

Vol. 797
No. 301



Wednesday
15 May 2019

PARLIAMENTARY DEBATES
(HANSARD)

HOUSE OF LORDS

OFFICIAL REPORT

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Abbreviation	Party/Group
CB	Cross Bench
Con	Conservative
DUP	Democratic Unionist Party
GP	Green Party
Ind Lab	Independent Labour
Ind LD	Independent Liberal Democrat
Ind SD	Independent Social Democrat
Ind UU	Independent Ulster Unionist
Lab	Labour
Lab Co-op	Labour and Co-operative Party
LD	Liberal Democrat
LD Ind	Liberal Democrat Independent
Non-afl	Non-affiliated
PC	Plaid Cymru
UKIP	UK Independence Party
UUP	Ulster Unionist Party

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House of Lords

Wednesday 15 May 2019

3 pm

Prayers—read by the Lord Bishop of Portsmouth.

Housing: No-fault Evictions Question

3.07 pm

Asked by **Baroness Thornhill**

To ask Her Majesty's Government what is the timetable for the recently proposed consultation to end no fault evictions and how it will differ from the consultation *Overcoming the barriers to longer tenancies in the private rented sector* of July 2018.

The Parliamentary Under-Secretary of State, Ministry of Housing, Communities and Local Government and Wales Office (Lord Bourne of Aberystwyth) (Con): My Lords, there was no widespread support for a fixed-term tenancy model. We concluded that the best way to introduce greater security was to remove Section 21 no-fault evictions, strengthen existing Section 8 eviction grounds and reform court processes. We want to collaborate with landlords and tenants to ensure that these reforms are introduced effectively. We expect to consult on our proposals over the summer.

Baroness Thornhill (LD): I thank the noble Lord for that Answer but I would be grateful for more information on the timeframe for the legislation. This is indeed welcome news for the thousands of tenants who live with insecure short-term tenancies and the fear of eviction on a daily basis, but they need the change soon. Given that there will be opposition from landlords, what measures will the Government put in place to ensure that this excellent policy will be effective and immediate and not delayed or thwarted by the threat of rent hikes or the pulling of properties from the market?

Lord Bourne of Aberystwyth: My Lords, I thank the noble Baroness for her welcome for the proposal. There is certainly no intention to hang about with this: we want to consult, particularly on Section 8 and what the ground should be for ending tenancies. That is an important part of this. It has been widely welcomed, including by many landlord groups, in all fairness. Responsible landlords have nothing to fear from this; it is essentially about being fair to landlords and tenants.

Lord Best (CB): My Lords, I declare my various housing interests in the register. I congratulate the Government on this important measure, giving much greater security of tenure to tenants and promising that landlords will have swifter processes when a tenant really is at fault. Does the Minister agree that one of the big gains from this will be that tenants will not be afeared to make complaints against landlords who are behaving badly? At the moment, people fear retaliatory evictions and are very often silent when they should stand up for their rights.

Lord Bourne of Aberystwyth: My Lords, I very much agree with the noble Lord on that point: the essence of what we propose is that this is right for responsible landlords and it is right by tenants, who indeed sometimes go in fear of making complaints because of the possibility of eviction. That concerns a very small number of landlords, but this will knock that into shape to ensure we have the fairness of which I spoke.

Lord Beecham (Lab): My Lords, in theory legal aid and advice is available for eviction matters, though in practice there seem to be deserts in legal advice on this area because there are not sufficient practitioners who engage with that side of the law. Will the Minister consult the Ministry of Justice to ensure more incentives for lawyers to provide the service needed by these people in very difficult situations?

Lord Bourne of Aberystwyth: My Lords, the noble Lord speaks with great experience in this area. He will be reassured by the fact that the reform will in many cases mean that people will not need to go to law, because the law will be absolutely clear and the activity will therefore cease. Our consultation will be wide and open for people to contribute. He will also know that we are looking at other procedures for speeding up, simplifying and streamlining the process, and that should help too.

Baroness Gardner of Parkes (Con): Can the Minister assure us that the impact of the short lets for holidays will also be taken into consideration, to help these tenancies become longer rather than having them concealed and desperately affecting other people in the buildings?

Lord Bourne of Aberystwyth: My Lords, I had not anticipated a dimension for short-term tenancies—unwisely, perhaps—but the whole range of activity will be considered in the consultation to make sure that it is fair to everybody.

Baroness Greender (LD): My Lords, is the Minister aware that since Scotland scrapped no-fault evictions over a year ago, ONS data suggests that rental inflation has remained lower, the private rented sector has remained stable, and the change has not had an adverse impact on homeless people? There was a time when a Conservative Government thought it was perfectly normal to implement a change in Scotland, see how it went and then do it in England. Why cannot we do that now for the tenants who so desperately need this?

Lord Bourne of Aberystwyth: My Lords, I thought the noble Baroness would be very grateful that, once the coalition Government had ended, we were able to do these things, looking at what was happening in Scotland and implementing it as effectively as we have. In all seriousness, it is often very helpful—as I and many know—to look at devolved experience and learn lessons from it. We have indeed looked at what is happening in Scotland. While we are not replicating it, there are certainly lessons to be learned.

Lord Vinson (Con): My Lords, I hope any new legislation will make it possible for servicemen and others who need to go abroad as part of their jobs to

[LORD VINSON]

be able when they come home to reclaim the houses they have let. I am afraid that a great many houses will not come on the market for letting if that is not made possible.

Lord Bourne of Aberystwyth: My Lords, my noble friend makes an important point. That is why we have the consultation on Section 8. There are many instances in which it is totally appropriate for someone to be able to regain their property; he has just cited one. That is why we seek to do right by landlords in those sorts of situations.

Lord Clark of Windermere (Lab): My Lords, I will follow up on the question of the noble Baroness, Lady Gardner. While there does not appear to be an obvious link between short-term holiday lets and this proposal—which I welcome—we have seen before unintended consequences of the link between the two. It would be disastrous in many rural areas if it meant that houses currently let to local people were withdrawn from the market and used as holiday lets.

Lord Bourne of Aberystwyth: My Lords, the noble Lord makes an important point but I fail to see the connection with this proposal. He is absolutely right about ensuring that the needs of local people are taken care of as regards housing supply and affordability, but that is not impacted by this provision. However, I am happy to engage with him further on that matter.

The Earl of Listowel (CB): My Lords, what impact does the Minister think this very positive policy may have on the numbers of families living in hostel and bed-and-breakfast accommodation? What progress may be made in reducing the numbers of families living in such accommodation, the figures for which are at the highest levels since 2003?

Lord Bourne of Aberystwyth: My Lords, the noble Earl raises an important point about homelessness and people living in hostels. I do not see this as having a particular impact and if it does, it is a benign one, but it is probably very much at the margin of ensuring that people are much more secure in accommodation when previously they have not been.

Lord Naseby (Con): Is there not a wider problem? The latest statistics indicate that the number of properties available to be rented is falling at a time when demand is pretty firm. Will these discussions address that problem? If not, there will only be a great shortage of housing for younger people who want to rent and be genuine tenants.

Lord Bourne of Aberystwyth: My Lords, my noble friend is right about the importance of ensuring a steady supply of housing in general but he referenced the rented sector in particular, which we have to be aware of. That is why this provision is so welcome, because it ensures security for tenants across the board where previously some have not had it, while doing right by landlords and ensuring that, where appropriate, they can regain premises that are let out.

Brexit: Creative Industries' Access to European Markets

Question

3.16 pm

Asked by **Baroness Quin**

To ask Her Majesty's Government what recent discussions they have had with representatives of the United Kingdom's creative industries about future access to European markets.

The Parliamentary Under-Secretary of State, Department for Digital, Culture, Media and Sport (Lord Ashton of Hyde) (Con): My Lords, DCMS is working closely with industry and others across government to ensure that the creative industries benefit from the UK's future trade agreements, including the future economic partnership with the European Union. We will continue to deepen this engagement over the coming months. The UK's creative industries are an exporting powerhouse, and leaving the EU will not change that. We have also proposed a wide-reaching agreement on culture which will facilitate co-operation between our two markets.

