottish Government's Minister for Trade, Investment and Innovation.

Yours sincerely,

FERGUS EWING

Document Number: 6

To:
Mrs Diane Dodds
Jeremy Miles
Ivan Mckee

21 November 2020

Dear Colleague,

UK-Canada trade agreement

I am writing to inform you that today the United Kingdom and Canada have reached agreement in principle for a trade agreement.

In addition to providing continuity in trade between the UK and Canada at the end of the Transition Period, avoiding around £42 million in tariffs which would have applied in the absence of a deal, the agreement paves the way for us to begin negotiating a new and more advanced UK-Canada trade deal in 2021. It is our ambition through the new deal to create more opportunities for businesses across the UK. It will be tailored for the British economy with the potential to go further on digital trade, women's economic empowerment and the environment amongst other areas. Before any new negotiations are initiated, the Government is committed to consulting publicly and engaging with Parliament.

In the meantime, today's announcement locks in certainty for UK businesses. Around £11.4 billion worth of goods and services were exported to Canada in the last year, including in the automotive and food and drink sectors, which between them provide jobs for more than half a million people in the UK. Total trade between the two nations was worth £20 billion last year, and two-way Foreign Direct Investment between the UK and Canada was worth over £50 billion at the end of 2018.

In signing today's agreement, we also take another step towards becoming a member of the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP) – further opening 11 key pacific markets to the United Kingdom.

In under two years, the UK Government has signed or agreed in principle trade agreements with 53 countries, most recently including Japan, Ukraine, Côte d'Ivoire, Kenya and now Canada, a feat unprecedented in modern times. Total United Kingdom trade with these countries was worth £164 billion in 2019, or 11.6% of UK bilateral trade. This accounts for around 90% of the value of trade with non-EU countries that we set out to secure agreements with at the start of the trade continuity programme. All of our continuity agreements have maintained our high standards, including workers' rights and food standards. The Government has committed to pushing this success further, to securing free trade agreements with countries that cover 80 per cent of United Kingdom trade within three years.

We will sign this agreement soon and will lay it in Parliament as soon as possible, along with an Explanatory Memorandum and a Parliamentary Report which sets out the differences between this agreement and the EU one it replaces.

The Department for International Trade will be holding a virtual briefing on UK-Canada Trade Deal on Monday 23 November at 15.15-15.45. To receive joining instructions please RSVP to parliament@trade.gov.uk.

Best wishes,

THE RT HON ELIZABETH TRUSS MP
Secretary of State for International Trade
& President of the Board of Trade

Document Number: 7

The Rt Hon Elizabeth Truss MP
Secretary of State for International Trade
Department for International Trade
King Charles Street
Whitehall
London
SW1A 2AH

11 October 2019

Dear Liz,

Thank you for your letter of 19 September regarding the 'call for input' on a future Free Trade Agreement (FTA) between the UK and Japan.

It is disappointing that the UK Government has been unable to secure the rollover of the existing EU-Japan FTA under the trade continuity programme, and that as a result Scotland and the rest of the UK will be unable to benefit from the terms of that agreement after EU exit. That means it is imperative to secure a new and, at least equally, comprehensive trade agreement with Japan as quickly as possible.

As you know the Scottish Government considers that if future UK trade arrangements are to meet your commitment of reflecting the interests of all parts of the UK then it is essential that the devolved administrations play a full and meaningful role in all stages of the development of those arrangements. The timely and comprehensive sharing of information and analysis about trade, and the possible impact of particular agreements of all parts of the UK, is key to the success of this joint working. I hope that you will instruct your officials to share this information with Scottish Government officials in relation to a potential agreement with Japan and the priority agreements you have already identified (i.e. US, Australia, New Zealand and CPTPP).

For our part we intend to respond to the issues raised in the current consultation exercise from the perspective of the Scottish economy. While there are many similarities between the economies of Scotland and the rest of the UK, there are also significant differences. These differences require us to be fully engaged in the formulation of trade policy at all stages. We therefore welcome this opportunity to provide you with an initial analysis of Scottish priorities in relation to Japan by 4 November. We will consider this to be the first stage in developing a negotiation mandate and shaping the UK-wide position as the UK prepares for negotiations with Japan.

My colleague Ivan McKee the Minister for Trade, Investment and Innovation and I look forward to further engagement with you on this and other trade negotiations, as we work together to ensure that future UK trade policy meets the needs and reflects the priorities of all parts of the UK.

I am copying this letter to Fiona Hyslop, Cabinet Secretary for Culture, Tourism and External Affairs, and to the Secretary of State for Scotland.

DEREK MACKAY

Document Number: 8

The Rt Hon George Eustice MP, Secretary of State
for Environment, Food and Rural Affairs

Cc: The Rt Hon Matt Hancock MP, Secretary of
State for Health and Social Care

The Rt Hon Elizabeth Truss MP, Secretary of State
for International Trade.

10 August 2020

Dear Secretaries of State

**UK FREE TRADE AGREEMENT WITH JAPAN (SPS CHAPTER): LACK OF REFERENCE
TO COOPERATION TO ADDRESS ANTIMICROBIAL RESISTANCE**

I understand that the UK's Free Trade Agreement (FTA) with Japan is near conclusion and that a proposed reference to the promotion of cooperation to address antimicrobial resistance (AMR) has not been included in the Agreement's sanitary and phytosanitary standards (SPS) Chapter during the course of negotiations.

I would like to record that I find this unacceptable. AMR is a key global threat to the future of health care services and public health. The Scottish Government sees concerted work among global partners to address AMR as critically important, and the UK Government's 20-year vision for AMR itself envisages "a collaborative future...working with other governments bilaterally, G7 and G20 partners and others internationally." The lack of any reference to this issue in the FTA with Japan is a very unwelcome development. I am also concerned that it may set an unfortunate precedent for the UK's other FTA negotiations, for example with the United States, Australia and New Zealand.

