20 February 2017

Dear Joan,

I wrote to you and to the Convener of the Finance and Constitution Committee on 7 February 2017 to alert members to the fourth meeting of the Joint Ministerial Committee on EU Negotiations (JMC (EN)) on 8 February 2017. I am now writing to report on the Scottish Government’s actions at that meeting.

The other Ministers attending were:

From the UK Government:
- the Secretary of State for Northern Ireland, Rt Hon James Brokenshire MP [chair];
- the Secretary of State for Exiting the EU, Rt Hon David Davis (for part of the meeting);
- the Minister of State for Exiting the EU, Rt Hon Robin Walker MP;
- the Secretary of State for Scotland, Rt Hon David Mundell MP;
- the Secretary of State for Wales, Rt Hon Alun Cairns MP;
- the Chancellor of the Exchequer, Rt Hon Philip Hammond MP;
- the Minister of State for Europe and the Americas at the Foreign and Commonwealth Office, Rt Hon Alan Duncan MP;
- the Minister for the Cabinet Office, Ben Gummer MP.

From the Welsh Government:
- Cabinet Secretary for Finance and Local Government, Mark Drakeford AM.

From the Northern Ireland Executive:
- Minister of Finance, Máirtín Ó Muilleoir MLA;
- Junior Minister, Executive Office, Alastair Ross MLA.

At the last meeting of the JMC (P) on 30 January in Cardiff, the Prime Minister committed to intensive work with the Scottish Government on its recent paper, Scotland’s Place in Europe. However, at this meeting of the JMC (EN) I noted that this intensification of work had not actually started.
Whilst I am glad that it has since started I am concerned about the overall flow of information from the UK Government and its engagement with the Scottish Government and I noted these sentiments in relation to the Article 50 process and, in particular, the timing and approach to the triggering of Article 50.

I noted a significant degree of commonality between the Scottish Government’s paper and Securing Wales’ Future the published paper jointly developed by the Welsh Government and Plaid Cymru. I added that in my view there is an emerging picture of the devolved administrations arguing for similar points in relation to the European Single Market that I feel should be given appropriate weight by the UK Government.

I noted the importance of this the Financial Services sector to Scotland, adding that there is a great deal at risk for Scotland, especially taking into account the relatively large number of migrants employed in the financial services industry in Scotland. I noted concerns that their valuable skills and experience might be lost to Scotland and, again, that policy options were not being communicated to the Scottish Government.

I was not content with the proposed work programme for the JMC (EN) programme as it was presented to me which I felt lacked focus on Article 50.

A joint communique was not agreed to at the meeting and no agenda has been set yet for the next meeting of the JMC (EN) although I understand it is provisionally scheduled to take place on 16 March 2017 in London. I will continue to share what I can with you in keeping with the Written Agreement on Inter-Governmental Relations between the Scottish Parliament and the Scottish Government.

I am writing in similar terms to the Convenor of the Finance and Constitution Committee.

Michael Russell