Baroness Quin (Lab): My Lords, I declare a relevant interest as chair of Tyne & Wear Archives & Museums, although my question relates to the creative industries more generally. I know that the Minister personally fully appreciates the importance of the creative industries to our economy and that he knows too how important in recent years the creative industries have been in setting the agenda in Europe and making a huge success of Europe's single market. Specifically, does he agree with the view in the Creative Industries Federation's recent briefing to us that another EU public vote would be greatly preferable to crashing out of the EU without a deal?

Lord Ashton of Hyde: I absolutely agree with the noble Baroness on the value of the creative industries and the cultural sector in general. They are important economically, as she said, but more than that they represent the values and diversity of this country, both domestically and, importantly, abroad. That is why we have regained the top slot in the world soft power index. With regard to another vote, the Government's position is that we should carry out the will of the people in the first referendum, and in doing so we would like to get a withdrawal agreement with the EU so that we can progress and produce a reciprocal arrangement with the EU.

Lord Wigley (PC): My Lords, I declare my registered interest. Have the Government taken any steps to ensure, whatever form of Brexit ultimately transpires, that a multi-country, multi-entry, short-term cultural sector touring visa is developed for UK performers, with reciprocal provisions for EU citizens?

Lord Ashton of Hyde: My Lords, the debate to follow will, I hope, answer that.

Baroness Bonham-Carter of Yarnbury (LD): My Lords, does the Minister agree that a thriving future for the creative industries is a matter of access not just to markets but to talent, and that limiting EU migrants to those who earn more than £30,000, as the immigration White Paper suggests, will have a severe negative effect on a sector where average earnings hover around £20,000?

Lord Ashton of Hyde: I agree that that is an issue; that is why there is a year-long consultation. We will represent the views of the creative industries to the Home Office.

Lord Hamilton of Epsom (Con): Does my noble friend think that the vote on Thursday 23rd for the European Parliament will very much suffice for a second referendum?

Lord Ashton of Hyde: I think my noble friend would agree that they are two very different things.

Lord Puttnam (Lab): My Lords, have the Government made an economic analysis of any kind regarding the potential damage to the UK's creative industries that would be likely to result from a soft or a hard Brexit? This is no small thing, as it leaves many thousands of jobs at risk and a commensurate degree of enormous anxiety.

Lord Ashton of Hyde: My Lords, I agree with the noble Lord that it is no small thing. As many noble Lords will know, the Government produced two analyses of the economy as a whole in November last year and February this year. There has not been a separate economic analysis comparing the two scenarios he mentioned, but I think it is clear to everyone that a Brexit which involves an agreement with the EU is better, because it allows us more time to negotiate a future economic partnership which, crucially, involves reciprocity in many of the areas that concern the creative industries, such as movement of talent.

Lord Suri (Con): My Lords, the continued growth of the UK creative industries is founded on the creative education, research and innovation delivered in UK universities. The UK's creative education sector is highly dependent on access to European markets and funding. Brexit threatens to damage the reputation of the UK as a centre of the creative arts. The workforce in creative higher education, like that of the wider creative industries, is critically dependent on continued access to skilled workers from Europe, as well as non-EU countries. The Government should work closely with creative universities, particularly UAL, to review the shortage occupation list to ensure that it reflects the economic need for the training skills provided by the creative industries.

Lord Ashton of Hyde: I very much agree with my noble friend that the academic sector in this country plays a vital role in sustaining our creative industries, and we certainly intend that to continue.

Baroness Smith of Newnham (LD): My Lords, this is not simply a question of economics. It is also about the UK's soft power. I visited Paris before Easter with

the British Council, and the creative industries were stressing just how difficult it will be to have exchanges. What work are the Government doing to ensure that we can continue to have visiting theatres and exhibitions coming to the UK, and vice versa?

Lord Ashton of Hyde: We agree. We think it is important that the cultural sector generally is able to have exchange visits, temporary movement of goods, and such like. Some areas need to be looked at in the immigration White Paper, but there are certainly plenty of avenues to be able to continue them. Indeed, to a certain extent, the immigration White Paper suggests some preferential arrangements for EU member states for at least three years.

Wilton Park

Question

3.24 pm

Asked by **Baroness Prosser**

To ask Her Majesty's Government what criteria were used to determine the suitability of candidates for the position of chair of Wilton Park.

The Minister of State, Foreign and Commonwealth Office (Lord Ahmad of Wimbledon) (Con): My Lords, the appointment process for the chair followed the governance code for public appointments. We sought candidates who matched the person specification for the role. In particular, candidates were sought who had experience of board or executive-level leadership, who were committed to advancing the agenda on international issues and who understood how to draw on networks for fundraising.

Baroness Prosser (Lab): I thank the Minister for that reply, much as I raised an eyebrow when listening to it. Wilton Park is a global forum for strategic discussion, bringing together leading representatives from the worlds of politics, business, academia, civil society and diplomacy. When appointing the chair of Wilton Park, with its duty to reach out to the rest of the world, did the Minister responsible consider the background of this person, who, most recently in her career, was the chair of the Vote Leave campaign—an organisation with a duty to separate the UK from the rest of Europe and which, to boot, has been fined £61,000 by the Electoral Commission for overspending and for failures to properly record and report expenditure?

Lord Ahmad of Wimbledon: My Lords, of course the Minister responsible fully considered the position and background of all the candidates who applied for the position. I agree with the noble Baroness that Wilton Park is a highly internationalist organisation that works with government, NGOs and commercial partners across the world. As the Prime Minister's lead on preventing sexual violence in conflict, it was an able partner at that conference. Ms Stuart was regarded as appointable as chair by the interview panel because of her long parliamentary and foreign policy experience, as well as her vision to connect Wilton Park more closely with parliamentarians from all parties. The chair is just one segment of Wilton Park's robust governance team.

Lord Lamont of Lerwick (Con): My Lords, does the Minister agree that by merit of having been an MP for 20 years, having been born in Germany, being a privy counsellor and having demonstrated great courage in politics, Gisela Stuart is an ideal person to fill this post? Is this not a rather mean-minded Question? Can he explain the criteria for membership of the Low Pay Commission, the Equal Opportunities Commission and the Women's National Commission, on all of which the noble Baroness, Lady Prosser, has served?

Lord Ahmad of Wimbledon: My Lords, first, I am sure that many in this House and beyond regard Ms Stuart as a very able chair. I have dealt with her in her capacity as chair of Wilton Park and have certainly found her attitude and thinking conducive to what Wilton Park seeks to achieve. As I said, her appointment followed the correct code of conduct: an appropriate panel was appointed, it made recommendations and a decision was taken accordingly. I believe that she is a very capable chair. As my noble friend articulated, she has the right experience. For all public appointments, a clear process is set out, and that was followed in this case as well.

Lord Tyler (LD): My Lords, when Boris Johnson interfered in this appointment process, did he take into account the potential danger to the reputation of this exemplary FCO institution? As we heard, Gisela Stuart chaired the Vote Leave campaign, which was found guilty of breaking the law of the land, is the subject of a police investigation and has now accepted that guilt. What assurance of complete political impartiality has she given? Recently, she appeared on "Any Questions?"—where she was introduced as the chair of Wilton Park—and repeated her extreme Brexit views. She has given interviews to United Kingdom journalists and been quoted in the German media. How can Wilton Park preserve its unique reputation as a dispassionate forum for international, especially Europe-wide, debate in these circumstances?

Lord Ahmad of Wimbledon: My Lords, making the presumption that—just because two people may have agreed on their perspective on the Brexit referendum, it does not mean that the former Foreign Secretary—

Noble Lords: Oh!

Lord Ahmad of Wimbledon: I have served under the former Foreign Secretary, and while there have been people who have raised challenges against him—*[Interruption.]* I am answering a very long question, so it is appropriate to put on the record that just because someone shares the same perspective, it would be wrong to suggest the kind of interference proposed by the noble Lord. As I have made clear already, a process was followed according to the rules. If she chooses to speak as the chair of Wilton Park, she will need to reflect her code of conduct, as would anyone holding public office. When not speaking as the Wilton Park chair, the incumbent is within their rights to make public statements—whether on Brexit or any other matter.

Baroness D'Souza (CB): My Lords, Wilton Park is a public body that is funded in part by the taxpayer, and it is world renowned for providing a mutual forum

for debate on what are sometimes very conflicting issues. Last year, the Tailored review recommended closer connections and engagement between Wilton Park and the strategic and business-related activities of the FCO and other relevant government departments. Does the Minister agree that it is now appropriate for there to be some parliamentary oversight of senior appointments to the board and the advisory committee, possibly through the Foreign Affairs Committee?