I look forward to hearing from you as to why the UK did not reach its ideal negotiating outcome on this point with Japan, what more can be done to restate the importance the UK attaches to this issue, and your assurances that the UK Government will drive to negotiate a meaningful reference to action to address antimicrobial resistance in other FTA negotiations.

Kindest regards
Jeane Freeman

JEANE FREEMAN

Document Number: 9

Rt Hon Elizabeth Truss MP
Secretary of State for International Trade
3 Whitehall Place
London
SW1A 2HN

19 May 2021

UK-AUSTRALIA FREE TRADE AGREEMENT NEGOTIATIONS: FOOD STANDARDS AND MARKET ACCESS

I am aware you recently met with Australian Minister for Trade, Dan Tehan, to discuss progress made to date on UK-Australia Free Trade Agreement negotiations. The UK Government has previously reassured the public that food standards will not be compromised, yet the UK Government disagreed to amendments to the Agriculture and Trade Bills that would have delivered reassurances to all. The UK Government must not renege on those earlier assurances, as granting unfettered access within a UK-Australia FTA will set a precedent for all future FTAs.

As we have been clear since the Scottish Government's response to your Department's consultation on future FTAs in 2018, an FTA with Australia must not undercut Scotland's world leading food standards or lead to a zero tariff / quota agreement. At a time when UK agri-food producers are facing significantly greater barriers to trade with Europe – the sector's largest export market – it would be incomprehensible for the UK Government to sign up to a trade deal that would facilitate mass imports of Australian agri-food produced to a lesser standard. A trade deal that liberalises tariffs for Australian farmers, to put it bluntly, will put UK farmers out of business.

The UK Government's own scoping assessment concluded that a UK-Australia FTA would benefit UK GDP by a mere 0.02%, whilst identifying agriculture and semi-processed food as losing sectors from a deal. Scottish Ministers have repeatedly sought reassurances as to how the UK Government will protect the agriculture and semi-processed food sectors.

As Martin Kennedy, President of the National Farmers' Union Scotland, recently said: 'The prosperity of rural areas and our high standards should not be jeopardised for the sake of a headline-grabbing deal'.

The UK public have sent an unequivocal message to the UK Government that food standards must not be compromised within FTAs. Recent consumer research conducted by 'Which?' concluded that 94% of respondents want food standards to be upheld in all FTAs.

In addition to the devastating impacts from a UK-Australia zero tariff and quota FTA on domestic producers, trading with Australia will have a significant impact on the global environment and the climate emergency.

Increasing imports of red meat from Australia, often produced on massive feed lots, is unsustainable, and runs contrary to the Scottish Government policy position that trade should support progress to achieve net zero. Moreover, increasing imports from Australia, will merely offshore UK emissions to the southern hemisphere, whilst increasing global emissions from transport.

I also note that the statutory Trade and Agriculture Commission has yet to be established. It is therefore disappointing that the UK Government is seeking to rush through an Australia trade deal before the Commission has been established and can scrutinise it properly. I recognise that the Commission may be established in time to consider your report under section 42 of the Agriculture Act 2020, but by then the damage will have been done.

The Scottish Government believe imports of Australian agri-food must be produced to equivalent standards as those that domestic industry are required to meet. This position was also supported in the recently published Trade and Agriculture Commission report. However, where there are particular domestic sensitivities, such as those experienced in the beef and sheepmeat sectors, there must also be tariff rate quotas to control imports of Australian product.

These quotas must be duly maintained, and not eroded over time. As part of market access offers, they must also be determined in consultation with stakeholders and the devolved administrations with the objective of agreeing import quotas that are fair and sustainable – something that has been notably absent from the process so far.

I would welcome the opportunity to discuss my concerns directly with you with respect to UK-Australia and other FTA negotiations. My office will be in contact with yours to seek to arrange a suitable time. I believe it would also be helpful if you, or one of your colleagues, could attend the next Inter-Ministerial Group between Defra and the Devolved Administrations which is being rescheduled for early June. This would provide an opportunity to discuss progress made to-date on UK-Australia and other key FTA negotiations.

I am copying this letter to the Secretary of State for Environment, Food and Rural Affairs, the Secretary of State for Scotland, the Chancellor of Duchy of Lancaster, the Minister of State for Trade Policy, the Minister for Rural Affairs and North Wales in the Welsh Government and the Minister for Agriculture, Environment and Rural Affairs in the Northern Ireland Executive.

MARI GOUGEON

Document Number: 10

Rt Hon Elizabeth Truss MP
Secretary of State for International
Trade
3 Whitehall Place
London
SW1A 2HN

10 June 2021

UK-AUSTRALIA FREE TRADE AGREEMENT: SCOTTISH AGRICULTURE

Dear Liz,

I refer to my earlier correspondence, of 19 May, in which I raised significant concerns around the UK Government's approach to the UK-Australia trade negotiations. Given the stage that these negotiations appear to have reached, I am disappointed that you have not yet replied. I remain extremely concerned that the UK Government is prepared to sign up to a UK-Australia Free Trade Agreement that would lead to a sustained increase in imports of Australian agri-food produced to a lesser standard – and on a scale not seen on UK farms

I understand that 14 leading Scottish industry representatives have jointly written to you. In their letter, industry representatives have raised concerns at the lack of consultation and have asked that you publish an assessment of the cumulative impact of FTAs with Australia, Canada, New Zealand and the United States. The Scottish Government would echo their ask. It is also clear that industry representatives share the same concerns that I raised in my earlier correspondence on animal welfare, environmental and food safety standards.

