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Mr Michael Russell  
Cabinet Secretary for Constitution, Europe  
and External Affairs  
Scottish Government

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Dear Mike,

Thank you for your letter of 21 October regarding the Scottish Government's views on the UK-EU negotiations. I look forward to discussing these further with you at the Joint Ministerial Committee meeting on EU Negotiations (JMC (EN)) later this week.

You expressed concern in your correspondence that ministerial engagement relating to the negotiations and readiness has "not intensified" since my letter of 31 July. This Sunday, the National reported your view that contact between the UK Government and devolved administrations is "sporadic and dysfunctional". It reported that you were "deeply concerned at the lack of serious engagement with us [the Scottish Government] on the key decisions on the Brexit negotiations which impact directly on Scotland – including the lack of a Joint Ministerial Committee on EU Negotiations (JMC (EN)) ahead of the European Council".

I am sorry if you feel that the UK Government's contact with you and others in the devolved administrations has not been all that it might be. I hope I can lay your mind at rest. I have been and remain very keen to secure the best possible engagement between us. The JMC (EN) has met five times so far this year on 9 and 28 January, 21 May, 16 July and 3 September. After our meeting on 3 September, I was particularly keen that the JMC (EN) could meet again in late September and I know that concerted efforts were made to find a suitable date. My office proposed several possible time slots across four different days, but regrettably we did not reach agreement on a mutually-acceptable day. My office was in touch on Friday to secure a slot for a JMC (EN) this week - I hope we can agree a suitable time.

Turning to engagement more broadly, since the start of October, the First Minister of Scotland has been invited to regular meetings of the XO Cabinet Committee, dealing with preparations and operational readiness for the end of the transition period. I would like to put on record my thanks to your colleagues and officials for the valuable contributions they made to discussions in three Committee sessions so far this month. Devolved administration officials received detailed papers for these meetings as well as the actions arising. Your officials also received the Central Case and Reasonable Worst Case planning assumptions for the end of the transition period, which were shared on 3 September. In addition, your officials have attended seven meetings of the Cabinet Office Transition Task Force's Portfolio Board since June, and a fortnightly senior officials meeting convened by the Transition Task Force. They are also invited to the Civil Contingency Secretariat's D20 Board, and to bilateral meetings with the Director General for the Border and Protocol Delivery Group, as

well as to infrastructure discussions. These meetings are in addition to wider formal and informal engagement taking place across departments.

I note that despite this intensified engagement, UK Government ministers and officials have not been invited to any operational readiness meetings of the Scottish Government. I appreciate that is your decision but we still lack access to crucial data and have not had papers or other important planning materials shared with us. This includes information on: how the funding the Scottish Government received to support readiness has been spent; how many Environmental Health Officers are in place in Local Authorities; and how you are ensuring businesses are aware and taking action to prepare for change.

The Paymaster General has recently chaired two quadrilateral meetings on readiness with devolved administration counterparts on 10 September and 1 October. The Paymaster General also offered to meet you and ministerial colleagues from the Welsh Government and Northern Ireland Executive virtually ahead of the recent European Council meeting. I understand that ministers from the devolved administrations, including the Scottish Government, preferred this negotiation update to take place at official rather than ministerial level. Therefore, a UK deputy Chief Negotiator updated devolved administration counterparts on 15 October. This is in addition to the video conference meetings, which have been held weekly, to update your officials on the progress of negotiations, including ahead of and after the recent European Council. There was a further such official-level update on 23 October. Between January and August, the Paymaster General held three bilateral meetings with Scottish Government representatives, and arranged five quadrilateral meetings. You declined to attend one of these meetings, arguing that you had not received notice of our decision to not seek to extend the transition period. As I set out in my 14 June letter, we made our policy on that matter, which was consistent with legal obligations, clear on multiple occasions in Parliament, in correspondence, and at the JMC (EN) of 21 May.

As you will have seen, following firm leadership from the PM the EU have agreed to intensify negotiations. In these negotiations we are determined to defend our interests in key sectors including fisheries. Our approach will ensure that at the end of the transition period the UK will be an independent coastal state, no longer bound by the Common Fisheries Policy.

I hope this is useful in setting out the level of commitment that the UK Government places on engaging with colleagues in the devolved administrations. We will not always agree, but it is important that we work together in the interests of people right across our country. I am copying this letter to the Paymaster General, the Secretaries of State for Scotland, Wales and Northern Ireland, the First Minister and deputy First Minister of Northern Ireland, and the Counsel General and Minister for European Transition in the Welsh Government.

**With every good wish,**

A handwritten signature in black ink, appearing to read 'Michael Gove', written in a cursive style.

**Rt Hon Michael Gove MP  
Chancellor of the Duchy of Lancaster  
and Minister for the Cabinet Office**