Lord Ahmad of Wimbledon: My Lords, let me assure the noble Baroness and indeed all noble Lords that anyone who takes part in this process is expected to adhere to a code of conduct. The chair continues to do that and she has the confidence of the Foreign and Commonwealth Office behind her. Any person holding public office is also required to adhere to the Nolan principles for public servants and to remain mindful of the potential for such statements—

Lord Grocott (Lab): My Lords—

Lord Ahmad of Wimbledon: I think we have exhausted time.

Lord Grocott: I hope that I am not the only one who is troubled by the nature of the series of personal attacks on a former excellent Member of Parliament and excellent Minister. I also hope that we can be given an absolute assurance from the Minister that whichever side anyone took in the referendum campaign, leave or remain, in neither case should it ever be a disqualification from appointment to a government office.

Lord Ahmad of Wimbledon: The noble Lord has summed up the sentiments of many across your Lordships' House very well.

Heathrow Airport *Question*

3.31 pm

Asked by Baroness Jones of Moulsecoomb

To ask Her Majesty's Government what plans they have to review the expansion of Heathrow airport.

The Parliamentary Under-Secretary of State, Department for Transport (Baroness Vere of Norbiton) (Con): My Lords, the *Airports National Policy Statement* relating to Heathrow is designated in accordance with the Planning Act 2008. The Government will consider carefully whether to review the ANPS, applying statutory criteria set out in Section 6(3) and (4) of the Act. The Department for Transport has established a process to ensure legally robust consideration of matters relating to the review.

Baroness Jones of Moulsecoomb (GP): The Airports Commission suggested that Heathrow should go ahead, but it was using quite old data from the Committee on Climate Change, as well as overly optimistic projections for new technology. In view of the new date that the Committee on Climate Change has given us of 2050, and because of the climate emergency which has been

declared at the other end of the building, surely it is time to rethink Heathrow and to actually reduce airport capacity in a steady way.

Baroness Vere of Norbiton: My Lords, the Government take their environmental commitments very seriously indeed. The *Airports National Policy Statement* sets out several strict environmental red lines that must be delivered for a third runway to gain development consent. They include no expansion if the applicant cannot demonstrate that the scheme would not materially impact the UK's ability to meet its climate change obligations both now and in the future.

Baroness Manzoor (Con): My Lords, the proposed expansion of Heathrow is likely to have a significant impact on families and individuals. Can my noble friend reassure me that a fair, adequate and equitable compensation scheme will be in place to deal with the issues that these people are likely to face?

Baroness Vere of Norbiton: I hope that I can reassure my noble friend. Heathrow is working closely with the communities around the site. I am pleased to say that the compensation being proposed is 10 times that which was proposed 10 years ago. It will amount to £2.6 billion-worth of compensation, which will also cover noise insulation and public facilities. I should also remind all noble Lords that this is being done at no cost to the taxpayer; the compensation will be funded by Heathrow.

Lord Lea of Crondall (Lab): My Lords, is it not the case that since the Earth Summit in 1992 we have all been committed to proportionate measures to deal with the rise in sea and air temperatures? To go from that to shutting down airport capacity, which I think is the policy of the Green Party, would simply reduce Britain's market share in airlines—and in some other industries by the same criterion—and allow other countries to have a bigger market share. We have to keep all these factors in some sort of proportion.

Baroness Vere of Norbiton: The noble Lord is completely right. The UK has the third-largest aviation sector in the world; it is very successful indeed. The way in which we will achieve decarbonisation of the aviation sector is twofold: first, by working with all other countries around the world to reach international agreements and, secondly, by making sure that it is successful and able to put money back into innovation so that we can decarbonise aircraft and look for other sustainable fuels.

Baroness Randerson (LD): My Lords, the percentage of people travelling to Heathrow by public transport has fallen in the last year or so, with more people using taxi services. However, the Government's plans for Heathrow require an ambitious increase in the use of public transport—one of the red lines that the Minister referred to. That is necessary if the planned reduction in carbon emissions is to be achieved. How do the Government intend to ensure that far more passengers and employees take public transport to Heathrow?

Baroness Vere of Norbiton: The noble Baroness is right: surface access to Heathrow is absolutely critical as we look to expand it in future. One of the reasons Heathrow was chosen was that it is already very well connected. There will be improvements to the Piccadilly line, as well as HS2 and Western Rail access coming from the west. I will see Heathrow on Friday and will take it up then.

Lord Haselhurst (Con): My Lords, does my noble friend agree that one has to be a supreme optimist by nature to believe that Heathrow's third runway will be available by 2025? It might therefore be prudent to invest more in the railways serving London's other airports so that journeys there can become shorter rather than longer, as is happening at the moment.

Baroness Vere of Norbiton: I am not aware of any proposal for the runway to be ready by 2025. From our perspective, we are looking at it being ready by 2030. However, my noble friend will be pleased to know that we are already investing in railways to make sure that connectivity to all our airports is improved. We have so many; they do a fantastic job and will benefit from the expansion of Heathrow—we look forward to it.

Lord Blunkett (Lab): My Lords, I have a registered interest. Does the Minister agree that investing in alternative fuel sources for flights in the future would be more beneficial than people who use airlines regularly preaching to other people that they should stop using them to go on holiday or for commercial purposes—particularly when they have the comfort of flying first class?

Baroness Vere of Norbiton: I will comment on sustainable fuels, which is probably wise in the circumstances. They are very important; so many people within the aviation sector are making great strides and are doing it as private companies. They are not being forced, but are doing it because they know that it is the right thing to do. BA is partnering with Velocys to produce sustainable aviation fuel from municipal solid waste; the plant will be in Scunthorpe. Virgin is partnering with LanzaTech also to produce sustainable aviation fuel; they have demonstration plants already in the US, Belgium and China.

Brexit: Movement of People in the Cultural Sector (European Union Committee Report)

Motion to Take Note

3.39 pm

Moved by Lord Jay of Ewelme

To move that this House takes note of the report from the European Union Committee *Brexit: Movement of People in the Cultural Sector* (19th Report, HL Paper 182.)

Lord Jay of Ewelme (CB): My Lords, perhaps I will wait a moment while free movement outside the cultural sector takes place.

It is a pleasure to introduce the European Union Committee's report on movement of people in the cultural sector. Let me say at the start that I am grateful to the members of the sub-committee and to our excellent secretariat. The report was published on 26 July last year, and the Government's response was received on 13 November—the day before the draft withdrawal agreement and political declaration were published. The Government have also since published their immigration White Paper, in December last year, setting out the UK's future immigration system after free movement comes to an end. The House of Lords moves with due deliberation, and I shall not complain about the delay in scheduling this debate, which perhaps reflects the timeless nature of our culture.

Throughout the inquiry, and following publication of the report, the committee has engaged closely with the cultural sector. The committee heard from musicians, dancers and other artists, not only on the impact that ending free movement could have on the arts sector in the UK but on the negative impact that the uncertainty of the Brexit negotiations is already having. I will return to that. I was pleased to be able to discuss these concerns with Margot James, the Minister for Digital and the Creative Industries, in what was an encouraging meeting. However, I have the impression that the Home Office may be rather fiercer.

The committee made two clear recommendations to the Government to minimise disruption to the cultural sector after the UK leaves the EU. The first recommendation was that the Government should seek an EU-wide, multi-entry, short-term touring visa for UK citizens and offer a reciprocal commitment for EU citizens. This issue was raised a few minutes ago in a question from the noble Lord, Lord Wigley. Such a visa would enable self-employed artists and musicians to travel easily between the UK and the EU for temporary work. It would ensure that touring remains affordable and easy to organise for all self-employed artists. Ensuring that artists can continue to move freely between the UK and the EU will ensure that our cultural sector remains vibrant and rich in talent. If I may say so, this is equally true for the opulence of Covent Garden and the mud of Glastonbury. The committee was constantly struck by the extent to which the cultural sector depends on free movement of people within the European Union. The evidence from the Creative Industries Federation on that point was compelling.