As requested in my earlier correspondence, in light of the clear significance of this matter to farmers and food producers, I wish to discuss this with you urgently. I would also welcome your attendance at the upcoming Inter-Ministerial Group between Defra and the devolved administrations scheduled for later this month, as I am sure you are aware of the strong views held across the devolved administrations on a potential UK-Australia FTA.

I am copying this letter to the Secretary of State for Environment, Food and Rural Affairs, the Secretary of State for Scotland, the Chancellor of Duchy of Lancaster, the Minister of State for Trade Policy, the Minister for Rural Affairs and North Wales in the Welsh Government and the Minister for Agriculture, Environment and Rural Affairs in the Northern Ireland Executive.

Yours sincerely,

MAIRI GOUGEON

Document Number: 11

Rt Hon Elizabeth Truss MP
Secretary of State for International Trade
3 Whitehall Place
London
SW1A 2HN

25 June 2021

UK-AUSTRALIA FREE TRADE AGREEMENT NEGOTIATIONS

Dear Liz,

We are writing to stress again the significant concerns that we have over both the approach and progress of the UK-Australia Free Trade Agreement, or FTA, negotiations. Those concerns were amplified following the announcement on 15 June that an Agreement in Principle had been reached. We know that the Welsh Government has also written to the UK Minister of State for Trade Policy, Greg Hands MP, in similar terms.

We have previously stressed to you, and remain extremely concerned following the recent announcement, that the UK Government is signing up to a deal that would lead to a sustained increase in imports of Australian agri-food and produced to lesser standards in relation to animal welfare and future environmental commitments. As you know, agriculture and food standards are devolved responsibilities. We have been clear that where there is an increase in imports of Australian agri-food, this must be managed by tariff rate quotas that are not eroded over time. This is to ensure that domestic producers are protected and not disproportionately impacted. A proposed fifteen-year cap on imports will provide no comfort for our farming communities and would set a very damaging precedent for future FTAs yet to be agreed.

We are also concerned by the size of the quotas which after 15 years equate to 16% of UK beef consumption and 49% of UK sheepmeat consumption. Clearly if Australian exports reach anything close to these levels, we can expect a very significant negative impact on our agri-food sector. We are not reassured about claims that Australia will not be exporting significant amounts of beef to the UK or is seeking to replace imports from other countries. Australia is a very significant beef exporter and has the potential to increase exports further with a view to targeting the UK market. It would be very surprising that Australia would have been so insistent on achieving a rapid and very sizeable increase in market access with the intention of making little use of it.

We have also sought assurances before about a range of broader issues linked to this deal. These include, for example, asking for clarification about underpinning risk assessments and how a trade deal with Australia is consistent with wider ambitions to tackle climate change as, if there is divergence, this could place domestic producers at a further disadvantage. It is essential that you now share a full impact assessment of the agreed deal with the devolved administrations so we can see the impact on all sectors.

The Agreement in Principle document is high level and there is a lot of detail that we have not yet seen. It is now vital that further detail on what has been agreed is shared with the devolved administrations and that we have early sight of the legal text. We also need to be consulted around remaining issues that have not been agreed yet.

The UK Government has indicated that the deal includes a non-regression clause on animal welfare standards, albeit Australian standards are already different and so from a standing start, domestic producers would likely still be at a disadvantage. We will be looking at this clause very closely while also considering the detail of any other safeguards. In the meantime, based on what we do know and pending that further due process, we are taking this opportunity to stress again the concerns that we have as we have little faith that these concerns are currently being taken seriously. This is with a view to these matters being discussed with you urgently at the forthcoming inter-Ministerial Group meeting between Defra and the devolved administrations on 28 June.

This letter is copied to the Secretary of State for Environment, Food and Rural Affairs, the Secretary of State for Scotland, the Chancellor of Duchy of Lancaster, the Minister of State for Trade Policy, the Minister for Rural Affairs and North Wales in the Welsh Government, the Secretary of State for Northern Ireland and the Minister for the Economy in the Northern Ireland Executive.

Yours sincerely,

MAIRI GOUGEON

**EDWIN POOTS MLA MINISTER OF AGRICULTURE, ENVIRONMENT AND
RURAL AFFAIRS**

Document Number: 12

The Rt Hon Elizabeth Truss
Secretary of State for Foreign, Commonwealth
and Development Affairs
King Charles Street
London
SW1A 2AH
United Kingdom

15 June 2022

Dear Foreign Secretary

I am writing to you regarding the appalling human rights situation in Xinjiang, China and the case of Sayed Nizar Alwadaei, currently imprisoned in Bahrain.

The evidence of the scale and the severity of human rights violations being perpetrated in Xinjiang against Uyghur Muslims is both far-reaching and deeply disturbing. The case of Dr Rahile Dawut, a world-renowned scholar of Uyghur studies at Xinjiang University who ‘disappeared’ in December 2017, is one specific example of this. Such policies directly contravene the human rights and fundamental freedoms which are set out not only in international law but are central to China’s constitution.

I would be grateful if you can provide an update on what action the UKG is taking to lobby the Chinese Government on human rights, and any information you have regarding the case of Dr Rahile Dawut. I would also be interested in your views on the recent visit to Xinjiang by the UN Human Rights Commissioner, Michelle Bachelet.

The ability to freely express religious, cultural, linguistic, social and other identities is a fundamental and inalienable human right. Respect for human rights and the rule of law is one of the guiding principles in the Scottish Government’s China Engagement Strategy, and we will seek to use dialogue to ensure the human rights of all within China and Xinjiang are upheld and protected.

I’d also like to raise the case of Sayed Nizar Alwadaei currently imprisoned in Bahrain. He remains in custody despite a determination by the UN Working Group on Arbitrary Detention in 2019 that his detention is in violation of international human rights standards. It is extremely disappointing that the Bahraini authorities have failed to comply with the Working Group’s ruling that he should be immediately released. I am disturbed to learn that his health has now deteriorated to the point where his well-being is being put at serious risk.

