Dear Joan,

I wrote to you and to the Convener of the Culture, Tourism, Europe and External Affairs Committee on Wednesday 15 July to alert your committees to the twenty fourth meeting of the Joint Ministerial Committee on EU Negotiations [JMC (EN)] on 16 July. 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 Chancellor of the Duchy of Lancaster, Rt Hon Michael Gove MP; The Secretary of State for Scotland, Rt Hon Alister Jack MP; The Secretary of State for Wales, Rt Hon Simon Hart MP; The Secretary of State for Northern Ireland, Rt Hon Brandon Lewis MP; The Paymaster General, Rt Hon Penny Mordaunt MP; The Minister for the Constitution and Devolution, Chloe Smith MP; and Sherpa, Prime Minister's Europe Adviser and Chief Negotiator of Task Force Europe, David Frost.

- From the Welsh Government: The Counsel General and Minister for European Transition, Jeremy Miles MS.

- From the Northern Ireland Executive: First Minister, Rt Hon Arlene Foster MLA, deputy First Minister, Michelle O’Neill MLA, Junior Minister Gordon Lyons MLA and Junior Minister Declan Kearney MLA.

I sought assurance that within the anticipated fast-moving and dynamic end-stages to the EU-UK negotiations there would nonetheless be opportunity for devolved administrations’ participation. It is crucial that these negotiations reflect legitimate devolved interests - including allowing for our participation in a range of EU programmes.

I said that we need more involvement on devolved interests and faster progress to allow for planning and implementation – including on preparations at Cairnryan. To facilitate this I sought a commitment for Scottish Ministers to be involved in the UK Government’s exit
operations cabinet committee. I also noted that we have not been properly involved in the programme of legislation and communications being rolled out to support Brexit preparations.

I stressed the urgency of the review of intergovernmental relations and emphasised that real progress will only be made when the UK Government acknowledges that there are four equal nations around the table.

I made clear that the proposals in the UK Government’s White Paper, published earlier that day, about the ‘UK internal market’ are not acceptable and present a significant undermining of the devolution settlement. I set out the Scottish Government’s opposition to these proposals and indicated that we will expect to advise the Parliament against agreeing legislative consent. I reiterated the Scottish Government’s intention to seek alignment with EU standards through measures such as the Continuity Bill. I reaffirmed the Scottish Government’s willingness to take part in Common Frameworks, where these are in Scotland’s interests, and provided they are agreed, not imposed.

Yours sincerely,

MICHAEL RUSSELL