Our second recommendation was to ensure that EU citizens travelling on short-term contracts to the UK after the transition period will not have to pay into our social security system, and that the Government should seek reciprocal arrangements with the EU. Under current EU provisions, posted workers and others who actively work in two or more member states pay social security contributions only in the member state in which they are regularly employed. The concern we have heard from the sector is that, without this policy, it would often be too expensive for UK artists and musicians to tour in the EU and vice versa.

The Government's response to our report rightly echoed our praise of Britain's cultural excellence and diversity, and—worth emphasising here—its importance to the economy, contributing up to £29.5 billion in 2017, the last year for which figures are available. But it was disappointing that the Government's response to the report lacked, or seemed to lack, genuine consideration of our recommendations. The Government did not address our concerns that applying the current visa system to EU nationals would make it harder to bring talent to the UK; nor did they consider how they could encourage the EU to allow artists to tour easily and take part in temporary arrangements. Further, there was no consideration of our recommendation to waive social security payments for EU citizens travelling to the UK on short-term contracts.

When the immigration White Paper was published, the committee examined it carefully for proposals that reflected the recommendations made in our report. Alas, we found none. I invite the Minister to confirm when replying to this debate whether a touring visa has been ruled out and whether the Government are considering waiving social security payments for temporary EU workers whose regular work is in the European Union.

Since the publication of our report the uncertainty over when and how the UK will leave the EU has increased greatly. We have heard that this uncertainty is already having a negative impact on the cultural sector. The Incorporated Society of Musicians has told us that some EU employers have been reluctant to hire talent in the face of a possible no-deal scenario. Indeed, a recent survey conducted by the Incorporated Society of Musicians found that one in 10 respondents reported that offers of work have been withdrawn or cancelled as a result of Brexit uncertainty. Its recent report stated:

“Brexit casts doubt about the need for visas and their cost which directly affects the viability of concerts”.

I do not expect the Minister to tell us what will happen next—one can always hope, but I do not expect—but I hope he will acknowledge the damage that uncertainty is already causing to our cultural sector.

We welcome the Government's announcement that in the event of no deal EU citizens will be able to come to the UK for periods of up to three months to work and to apply for European temporary leave to remain to stay for up to 36 months. We are, however, concerned that UK citizens have not been offered reciprocal treatment to enter EU member states. The committee has asked the Minister for Immigration, Caroline Nokes, for an update on the Government's engagement with EU member states on how they intend to treat UK nationals seeking to work in those countries if there is no deal. The Immigration Minister has, alas, failed to respond to that request. I hope the Minister will be able to give us an update today.

We did not focus much in our report on poetry, which gives me a chance now to say how much I welcome the appointment of Simon Armitage as Poet Laureate. His poems carved in stone along the Pennine Way are witness to the enduring character of British—and, of course, Yorkshire—culture.

However, British culture is also European and depends for its vibrancy on the free movement of people across our borders. I hope the Minister will assure us that the Government will do all in their power to make sure that Britain's cultural sector, and the British economy with it, is not adversely by Brexit. I beg to move.

3.48 pm

Lord Whitty (Lab): My Lords, it is a pleasure to follow the noble Lord, Lord Jay, and I congratulate him on the work that he and his sub-committee have done on the cultural sector.

Nearly two years ago now, my own sub-committee of your Lordships' European Union Select Committee produced a report on Brexit and the service trades. My intervention today is not through any particular insight into the position of the various cultural sectors—I am a great admirer of many of the sectors that the noble Lord, Lord Jay, has referred to, particularly cinema and the theatre—but in our earlier inquiry many musicians, stage providers and the whole broadcasting sector all emphasised the danger of uncertainty, as the noble Lord said, and the effect that restrictions on the movement of people will have on their ability to deliver British cultural products, employ talent from around the world and send our talent around the world if this issue is not addressed fully.

I am not a representative of any cultural sector. I found myself boasting over the weekend, after a couple of glasses, that I had been on stage with some of our leading actors. That was 50 years ago, and their careers seem to have taken off better than mine did, so, like many failed actors, I ended up in politics.

This is part of a wider situation. The cultural sector depends on people's ability to move around, as do many others. Professional services, tourism and a whole range of industries depend on people moving from this country into Europe and on Europeans coming to work here in the long, medium or short term. The way in which our immigration system and Europe's immigration system operate with the rest of the world is not conducive to that method of operating across borders for sectors of this kind. People in them need to move frequently without hassle—as our passports used to say, “without let or hindrance”—but that only ever operated within the EU. We are talking about a significant sector. The noble Lord said that the cultural sector is worth £30 billion, but together the sectors we are talking about form approximately 60% of our economy, and most of them depend on that kind of movement.

What is our reaction and the EU's reaction to these issues in the negotiations that have already been dragging on for three years and look like dragging on for another few years? It is not good. The services sector has either been assumed to take care of itself or has not been mentioned. There is no provision for it in the Chequers agreement or in the Prime Minister's position on the withdrawal agreement. It is referred to in the political declaration, but only in relatively negative terms. In effect, it says that people moving to other countries to deliver services will be covered by the rules of the host country. That means every single nation state, and they all have different rules for different

services, different qualifications and different ways in which you put on shows in the cultural sector or appear before the courts in the legal sector. The European rules overrule that, which means that a Spanish lawyer can appear in a German court and an Italian violinist can appear in a Scottish concert hall, but each of those countries has its own rules, and if I read the terms of the political declaration literally, it means that those rules can be used to keep both those individuals out.

How we deal with services and the movement of people is bedevilled by the fact that ideologically and politically there are different attitudes to this, and they are in essence ideological and, if you like, instinctive. The liberal left regards this as an issue of human rights, citizenship and open access. The political right by and large regards this as an immigration issue of control, numbers and terms on which people enter the country. However, what the committee's report and I are saying is that this is, in essence, an economic issue. This is a vital section of the British economy which will be absolutely stymied if we apply the rules which some people are advocating and which already exist for these groups of workers from the rest of the world or if the EU apply them to us.

I am not encouraged by what has been said so far about the focus of discussions. Even assuming for a moment that we reach some sort of agreement on a version of the withdrawal agreement and move into a truncated transition period after Halloween, we will not have a lot of time to sort out these issues because they are different in the different sectors. Some of them will depend on qualifications; some will depend on salary. For example, in this sector and most of the tourism sector a cut-off point of £30,000 a year will not be seriously helpful to many of the people who need to move around.

Therefore, my plea to the Government is, first, to reply in more detail to the noble Lord's report and, secondly, to recognise that, whatever the political pressures on them, they should treat migration as a border control issue or a human rights issue, both of which are valid. In this context, the key issue for the future prosperity of these sectors is that it should be treated as an economic issue, and sensible and rational decisions should be taken on the future reciprocal migration arrangements with Europe.

I thank the noble Lord for his report. I underline its wider implications and look forward to the debate.

3.54 pm

Baroness Pinnock (LD): My Lords, an outsider looking in might regard this subject matter as a niche area of concern. I suggest, however, that in many ways it encapsulates the impact that a post-Brexit UK will have on individuals and the experiences of communities.

I was fortunate to be a member of the EU Home Affairs Committee, under the good chairmanship of the noble Lord, Lord Jay. It listened to and interrogated the evidence, and drew the conclusions set out in the report's recommendations. What became clear during the inquiry was the significant and detrimental impact of a failure to address the specific issues that will affect this sector in any post-Brexit UK.

[BARONESS PINNOCK]

The committee heard evidence from across the cultural sector. We learned that dance organisations were among the most likely to employ EU 27 citizens. Of the 40,000 working in dance, on average 20% were EU nationals. The diversity study by UK Music found that 10% of those employed in the UK music industry were EU 27 nationals. Other cultural sectors, such as film and television and the museum and heritage sector, reported similar proportions of EU 27 nationals.

The significance of the involvement of EU 27 citizens in the UK cultural sector cannot be dismissed as simply a numbers issue, whereby encouraging and training more UK residents in these areas will solve the problem. Nor, in my opinion, can this issue be seen solely in monetary terms. The cultural sector does indeed make a very large contribution to the UK economy—as has already been quoted, the GVA of the sector was £29 billion in 2017—but this is just one facet of its impact.

During the inquiry, the effect of an end to free movement on communities' access to cultural experiences and hence the cultural life of our country became clear. The Musicians' Union and the Association of British Orchestras highlighted their members' community outreach work in care homes, hospitals and prisons, as well as their specific programmes to reach young people. The inquiry heard passionate, well-argued and evidenced pleas from all sectors about the negative impact that a potential post-Brexit end to free movement would have. I shall give a couple of Yorkshire examples.