The Scottish Government is deeply concerned about the allegations of torture made by Mr Alwadaei and by the maltreatment he has experienced during his continued detention. Such allegations are extremely seriously and merit a full and independent investigation. I urge you to do more to raise the matter with the Bahrain authorities and make representations on his behalf.

I look forward to your response on these matters.

With best wishes
Angus Robertson

Document Number: 13

The Rt Hon Elizabeth Truss MP
Secretary of State for Foreign,
Commonwealth and Development Affairs
King Charles Street
London
SW1A 2AH

26 February 2022

Dear Foreign Secretary,

I am writing to you today about Russia's horrendous, unprovoked invasion of Ukraine. This is a critical juncture in history, and perhaps the most dangerous and potentially defining moment since the Second World War. Future generations will judge the actions that the world takes in this moment. There are, of course, many complexities but, at its most fundamental, this is a clash between oppression and autocracy on one hand and freedom and democracy on the other. We must all ensure that freedom and democracy prevail.

I would like to express our overall support for the UK Government's actions both in supporting Ukraine, and in the actions taken to punish Russia. This includes the most recent sanctions announcement. We would have preferred to see stronger sanctions in the first tranche and believe that the UK Government can and should go further.

Consular and families of British nationals

We know there are still some British nationals and their families in Ukraine. We are seeing an uptick in correspondence from residents of Scotland concerned about their loved ones in Ukraine. My officials are in contact with FCDO's consular teams and I would be grateful if we could receive responses quickly.

We welcomed the temporary visa concessions for third-country national family members of British nationals who live in Ukraine. It is however clear that there are still significant difficulties for those seeking to leave the country. We need to support those individuals and their family members to return to the UK and provide them with the reassurance about the rights of their family members to enter and remain in the UK. Once in the UK, some of these families may need further support in accessing services and it will be important for us to work collaboratively to deliver that support.

We are also seeing reports that some are unable take advantage of the visa concessions due to bureaucratic difficulties, such as obtaining travel documents or gaining appointments with British diplomatic missions in neighbouring countries. While I recognise that such cases are complex, I would urge the FCDO and Home Office to find rapid and practical solutions for those currently in danger inside Ukraine, or those who face being stranded in third countries.

Refugees, displaced persons and Ukrainians in the UK

As a responsible global citizen, we believe that the UK Government should follow the example of countries like the Republic of Ireland and waive the visa requirements for Ukrainian nationals entering the UK as well as supporting these individuals to get here swiftly and safely. In the midst of conflict it is not reasonable or morally acceptable to expect individuals to surrender their travel documents whilst awaiting visa application outcomes.

Whilst temporary visa extensions and in-country switching for Ukrainian nationals already in the UK are welcome, I call on the UK Government to also lift No Recourse to Public Funds (NRPF) restrictions so that individuals can access vital public services during this difficult time without fear of breaching the conditions of their visa.

Scotland has a proud history of welcoming refugees and people seeking asylum from all over the world and we must all stand ready to offer refuge and sanctuary, where necessary, for those who may be displaced. It is vital that rapid, safe and legal routes are established immediately and that refugees are afforded the dignity of being able to work to support their families and contribute to their new communities whilst in the UK.

People who have come to Scotland because they need a place of safety must be supported and accommodated within our communities, particularly at this time of crisis, and we must ensure that we learn the lessons from the Afghanistan resettlement schemes in order to provide rapid and appropriate support to those who need it.

I would be grateful if you could share any plans currently being developed for a resettlement programme or if consideration is being given to including Ukrainian nationals as part of already existing programmes. Scotland stands ready to offer refuge and sanctuary for those who may be displaced. If such a programme is to be announced, the Scottish Government would work with and support our local authorities to support refugees arriving.

Humanitarian

We would like to extend our support to the UK Government in delivering humanitarian assistance and support those fleeing the conflict. The Scottish Government stands ready to play its part assisting those affected by the invasion of Ukraine to complement what the UK Government will do. As good global citizens, we must ensure we do all we possibly can to ease the suffering of those most affected.

We appreciate information shared during 4 Nations calls and we hope this will continue and intensify.

Once again, we stand alongside the UK Government in the condemnation of the Russian regime's actions against Ukraine.

I am copying this letter to the Home Secretary given that some of these issues fall within her area of responsibility.

Angus Robertson

Document Number: 14

Rt Hon Elizabeth Truss MP
Secretary of State for Foreign,
Commonwealth and Development
Affairs
Foreign, Commonwealth and
Development Office
King Charles Street
London
SW1A 2AH

15th June 2022

Dear Elizabeth,

I am writing to seek your further urgent support and assistance in relation to the case of Jagtar Singh Johal.

As you know, Mr Johal, who was born in Scotland and whose home is in Dumbarton, was arrested on 4 November 2017 in northern India. Since then he has remained in prison without trial. He has now spent more than four and a half years behind bars.

The Scottish Government has grave and long-standing concerns in relation to Mr Johal's detention. The Indian authorities have repeatedly failed either to bring him to trial or to release him. The Scottish Government is also deeply concerned by the serious allegations of torture and mistreatment made by Mr Johal whilst in custody.

On 4 May 2022, the UN Working Group on Arbitrary Detention published its opinion on Mr Johal's case. The very clear conclusion of the working group is that Mr Johal's detention has been arbitrary in nature, and is therefore unlawful. It has therefore recommended that Mr Johal should be released immediately and that he should also be accorded an enforceable right to compensation and other reparations in accordance with international law.