The Huddersfield Contemporary Music Festival is the premier festival of new music outside London and is seen as being in the top five of new music festivals in Europe. The festival, of which I am now a trustee, absolutely depends on being able to attract musicians from across Europe. Last year, for example, the programme featured composers and musicians from the Netherlands, as well as the usual eclectic mix of musicians from across Europe. The festival reaches out to local people through, for example, a visual artistic exhibition from Switzerland in the indoor market and an exciting programme with schools in some of the town's more deprived areas. All that will be made much more difficult for people who are extraordinarily talented but relatively poorly paid if the current government plans for free movement are not fundamentally changed.

The regions of our country that are more remote from London rely more heavily for a varied cultural experience on projects that have financial support from the EU. A topical example is the Stanza Stones, which have already been referred to by the noble Lord, Lord Jay. This project—poetry etched on to stones along the Pennines—was inspired by the new Poet Laureate, Simon Armitage, who comes from Marsden, West Yorkshire.

Then there is the question of UK talent having the freedom to move quickly around Europe. Music has no boundaries and young musicians at the start of their careers need to have experiences in many different venues and work with talented people from different backgrounds. They may have opportunities offered at short notice. With restrictions on movement across the EU, those opportunities are also reduced.

Our shared European built cultural heritage absolutely depends on a shared approach to conservation. The tragedy of the fire at Notre Dame Cathedral is such an example. The restoration of that iconic building requires very skilled people who are in short supply. York Minster also suffered a devastating fire more than 30 years ago and has offered its skilled masons and conservators to help Notre Dame. Will that be less possible in the post-Brexit scenario? It will be more bureaucratic, it will mean more hurdles will have to be cleared and it will more than likely mean that the bonds that draw people together in cultural ways will be more restricted.

The solution to this unwanted scenario is clear in the report's recommendations. Many people working in the cultural sector rely on their freedom as EU citizens to carry out short-term work in other EU countries. The recommendations conclude that the Government need to rethink the approach to workers in the sector, be it with their social security contributions, enabling preferential arrangements for EU-UK migration, or positively pursuing the idea that the sector came up with: that self-employed people in this sector be permitted to enter the UK for short-term engagements.

Cultural experiences are of fundamental importance to the well-being of individuals and communities. I urge the Government to adopt the recommendations to minimise the negative impact that any Brexit deal will have on the cultural life of our country.

4.02 pm

Lord Bilimoria (CB): My Lords, arts and culture have overtaken agriculture in their contribution to the economy: £10.8 billion. Sir Nicholas Hytner, director of the National Theatre for 12 years, said:

“You will find nobody in the arts world who doesn't think there is an enormous black cloud on the horizon in the shape of Brexit. We are so dependent on ideas, talent, people moving freely. Freedom of movement was nothing but good for us”.

Then there was the open letter sent to the Prime Minister last year, organised by Bob Geldof and supported by Ed Sheeran, Rita Ora, Jarvis Cocker and Simon Rattle. The letter asked for an urgent rethink on Brexit, saying:

“We are about to make a very serious mistake regarding our giant industry and the vast pool of yet undiscovered genius that lives on this little island”.

The letter predicted that the “vast voice” and reach of British music would be silenced in a “self-built cultural jail”. People will lose their jobs if there is no deal, or even the Prime Minister's deal. Movement of people is crucial and everything will change if it goes.

I congratulate the noble Lord, Lord Jay, on his very good opening speech, and his committee on its report, *Brexit: Movement of People in the Cultural Sector*. The report right up front states:

“The cultural sector makes a profoundly important contribution to the UK's society and economy, and to its international image and influence. Cultural sector workers are highly mobile, and have thrived on collaboration with people from all over the world”.

So this is a story of Britain's soft power and its partnerships around the world. The report also talks about the Government wanting to, “take back control” of the UK's borders by ending the free movement of persons”.

The report highlights that the UK film and television industry alone contributed £7.7 billion to the economy in 2016. It also notes that, in museums, EU27 citizens accounted for,

“up to 15 per cent of the workforce”,

and that much heritage research in England has been, “built around the model of free movement”.

According to the report, the City of London Corporation said that,

“the current non-EU visa regime would be ‘unsuitable’ for the cultural sector”.

Mark Pemberton, Director of the Association of British Orchestras, said:

“Unfortunately ... musicians starting out in a career in an orchestra are not earning £30,000 a year”.

This is the threshold set by the Government’s migration White Paper. He continued:

“We are highly skilled but not highly paid. Sometimes, the people at the Home Office do not understand that. They assume that high skills equals high pay, and it does not in the creative sector”.

Would the Minister agree with that? Mr Pemberton also said that it was essential to bring in talent at short notice, including in an emergency if a lead singer or dancer falls ill or is injured.

The Arts Council highlighted very clearly the problem of barriers to ease of movement: 70% of respondents to its survey said that barriers would negatively impact their future and 75% told them that barriers would affect UK-based productions’ ability to bring artists and organisations into this country. The legal protections and frameworks that European Union membership provides are also seen as crucial to the industry.

The music industry alone contributes £4.5 billion to the UK economy. When the Incorporated Society of Musicians surveyed its members it found that 95% said that Brexit was a negative. Of the respondents, 85% visit the EU and work there at least once a year. The other aspect is that 77% of its members rely on the European insurance card. Every aspect of free movement is involved here. Two museum bodies said that,

“restricting movement of people could have a huge impact on the cost of museum exhibitions”.

One could go on.

In the food industry—the industry I deal with in my business on a regular basis—when the UK joined the Common Market in 1974, the country’s restaurants had a total of 26 Michelin stars. This year it is 163. This is because of the free movement of chefs and ingredients. What will it mean if we leave?

In the fashion industry, the Fashion Roundtable wants to maintain the single market, to continue involvement in EU cultural, educational and business programmes, and to provide legal guarantees. Some 96% of them would vote to remain and 80% of the fashion industry believes that Brexit would be bad for British fashion.

Going back to the musicians again, 39% of respondents travel to the EU more than five times a year. So this is not just free movement but free movement on a regular basis. Then we have carnets. If carnets have to be brought in, that will cost £1,000 to £2,000 per carnet.

To put all this into context, three out of the five top-selling albums in the world in 2017 were released by UK acts.

Sir Nicholas Serota, the head of the Arts Council, said that the arts industry was such “an essential part”. It provides 360,000 jobs and £2.8 billion in tax alone. The funding from the EU that this industry is reliant upon is in the billions as well.

The Arts Council report, produced by ICM, concluded by citing:

“Negative impact of Brexit on UK reputation ... Reduced freedom of movement”,

and its impact,

“lack of access to EU funding ... Reduced freedom of movement of goods and equipment ... Changes to legal and regulatory frameworks ... Weaker ... exchange”,

and “uncertainty caused by Brexit”. This is a catalogue of disasters.

I will conclude with an important point that the report highlighted: the whole aspect of immigration in more detail. Of course, we all know the famous Nigel Farage UKIP poster, which said:

“Breaking point: the EU has failed us all. We must break free of the EU and take back control of our borders”.

Noble Lords may remember that the poster showed queues of people. A number of politicians attacked that poster, which featured a photo taken in Slovenia. When Mr Farage is challenged on it now, he says that the Brexit Party would not use it as,

“immigration isn’t the burning issue of the time”.

Today, immigration is way down the pecking order of importance to people in this country.

Another report asked:

“What is to be achieved by ending free movement?”

The Prime Minister has said:

“We will do what independent, sovereign countries do. We will decide for ourselves”,

we will control immigration. The report states that David Jones, who was then Minister in the Department for Exiting the European Union, said that it was,

“our ambition to regain control of migration”.

That was contradicted by Robert Goodwill, the Home Office Minister, who said:

“This perception that we do not control our borders ... is not a correct perception”.

He said that we do not participate in Schengen, and that we also have checks; we check every EU national who comes in.