In light of the determination reached by the working group I would ask that you and the Prime Minister now do everything within your power to encourage the Indian Government to comply with the report's conclusions. As you will be aware, the working group has drawn particular attention to the ongoing risk to Mr Johal's safety and well-being while he remains in custody and it too has called for urgent action to ensure his immediate and unconditional release.

In addition, the UN working group has called for a full and independent investigation of the circumstances surrounding the arbitrary deprivation of Mr Johal's liberty and for appropriate measures to be taken against those responsible for the violation of his rights. I would therefore ask that further representations are made to the Indian government in this regard once Mr Johal has been safely returned to the UK. I would be grateful if you could provide an update on the support that the UK Government is providing to Mr Johal and the representations which are being made

to the Indian authorities on his behalf. I will share a copy of this letter and your response with Mr Johal's family.

Best wishes,
Angus Robertson

Document Number: 15

Rt Hon Elizabeth Truss MP
Secretary of State for Foreign, Commonwealth and
Development Affairs
Foreign, Commonwealth & Development Office
King Charles Street
London
SW1A 2AH

Email: Private.Office@fcdo.gov.uk

12 January 2021

Dear Liz,

I look forward to working with you in your new Ministerial role in relation to the UK's relationship with the European Union.

As you are aware, the Scottish Government profoundly regrets the decision to leave the EU and the damage this is already causing in Scotland. The impact of Brexit on the Scottish economy is clear, while the current tensions over the Northern Ireland Protocol, including the UK Government's threat to trigger Article 16, are clearly having wider negative effects in regard to UK-EU relations.

It is vital that Scotland's interests are appropriately reflected in the UK's engagement with the EU going forward, and I intend to work closely and constructively with you and the new Minister of State for Europe to that end. Almost every aspect of life in Scotland is affected by the Trade and Cooperation Agreement (TCA) with the EU, and by the wider UK-EU relationship. It is therefore absolutely essential that the Devolved Governments (DGs) are meaningfully engaged in this process, as the future relationship continues to develop, and as durable and reasonable solutions are sought in relation to the implementation of the Northern Ireland Protocol. To this end, I would welcome an opportunity for an introductory bilateral meeting with you at the earliest convenience. I also welcome the establishment of the new UK-EU Relations Interministerial Group (IMG), where these vital issues can be discussed between the four nations, and I look forward to it being convened as soon as possible.

In line with the principles in the joint review of intergovernmental relations, it is critical that the IMG works effectively as a forum for meaningful, strategic discussions of all aspects of the UK-EU relationship in which the DGs have a substantive interest. We need to be able to discuss matters which impact significantly on the DGs, even if they are not formally on forthcoming Joint Committee or Partnership Council meeting agendas, or do not qualify under a narrow, legalistic definition of devolved competence. It is therefore important that there is flexibility to schedule IMG meetings outwith the rhythm of Joint Committee or Partnership Council meetings, in response to developments in TCA negotiations and the state of UK-EU relations more widely. This should include scope for DGs to request that meetings of the group be set up.

My officials have provided more detailed comments to Cabinet Office officials regarding the IMG's Terms of Reference, and the agenda for the first meeting.

I am copying this letter to the First Minister and deputy First Minister of Northern Ireland, the Counsel General & Minister for the Constitution of Wales, and the Minister of State for Europe.

Angus Robertson

Document Number: 16

The Rt Hon Angus Robertson MSP
Cabinet Secretary for the Constitution,
External Affairs and Culture
Scottish Government

Rt Hon Elizabeth Truss MP
Secretary of State for Foreign,
Commonwealth and Development
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www.gov.uk/fcdo

11 February 2022

Dear Angus,

Thank you for your letter of 12th January. As you know, the Prime Minister has asked me to lead on all aspects of the UK's relationship with the European Union and I would like to also thank you for your intention to work closely and constructively on this important issue.

My assumption of these new responsibilities does not in any way signal a change in the UK Government's approach to the European Union. We want a stable relationship with the EU, underpinned by trade and our shared belief in freedom and democracy. Resolving the impact of the Northern Ireland Protocol on both east-west links and the balance underpinning the Belfast (Good Friday) Agreement is precisely about ensuring that stability. Any responsible UK Government will need to see that addressed rather than leaving a sore in the relationship and a source of instability in the situation in Northern Ireland. I hope we can agree on that point.

I recognise that our relationship with the EU is an area around which you have strong interest. I'm pleased to confirm that James Cleverly, in his capacity as Minister for Europe, will assume responsibility as principal ministerial contact for the devolved administrations on these issues. This will include leading on the UK Government's contribution to an Interministerial Group (IMG) for the Trade and Cooperation Agreement. I have, therefore, passed your request for a bilateral meeting to James Cleverly. Minister Milling will retain responsibility for devolution matters as they relate to wider international affairs.

I have asked the Minister for Europe to work to agree the Terms of Reference for the IMG, with the aim of holding the first meeting of the IMG as soon as possible, ahead of the next Withdrawal Agreement Joint Committee meeting. I will of course remain fully

engaged with all developments in this space, including chairing future meetings of the IMG should there be a need for this in the agenda.

I look forward to working with your administration to build on the good work I know has been occurring between our respective officials. I am copying this letter to Minister Cleverly and Minister Milling.

Yours sincerely,

RT HON ELIZABETH TRUSS MP
FOREIGN, COMMONWEALTH AND DEVELOPMENT SECRETARY

Document Number: 17

The Rt Hon Elizabeth Truss
Foreign, Commonwealth &
Development Office
King Charles Street
London
SW1A 2AH

4 April 2022

Dear Liz

I am writing to you in my capacity as Cabinet Secretary for Rural Affairs and Islands, and on behalf of the Cabinet Secretary for Constitution, Europe and External Affairs.

I am writing to express our concern at the reduction in the number of GB(O) meetings that the Scottish Government has been invited to participate in. Scottish Ministers have only been invited to attend two GB(O) meetings this year, both of which took place in January. As the GB(O) provides an opportunity for engagement between SG and the UK Government for the purpose of sharing information and to consider the implementation of Brexit I am alarmed at the lack of recent engagement. It is clear that ongoing issues between the UK Government and the EU in regard to the Northern Ireland Protocol are seriously impacting a number of devolved policy areas.

I am particularly concerned about the potential disruption at the borders following the upcoming implementation of SPS July, September and November checks, which have been subject to much media speculation in recent days. I understand that the anticipated GB(O) discussion on SPS checks has been moved several times throughout February and March and has not yet taken place as of this writing. UK controls on EU imports, including biosecurity measures, have yet to be implemented, whilst Scottish exporters of similar products are already required to pass EU controls. UK import controls have also been subject to last-minute changes more than once by the UK Government, causing difficulties for Local Authorities and businesses. Our attendance at GB(O) is essential in mitigating the impacts of any disruption. I call upon you to schedule a GB(O) meeting as soon as possible with devolved governments to discuss these matters.

We have been advised by your officials in Cabinet Office that the GB(O) Committee will move to a written procedure. As I have set out above, cross government engagement on the impacts and implementation of Brexit is essential and we press for these discussions to continue. Even in the context of increased pressure on ministerial capacity due to the situation in Ukraine, I strongly oppose the view that now is the time for the GB(O) Committee to cease meeting or for ministerial engagement to reduce.

I attended the GB(O) meeting on 13 January and noted Scottish interests within the impact of changes to the trading system that took place on 1 January 2022. I

reiterated the ask that engagement on these matters should continue and I was pleased that the committee noted these points and agreed officials will continue to do so. The engagement, however cannot be meaningful without open face to face discussion.

The change in approach to GB(O) engagement with the devolved governments (DGs) does not reflect the agreed IGR review principles that are now being implemented. In line with those principles, engagement with the DGs must be meaningful and provide an opportunity for DGs to discuss and express views in key decisions that touch upon DG responsibilities. Scottish interests and those of the other DGs must also be respected. The current levels of engagement in GB(O) do not live up to these standards and I would urge you to reconsider this approach and convene a meeting as soon as possible.

I am copying this letter to the GB(O) Deputy Co Chairs Rt Hon Michael Ellis PMG and Rt Hon James Cleverly.

MARI GOUGEON

Document Number: 18

The Rt Hon Liz Truss
Secretary of State for Foreign, Commonwealth
and Development Affairs

22 April 2022

Dear Foreign Secretary,

I was very concerned to read in the media today that the UK Government might be considering introducing legislation to give itself the powers to unilaterally abandon parts of the Northern Ireland Protocol it negotiated with the European Union. The protocol of course is a key part of the Brexit Withdrawal Agreement, the signing of which the Prime Minister hailed as “a fantastic moment”.

Given the very serious implications of such a step for all parts of the United Kingdom, I would certainly have expected the Scottish Government to be involved in discussions in advance. There have been no such discussions. I should therefore be grateful for confirmation as to whether or not these reports are correct.

If they are, the Scottish Government would be strongly opposed. There would be no justification for such unilateral action at the best of times. But it is unthinkable right now, for at least two reasons. First, taking such unilateral steps would clearly run the risk of further escalation and possible counter-measures by the EU, which could be highly damaging for the Scottish economy as well as wider EU relations. This cannot be right at a time of an escalating cost of living crisis. The damage being caused by Brexit already is bad enough without piling on more misery. Secondly, given Russia’s unprovoked, barbaric war in Ukraine, this is a time for European nations to work together in our common interests.

There is a much better approach: returning to the table afresh, seeking to negotiate durable solutions which resolve any outstanding Northern Ireland Protocol issues and, in doing so, unlocking the many other important issues which remain stalled - such as the UK’s legal association to the vital Horizon Europe research programme, something which is of huge importance to Scotland.

I would appreciate an urgent update on the situation and the opportunity for Scottish ministers to discuss this situation with you as soon as possible.

NEIL GRAY

Document Number: 19

The Rt Hon Liz Truss
Secretary of State for Foreign,
Commonwealth and Development Affairs
By email: Private.Office@fcdo.gov.uk

12 May 2022

Dear Liz,

Recent events have increased our concerns about the situation around the Northern Ireland Protocol, and the many risks that flow from this. In our view the UK Government must pull back from any plans to unilaterally scrap parts of the Protocol, and focus instead on working with our EU partners and finding durable, agreed solutions. With households across the country facing the cost of living crisis, we must not find ourselves in a damaging trade war which will pile more costs upon businesses and families, on top of the serious existing damage wrecked by a damaging hard Brexit during a global pandemic.

With no reply to the letter from my colleague Neil Gray on 22 April, which asked for an urgent update on the situation and the opportunity to discuss the UK approach, we find ourselves in the position of hearing – once again - more about the UKG intentions from official sources reported in the media than we do through official channels.

It is our view that invoking Article 16 of the Protocol, or unilaterally introducing legislation to breach international law, would be a deeply irresponsible act, likely to have a severe economic impact on all parts of the UK, including potentially through a damaging trade war.

The Devolved Governments have direct interests at stake in the Protocol, particularly in trade and border control, yet despite repeated requests the UK Government has shown no willingness to engage on these issues and we are excluded from discussions.

It is also increasingly clear that full implementation of the Trade and Cooperation Agreement is being held back by the lack of progress on the Protocol talks. This has direct implications for wider Devolved Government interests, such as the participation in the Horizon Europe research programme, and issues relating to SPS border controls.