The report then makes an important point in referring to the emergency brake that already exists. Will the Minister acknowledge that the brake exists, from the EU directive stating that if any EU citizen stays for more than three months, does not have a job and cannot support themselves, we as a country have the ability to repatriate them? Many other European Union countries use this regulation, but we never have. Will the Minister admit that we have always had control over EU migration but have just never used it? Looking back, when people were surveyed at the time of the referendum, 45% felt that immigration was one of the

[LORD BILIMORIA]

most important issues; today that has dropped to 25%. When Europe is looking outwards to the world, we are now looking inwards. This is a disastrous situation.

I will conclude with this. Nigel Farage says that democracy is what this is all about—but hypocrisy is more like it. The referendum is three years out of date. I have spoken on food prices, Erasmus, the customs challenge, consumer protection, EU security, the threat to students and dispute resolutions. Every single time we see that Brexit is a disaster. The best deal we have by far is to remain in the European Union.

4.10 pm

Lord Black of Brentwood (Con): My Lords, I join other noble Lords in congratulating the noble Lord, Lord Jay, on securing a debate on an issue vital to the future of our creative industries. The report sets out comprehensively and compellingly the benefits of freedom of movement for the cultural sector, something it rightly describes as crucial, and the various ways that we can mitigate its disappearance if Brexit happens. It highlights many of the key issues the sector faces: for instance, the need to attract talent, the high rates of self-employment and freelance work alongside less than median salaries, and the often short-term—indeed, almost instantaneous—nature of the work. The report makes it clear that vital to finding a way through the huge issues that Brexit poses for the sector is for the Government to be flexible. That is spot on; flexibility is the key and the EU Select Committee is to be commended on a really important piece of work.

I declare an interest as the chairman of the Royal College of Music, and it is music that I wish to talk about today. Music matters, of course, for us as individuals, for the education of children, for the sort of society that we are and for our national identity. We do not need to rehearse those arguments today but in a post-Brexit world music also matters in hard economic terms, which we must have at the forefront of our minds when considering these policy issues. I will briefly highlight two of those which have already been touched on a little.

First, music is a remarkable engine of economic growth because it is absolutely fundamental to the success of the creative economy, which contributes so much to our gross national product, to jobs and to exports. The UK creative economy is worth £101 billion each year and makes up a growing 5% of our economy. More importantly, that growth is twice the rate of the economy as a whole, while the number of new jobs in the sector is growing at four times the rate of the rest of the UK workforce. One in 11 of all jobs depends on the sector and it is the UK music industry—worth £4.5 billion on its own, as we have heard—that powers this. If we undermine the music industry as a result of Brexit and an end to free movement, we imperil the whole of the UK's creative economy.

Secondly, music is an essential part of our national identity and must play a central role as an instrument of the UK's soft power in a post-Brexit world, a point also made to the Select Committee by those representing museums, among others. If we end up leaving the EU, our musical heritage and worldwide reputation for musical excellence must inevitably form one of the

most secure engines for future prosperity. I do not need to underline to your Lordships how extraordinary our musical tradition is, having nurtured some of the greatest composers and performers in the world and forming a powerful musical inheritance and national identity. We are today one of the few net exporters of music worldwide: one in eight albums sold in Europe during 2017 was by a British artist, generating billions of pounds of exports. Music is not just an international calling card, which we will need in abundance if we are to make any sort of future outside the EU; it also brings us millions of overseas visitors. In 2017, over 12 million people journeyed here for musical events. If we undermine the music industry as a result of Brexit and an end to free movement, we undermine our soft power too.

Our globally dominant music industry is vital, not just as an industry on its own but as the engine for the wider creative economy. Who are the people who make up this profession? The vast majority are self-employed, freelance or portfolio musicians, many of whom struggle with low rates of pay and therefore rely on such things as the European health insurance card, and who often take jobs all over the world—but mainly in Europe—at very short notice. That is the key point.

The excellent report published just this month by the Incorporated Society of Musicians, to which we have heard reference, showed that 85% of those responding to a survey had visited the EU and EEA for work at least once a year, with 22% visiting more than 11 times a year, and more than a third spending at least a month in those countries. For many, work comes at little or short notice; their livelihoods depend on their ability to travel easily and cheaply around multiple countries for work in a short period of time. For all of them, freedom of movement is crucial to their work. Undermining freedom of movement without anything to ameliorate it will, let us be clear, undermine music.

As we have heard, even before we have left the European Union, the impact is already being felt by musicians, as the ISM survey mentioned. For almost two-thirds of those who took part, securing future work in the EU/EEA is now the biggest issue they face, with more than 10% reporting that offers of work have been withdrawn or cancelled, with Brexit given as a reason, as the noble Lord, Lord Jay, said. We have yet, of course, to leave. That is a shocking figure, with real human consequences, and we must always remember that.

As well as getting themselves across borders, the vast majority of musicians also have to worry about the transportation of their instruments. Musicians frequently perform in different countries on consecutive days, and getting their instruments and equipment across borders quickly and easily is vital to their work. It is just as important as the mobility of the music workforce, yet most musicians believe that as a result of Brexit and consequently an end to free movement, it will become much more complicated. Things will be even more problematic for someone who has a musical instrument on the list of products restricted under CITES, the Convention on International Trade in Endangered Species and Wild Fauna and Flora.

Brexit will wreak its damage on the cultural sector, as the impact goes two ways. It is also about musicians from the EU wanting to come and work here. We need musicians and talent from the EU to study, teach and perform; they add incredibly to the rich diversity of our musical life.

I am particularly concerned about the impact of Brexit on our great conservatoires, such as the Royal College of Music. I hope that the noble Lord, Lord Lipsey, will add his weight to this issue. We need EU students to enrich our music, not least because they start to learn at a very young age and become highly proficient in a range of musical instruments, particularly woodwind. That is vital for putting together the orchestral experience and learning, which is the bedrock of a conservatoire education. At the moment, about 20% of our students come from EU countries and we need their talent because it simply cannot be replicated elsewhere. Yet at the moment the future of EU students at conservatoires is uncertain because we have no idea of the fee and student loan regime for 2020 and beyond. When students come here, quite rightly they want to be able to work but it is not clear whether they will be able to do so because of visa restrictions.

We also have to think about the impact of an end to free movement on the recruitment of teaching staff and the talent drain it would trigger. At the Royal College of Music we have many professors from the EU, some of whom come in to teach just one day a week. For them, too, freedom of movement is vital to go about their work. Because they are here for such a short time, there is no way on earth they could ever meet the £30,000 minimum salary threshold.

The Select Committee looked at a number of possible ways forward to ameliorate the situation, but by far the most effective and practical would be the introduction of an EU-wide, multi-entry, short-term touring visa, with a reciprocal arrangement for EU citizens. As the report rightly notes, that would allow self-employed musicians to travel for short-term visits between the UK and the EU in a frictionless manner. I strongly support this proposal—not only would it make life easier for the thousands of musicians who need to travel to and from Europe for their livelihood, it would send out the signal that we are not closed for business as a cultural and artistic nation.

In various debates and Questions in this House over the last few months, I have argued that music in this country faces an existential crisis because of the appalling decline of music education in state schools. That is not a subject for today, but a botched Brexit, where we fail as a result of blind ideology to deal with these issues that are so important to our cultural life, our creative economy and thousands of musicians whose art enriches our life, will make that existential crisis twice as bad. Let us avoid that at all costs and do all we can through flexibility, agility and imagination in our immigration and visa control policies to ensure that the place of music, the arts and the UK's creative powerhouse is valued, nurtured and supported.

4.20 pm

Lord Lipsey (Non-Affl): My Lords, like the noble Lord, Lord Black, I come at this topic from a music background. As he kindly mentioned, I was chair of

the Trinity Laban Conservatoire of Music & Dance; I co-chair the All-Party Parliamentary Group on Classical Music here in Parliament; and I serve under the noble Lord, Lord Burns, on the Mid Wales Music Trust, which supports music there.

I have done some in-depth research to find out who said that this would be the easiest negotiation of all time. Some say Liam Fox and others say David Davis, so shall we call him David Fox? Briefing oneself for this debate, one finds not simplicity or ease but a complexity that defies the imagination. I shall cite one example—I may cite it wrongly, because it is a citation of CITES—the Convention on International Trade in Endangered Species of Wild Fauna and Flora. Why does that apply to music? It applies to articles that have rare flora and fauna in them, which include musical instruments. Let us say that we go down the new no-deal route. Certain ports are designated to allow instruments to pass through them under CITES. They do not, however, include Dover; they do not include Holyhead; they not include Eurotunnel. Can you imagine an orchestra with hundreds of instruments looking for some far port which has the CITES ability to allow its instruments to be taken to Europe for it to fulfil its cultural engagements? It is not possible or practicable, yet that is the kind of complication that comes out of this dog's dinner that we have in front of us.

I shall make a few points to supplement what the noble Lord, Lord Black, said on conservatoires. Twenty per cent of Trinity Laban students come from Europe. It is not easy to get them, because they tend to pay higher fees when they come here, but we have them because of our high standards. Will they still come when they face this bureaucratic mess that we are creating? It is not only their number and the money that comes with them; it is also their importance to the cultural experience. Music is a universal language, but it is spoken in a great variety of accents. If you took away the European students and, still more, the European teachers that we have, we would diminish the product catastrophically. We would also leave some big holes in provision; for example, there is a shortage of really good strings players here; contemporary dance is a bit short—you would lose all that.

Finally, there is the uncertainty. We are starting to recruit now for 2020. When students ask, “What’s going to be the position if I want to work? What’s the position if I want to go to and fro from home? What’s our position when I want to get my instrument, which has got a tiny bit of ivory down there, through the ports?”, we cannot tell them; we do not know. The Government have not told us—they cannot even decide whether we are going to get Brexit or not and under what terms. We are completely bemused as to the future.

I turn briefly to orchestras. I do not really know where to start. The Arts Council Wales/Wales Arts International told the Select Committee:

“Any reinstatement of mobility restrictions ... will create new borders ... for the smaller-scale companies and artists such barriers might become insurmountable”.

That is in paragraph 44 of the report. I do not think that they were speaking in any way out of turn.

[LORD LIPSEY]

What is going to happen when a performer in London is taken ill, the only feasible replacement lives in Europe and you have to get him over here quickly, within hours? What happens if instruments of a certain kind are in short supply in a given orchestra and the only available capable musicians are in Europe? They will come nowhere near the £35,000 earnings limit that the Government have floated—or, probably, the £30,000 limit, because musicians are great talents ill paid. What about the uncertainty for our orchestras? Orchestral concerts are planned a good two years in advance—in the case of opera, four years in advance. What are they going to do now to get on with planning when they have no idea under what conditions those plans will have to be carried out? What about carnets? What about health insurance? What about insurance contributions? What about health itself? What about the funding that comes our way through Creative Europe?

I could go on and on—I could read my briefing if the House has several months to spare—but I hope I have said enough to show that Brexit is a fundamental threat, as much through the complete uncertainty in which the Government have left us as from the realities.

I am sure that no Minister would be so cynical as to say, “Who cares about classical music? A few people in the House of Lords, maybe. Yes, a few people go to it. Hmm—they do not care, we will get away with this”. They should think again. What about Glastonbury? What about WOMAD? What about Bestival and the Green Man? What about the huge, burgeoning music festivals, which are already reporting difficulty in recruiting the top acts they want? It will not be old fogies like us complaining; it will be the kind of people who have been on the streets in the last few weeks, determined young people who will not have their pleasure taken from them by this bungling, bumbling Government.

4.26 pm

The Earl of Kinnoull (CB): My Lords, it is a pleasure to follow the noble Lord, Lord Lipsey, and his very thought-provoking remarks. I was particularly taken by his thoughts on CITES. That convention was not going to form part of my submissions but I very much associate myself with his analysis. I also warmly congratulate the noble Lord, Lord Jay, and his committee on an extremely incisive, focused and compelling report. It is very difficult to write a short essay and this was a short essay with plenty of punch. I declare my interests as set out in the register, and particularly that I am on the board of a performing arts trust and chairman of a visual arts trust, both in Perth and Kinross, that employ several hundred people between them, and that I am on two museum boards. I should also declare, for reasons that will become obvious, my farming interests as set out in the register.

The gross value added to the UK economy by the cultural sector in 2015 was £27 billion—I am sorry for choosing an old number, but the reason will become obvious. For the agricultural sector it was £8.5 billion, so the cultural sector is three times bigger. Both sectors, of course, depend on EU workers for key elements. In the farming sector, particularly for vegetables and soft fruit, these are actually rather skilled jobs which rely on people coming in to do them. Paragraph 21 of the

report reflects on that and on what it terms “massive variations” within the sub-sectors as to what is involved. There is a very good example in paragraph 21 of the visual effects sub-sector, where one-third of all the staff come from the EU. Later on it says that for the dance sector it is 20% and for my own beloved museum sector it is 15%. If I think of who those 15% are in Perth and Kinross, they are often in utterly critical and very highly skilled jobs, but I can assure noble Lords that none is paid £30,000 a year.

I worry about the interconnectivity of the whole cultural sector and the collateral damage when you damage one sector. That becomes very obvious when one thinks of the visual effects sector, as I have mentioned, which services other bits of the cultural industry, notably the film industry. The museum industry is also interested in it. If it is taken elsewhere, that will necessarily produce a pressure for other bits of the cultural sector to move elsewhere as well. That cannot be a good idea.

Others have mentioned how much the whole sector depends on mobility. Paragraph 44 of the report notes that plenty of musicians come from outside the UK and do 50 performances a year. Certainly, as you go through what is coming up over the next year at the concert hall in Perth, as I did over the weekend, you can see that a tremendous number of people are due to come into Perth from the EU and outside the UK.

Quite apart from mobility is the necessity for speed. The quotes on this from paragraph 38 of the report are very good. Early on, it says:

“The Creative Industries Federation told us that industries relied on a ‘rapid turnaround’ to access talent, often on a ‘same-day’ basis”.

Later, the same paragraph says that,

“it was essential to be able to bring in talent at short notice, particularly in the event of emergencies such as a lead singer or dancer falling ill or sustaining an injury”.

The visa system in place at the moment for third countries is interesting to analyse. Tier 2 visas are for specified jobs; there is a cap on the total number for general ones, and the £30,000 minimum hurdle. The trouble is that DCMS’s own figures say that 47.6%—a remarkably precise percentage—of the more than 650,000 people in the sector are self-employed, so tier 2 visas could not apply to them. The same goes for tier 5 visas because, once again, you have to have a specified job for them, which you would not have on a self-employed basis.

The Government’s White Paper on immigration from December last year said in paragraph 32:

“In accordance with the MAC’s advice, we do not intend to open sectoral labour schemes, except potentially for seasonal agricultural work”.

Accordingly, I thought it would be interesting to see what that advice had actually been. It was referencing the report of the Migration Advisory Committee from September 2018 entitled *EEA Migration in the UK*. In paragraph 36 of that report, above which is the title “Low-skilled workers”, its recommendation is:

“We do not recommend an explicit work migration route for low-skilled workers with the possible exception of a seasonal agricultural workers schemes”.

The MAC seems aware that many of the workers we are talking about might be low-paid but are most certainly not low-skilled. It is therefore a bit naughty in logic to use that recommendation in the way the White Paper has used it all round.

On the agricultural sector, I have nothing but praise for Defra. It has drafted a fantastically helpful four-page document called *Employing EU Seasonal Workers After the UK Leaves the EU*. This document is very clear and helpful. It also appears in Bulgarian, Romanian and what are called accessible formats. There is also an email helpline, which farmers whom I know and chatted to over the weekend said was incredibly helpful for setting out a future and meant that, at least for a couple of years—they can only go out so far—they know the exact position. You can plan as a business; you can talk to the people you will bring into your farming business; you can plan ahead. Remember of course that the agricultural sector is one-third of the size of the cultural sector, and it is not growing, because we cannot grow the amount of land in the UK. If there are special arrangements for that, and given that I believe the interpretation of the MAC's advice is wrong and that its advice is therefore not inconsistent with having a similar approach for the cultural sector, there should be special arrangements for the cultural sector. I have no doubt that they will be very similar to the ones recommended by the committee of the noble Lord, Lord Jay. I have only one question: does the Minister agree with that analysis?

4.35 pm

Lord Inglewood (Non-Aff): My Lords, this report, the Government's response to it and the eloquent introduction by the noble Lord, Lord Jay, all focus on a significant aspect of the debate about Brexit which has not had sufficient attention paid to it.