It is our view that an urgent meeting of the Inter-Ministerial Group on UK-EU Relations should be convened, where the Devolved Governments are provided with an update on the current position and have the opportunity to set out our interests in the Trade and Cooperation Agreement and the subsequent issues which need addressing. While I regret that ministers from Northern Ireland will be unable to attend, these pressing issues must be addressed, and discussions in Northern

Ireland cannot be a reason for intergovernmental relations between the Scottish, Welsh and UK Governments to stall.

Yours sincerely,

ANGUS ROBERTSON

Document Number: 20

Angus Robertson
Cabinet Secretary for the Constitution,
External Affairs and Culture
Scottish Government
St. Andrews House
Regent Road
Edinburgh
EH1 3D6

Rt Hon Elizabeth Truss MP

Secretary of State for Foreign,
Commonwealth and Development
Affairs
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Tel: 0207 008 5000
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13 June 2022

Dear Angus,

I am writing to inform you that the UK Government will introduce the Northern Ireland Protocol Bill in the UK Parliament today. An embargoed copy of the Bill is enclosed along with the Explanatory Notes which will be published alongside the Bill. I also note your letter of 12 May, and I will respond to you separately on the specific issues raised.

The Northern Ireland Protocol is causing serious disruption in Northern Ireland and change is essential if we are to restore power sharing, the cross-community functioning of the Northern Ireland Assembly and Northern Ireland Executive, and uphold the Belfast (Good Friday) Agreement. The Government will always remain open to negotiations with the EU but cannot delay taking action in the interests of all the people of Northern Ireland.

To accompany the publication of the Bill, the Government has also published an explainer document, 'NI Protocol: the UK's solution', which provides more details on our solution to fix the problems with the Protocol.

As the Withdrawal Agreement, including the Northern Ireland Protocol, applies to the UK in respect of Northern Ireland, the Bill gives rise to particular considerations for the Northern Ireland Parliament and Government. Nevertheless, the Bill also gives rise to considerations relevant to the Scottish Parliament and Government.

The Bill disapplies certain provisions of the Northern Ireland Protocol as a matter of domestic law. This disapplication of the effect of an international agreement in the context of international relations is a reserved matter. The exercise, furthermore,

pertains to obligations given effect in domestic law via provisions in the European Union (Withdrawal Agreement) Act 2020, which is a protected enactment.

The Bill makes provision for powers to Ministers to amend the extent of the disapplication of the Northern Ireland Protocol through regulations. The Bill also makes provision for powers to Ministers to implement new domestic regimes by secondary legislation. The Bill provides a power to implement a new agreement with the EU, subject to House of Commons approval of the agreement. Although any such international agreement would be a reserved matter, provision is made for the implementation of an agreement.

Accordingly, the Bill includes powers and provisions which are capable of being exercised or applied in a manner which relate to devolved matters and or are capable of altering the legislative competence and or executive functions of the Scottish Parliament and Government.

I would be grateful if you could confirm that you are content to provide agreement in principle to support a legislative consent motion in the Scottish Parliament. My officials stand by to support with any queries you have on the Bill, and I look forward to continuing to work with you as this essential Bill moves through its parliamentary passage.

I have also noted your letter of 12 May, and I will reply separately to you and Mr Gray on the specific issues raised therein, including the next meeting of the Interministerial Group on UK-EU Relations.

I am copying this letter to the Secretary of State for Scotland, the Secretary of State for Northern Ireland, the Minister for the Cabinet Office and the Secretary of State for Levelling Up, Housing and Communities.

THE RT HON ELIZABETH TRUSS MP

Document Number: 21

Rt Hon Elizabeth Truss MP
Secretary of State for Foreign, Commonwealth
and Development Affairs
King Charles Street
London
SW1A 2AH
Tel: 0207 008 5000
Email: fcdo.correspondence@fcdo.gov.uk

24th June 2022

Dear Elizabeth,

Thank you for your letter of 13 June regarding the introduction that day of the Northern Ireland Protocol Bill to Parliament.

I note your government's concerns about the functioning of the Northern Ireland Protocol. The Scottish Government continues to believe that the best route to resolving these difficulties is to seek durable solutions through meaningful dialogue with our European partners. Unfortunately the confrontational approach you are taking by introducing this Bill makes that kind of constructive engagement less, rather than more, likely.

I remain deeply concerned that, with households across the country facing an unprecedented cost of living crisis, this legislation could drag us into a damaging trade war that will pile yet more pressure on businesses and families already dealing with the consequences of a hard Brexit pursued during a global pandemic.

All four nations of the UK have direct interests in the Northern Ireland Protocol. As I have set out before, including in my letter of 12 May, we should be fully engaged through four nations fora such as an Inter-Ministerial Group ahead of such a significant move by your government. I was very disappointed therefore to receive your letter only two hours before the Bill was introduced to Parliament.

As you will be aware, respected legal commentators have expressed the view that these proposals could breach International Law. In light of our respect for the principle of rule of law, and the requirements of the Scottish Ministerial Code, I find this deeply concerning.

I cannot at this stage give in principle agreement to support a Legislative Consent Motion in the Scottish Parliament. We are still undertaking detailed consideration of the Bill and of the UK Government's devolution analysis.

We will aim to lodge an Legislative Consent Memorandum in the Scottish Parliament as soon as we possibly can after this work is completed

As referenced in your letter, I look forward to receiving a response to my correspondence of 13 May shortly.

I am copying this letter to Secretary of State for Scotland, the Secretary of State for Northern Ireland, the Minister for the Cabinet Office and the Secretary of State for Levelling Up, Housing and Communities.

Yours sincerely,

ANGUS ROBERTSON

Document Number: 22

Angus Robertson MSP
St Andrew's House
Regent Road
Edinburgh
EH1 3DG

Neil Gray MSP
St Andrew's House
Regent Road
Edinburgh
EH1 3DG

The Rt Hon Elizabeth Truss MP

Secretary of State for Foreign,
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King Charles Street
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24 June 2022

Dear Angus and Neil,

Thank you for your letters dated 22 April and 12 May.

As I set out in my statement on 17 May and as Minister for Europe and North America, the Rt Hon James Cleverly, explained in his call with Neil prior to my statement, the UK Government's overriding priority is to uphold the Belfast (Good Friday) Agreement. The situation as it stands is undermining cross-community support for that Agreement and power sharing, and with it political stability in Northern Ireland.

The UK government remains open to a negotiated solution, and indeed has been in negotiations on the Protocol for 18 months. But it is clear the EU is unwilling to change the Protocol, which is necessary to fix the serious problems it has created on the ground for businesses and citizens in Northern Ireland. The EU Customs Code, which places burdens and bureaucracy on businesses, is baked into the text of the Protocol itself, as is the UK's inability to freely apply changes to the UK VAT regime in Northern Ireland.

We cannot allow this situation to drift any further. That is why the UK government has introduced legislation which provides a solution to fix the problems with the Protocol, while protecting the parts that work. I have been absolutely clear - the UK

Government has no intention to scrap the Protocol, but instead to deliver on its initial objectives.

The Bill enables the government to bring forward durable solutions in each of the four key areas:

- Green and red channels to remove unnecessary costs and paperwork for businesses trading within the UK, while ensuring necessary checks are done for goods entering the EU.
- Businesses to have the choice of placing goods on the market in Northern Ireland according to either EU or UK goods rules, to address divergence between goods produced in Northern Ireland and Great Britain.
- NI businesses and consumers can benefit from the same support and subsidies as the rest of the UK.
- Normalised governance so disputes are resolved by independent arbitration and not by the court of one of the parties.

These changes will be underpinned by a Trusted Trader scheme and real-time data sharing to give the EU confidence that goods intended for Northern Ireland are not entering its market. The legislation also ensures goods moving between Great Britain and the EU are subject to EU checks and customs controls. The UK's solution protects the elements of the Protocol that are working, including maintaining free flow of North-South trade, the UK's commitments to no diminution of human rights and the Common Travel Area.

This Bill is lawful and justified under the international law and a statement of the Government's legal position was published alongside the Bill.

As set out in my letter to Angus on 13 June, this is a matter reserved to the UK government, but I recognise that the Bill is of interest to the Scottish Government. As previously noted, my officials are on hand to answer any questions you may have on the legislation as it progresses through Parliament.

You also mention the EU's unwillingness to facilitate the UK's access to EU programmes, including Horizon. It remains the wish of the UK Government to participate in Horizon Europe, Euratom R&T (including ITER) and Copernicus, and we stand by our agreement in the political declaration on participation in programmes (the 'Joint Declaration') that our accession be facilitated "at the earliest opportunity to allow their implementation as soon as possible". The UK Government has raised our concerns about this delay on many occasions including at the Partnership Council in June 2021, the Specialised Committee in December 2021 and formal correspondence.

The EU has made an explicit linkage between formalising the UK's participation in these programmes and the unrelated issue of the NI Protocol. We do not believe that provides any justification for the EU's failure to meet its obligation to proceed with UK association as soon as possible. This situation must now be resolved urgently, or we will be forced to put in place alternative programmes and to consider options for redress.

I agree that the Interministerial Group (IMG) on UK-EU Relations should meet soon to discuss the UK's position on the Northern Ireland Protocol and the Bill's potential impact on areas of devolved interest. My officials will continue to engage with yours in the planning for this.

Rt Hon Elizabeth Truss MP
Foreign, Commonwealth and Development Secretary

Document Number: 23

The Rt Hon Liz Truss
Secretary of State for Foreign, Commonwealth and Development Affairs
By email: Private.Office@fcdo.gov.uk

30 June 2022

Dear Liz

Yesterday the Scottish Parliament voted unanimously for the UK Government to withdraw its Northern Ireland Protocol Bill and concentrate its efforts instead on immediately re-starting negotiations with the European Union.

The motion rejected the UK Government's current course of action as being unacceptable, highlighting the risks of sparking a disastrous trade dispute and breaking international law. The full text of the motion is appended to this letter.

It is clear that the UK Government cannot both enter into negotiations with the EU while also threatening to breach the international treaty it signed with them less than three years ago.

In your letter of 13 June, you asked whether I would support a legislative consent motion in the Scottish Parliament for the UK Government's Northern Ireland Protocol Bill. In light of the outcome of yesterday's vote in the Scottish Parliament, and as the legislation currently stands, it is of course inconceivable that the Scottish Government would do so. I seek your assurance that the UK Government will respect the Sewel Convention and will not, as it has done with other Brexit legislation, press ahead without the Scottish Parliament's consent. Once again, I am urging you to pull back from reckless unilateral action, return to the negotiating table with our European partners without delay, and avert disastrous consequences for Scotland and the whole of the UK.

Yours sincerely

ANGUS ROBERTSON

Scottish Parliament motion on the Northern Ireland Protocol Bill

Motion passed, unopposed, on Wednesday 29 June 2022

"That the Parliament agrees that it is fundamentally unacceptable for the UK Government to unilaterally disapply key parts of the EU-UK Withdrawal Agreement, the signing of which the Prime Minister hailed as a "fantastic moment"; further agrees that by proposing this course of action the UK Government is risking a disastrous trade dispute with the European Union, with damaging consequences for Scotland in the midst of a cost of living crisis and at a time when the UK is in danger of falling into recession; condemns that the Bill breaks international law and risks the integrity of the Good Friday Agreement, and calls, therefore, on the UK Government to withdraw the Northern Ireland Protocol Bill and restart negotiations with the EU immediately."