Before continuing, I declare my interests in the register, pointing in particular to the fact that I am the chairman of the Cumbria Local Enterprise Partnership. One of the themes I have introduced into our activities is that we must focus on and promote culture. We should see it in a loose, modern sense as much as traditional, 19th-century "Kultur"—spelled with a capital "K". In Cumbria, which is my home county, the most exciting cultural thing I have experienced was a performance—I use that word deliberately—on Derwentwater, where cars and bicycles went across the surface of the lake, and it was French.

It seems to me that the impact of Brexit on culture in this country falls into four distinct bits: first, the commercial impact on those who do it; secondly, its contribution to the UK economy and the Exchequer; thirdly, the cultural offering which is available for people in this country; and, fourthly, as part of the United Kingdom's soft power.

I think it was the noble Lord, Lord Black, who explained to us how musicians so frequently spend a great deal of their life travelling abroad. Some years ago, I spent a couple of terms as a Member of the European Parliament. That was in the age of travel agents, and I recall talking to my travel agent and saying, "Of all your customers, am I the one who travels abroad the most?" She responded, "No, I've a customer who is a musician". I thought that made the point vividly.

Now, people can move backwards and forwards as easily as any of us can go from Scotland to England to carry on their business. The Government want all this to be changed.

An interesting aspect of all this came to me recently, because I am involved in a small ceramics festival. One of its themes is to try to bring in a number of continental potters. In practice, they load their cars up, normally somewhere in the northern part of the continent, come over to this country, go to a couple of fairs and sell a few pots, and that pays for their trip and covers the cost of their holiday. The paperwork that Brexit will entail probably means that they will no longer come, and in turn—who knows—that may even prejudice the festival itself.

It is important to realise the impacts of all this on the economy and the Exchequer, as the noble Lord, Lord Lipsey, has mentioned. It is worth recalling for a moment a point that has been made by the Commercial Broadcasters Association about how a large number of commercial broadcasters who took advantage of the European licence in this country are moving to Amsterdam—I was there the other day, and I must say that I can see why you would move there. It seems that one of the great reasons behind the vote for Brexit was that we objected to paying money to foreigners, but the effect of this will be to hand out wads of tenners to the Dutch Government.

Then there is the question of the cultural experience for those of us here in this country, if I may put it that way. As the noble Lord, Lord Jay, said, our culture is not ring-fenced by Britishness; it is linked to the other side of the channel. After all, we esteem van Dyck as one of the great painters and part of our cultural patrimony but, inconveniently for some, he was born in Antwerp. Some of the greatest images of the building we are in now were painted by Monet, who was not, as far as I know, an Englishman—although, since I gather that he stayed in the Savoy Hotel, he might have met the £30,000 threshold. There is an exhibition on in the Tate of van Gogh in London, and there is not the slightest doubt that had the rules now being proposed been in place, he would not have come and it would not be taking place. Several noble Lords have mentioned the appointment of Simon Armitage as the poet Laureate—a good poet, and I like his work. It is worth recalling that WB Yeats spent quite a number of years in London, and I do not think that he, as an Irishman, could do that any more. We will find that our cultural experiences in this country are degraded.

Finally—I do not think there is any need to elaborate on it—it will impact seriously on our soft diplomacy. Behind the situation now lies, as the report says, the four freedoms, which are at the heart of the concept of the European Union. I suppose that, as a supporter of the European Union, I am now very much out of fashion, but what we have been talking about has been an enormous benefit to our country and the people who live in it. As someone pointed out, the Government's response to our changing circumstances seems to assume that everyone who comes here is a potential immigrant. In the case of cultural events, that is simply not true, because you cannot replace one person with another.

[LORD INGLEWOOD]

No amount of training in the world would enable me to play a violin in a way that anyone else would wish to hear. It is as simple as that.

In the Government's response is a picture of how they would like to see post-single market Britain relating to its neighbours. It indicates clearly how much damage may ensue. It echoes the mantra that the Government must deliver on Brexit but, after all, how do you deliver Brexit? There is only one way to do it, and that is to serve Article 50. We have done that. Once the Government have served Article 50, they are freed from the shackles of European law about how they conceive the future. It never was and is not now a vote for a no-deal Brexit; it was a vote for a future where the Government can exercise their discretion in a slightly different way from the past, which does not mean that we throw overboard everything that has gone before. In that, we have complete sovereignty, complete freedom to try—if we can succeed in negotiating it and getting others to agree—to do what we want. That should be pursued in the national interest.

If we look forward to the next chapter, that seems to me to be the role, prerogative and duty of the Government. They should cast aside, "all private interest, prejudice and partial affections", in trying to bring that about. My noble friend the Minister got it right earlier in Question Time when he mentioned reciprocity. Is it not strange that reciprocity is being chucked out of the window?

4.42 pm

Lord Russell of Liverpool (CB): My Lords, it is a pleasure to follow that peroration. I too thank the noble Lord, Lord Jay, and his committee for what the noble Earl, Lord Kinnoull, described as its incisive report. I was less impressed by the incisive government response, which consists of a grand total of three and a half pages of A4, two pages of which are taken up by detailing the report's recommendations and barely one page with the Government's responses, which they rather misleadingly describe as answers.

As I read and reread the government response, I was reminded of the last verse of Lewis Carroll's "The Walrus and the Carpenter":

"'O Oysters,' said the Carpenter,
'You've had a pleasant run!
Shall we be trotting home again?'
But answer came there none—
And this was scarcely odd, because
They'd eaten every one".

I will return to that later. As with so many aspects of the potential consequences of our intended departure from the EU, there is a mountain range of questions but a dusty and barren plain of broad and seemingly deliberately vague answers.

This report is about people: real people who work in what is a thriving and economically vital part of our economy. Some of the DCMS's definitions of what is not in the cultural sector are somewhat puzzling, as these manage to exclude music, the performing and visual arts, film, TV, video, radio and photography. I can give the Minister the relevant departmental document if he wants to see it.

It is incontrovertible that, in 2017, the creative industries contributed more than £100 billion to the UK economy; included in that is the department's definition of the "cultural sector", which contributed just under £30 billion. The creative industries employ more than 3 million people, which represents about one in every 11 UK jobs—twice as many as financial services and more than manufacturing.

Although it is a source of great pride that this sector should be so successful and highly regarded internationally, one of the key elements of its success is the way in which it has become deeply intertwined with EU nationals and EU organisations. One of our challenges is to map and understand the nature of these interlinkages, and the consequences and challenges that will arise from them changing and, in some cases, unfortunately, being sundered. An obvious question is: how much does the sector rely on non-UK talent and why is this so? The first and most obvious answer is that being an EU member has made this easy and straightforward. The more important answer is that, in many cases, the demand for EU talent is the result of a lack of the necessary skills and experience, which causes an imbalance in supply. Our existing non-EU immigration struggles to supply the sector with the talent it seeks; there is real concern that the struggles will get significantly worse in a post-Brexit immigration system that lumps everybody together and where everybody will be equally badly done by.

What could the Government do to help the sector continue to grow and thrive? The answer is a variety of things, if they so wish. They could comprehensively review the ways in which creative and technical skills are taught in the UK. They could ensure that any future EU-UK agreement includes measures such as visa-free travel, reciprocal rights for short-term projects and same-day access to talent for businesses that need workers with immediate notice, as other noble Lords have mentioned. They could take steps to ensure that the tier 2 salary threshold is flexible enough to meet the needs of creative enterprises. They could introduce a special visa category to take account of the fact that, as other noble Lords have said, one-third of UK creative industry workers are self-employed, typically working for multiple employers. They could expand and regularly review the shortage occupation list to ensure that it is appropriate and completely up to date; the same is true of reviewing and updating the standard occupational codes and appropriate rates. The current visa processing system, which is not digital—that is not necessarily one of Her Majesty's Government's great strengths—requires individuals to hand over their passports, which is hardly user-friendly for internationally touring acts.

Finally, a specific case study requires me to declare a personal interest since the organisation in question—The Place, also known as the London Contemporary Dance School—was founded by my uncle, Robin Howard, in 1969. It has just celebrated its 50th birthday and is one of Europe's leading centres for performing and teaching contemporary dance. It is hard to develop and maintain an international reputation if an organisation is not genuinely international. The Place speaks from direct experience when it declares that,

"dance artists from the EU drive up the quality of UK dance".

More than a third of its casual and freelance staff are EU nationals whose individual incomes rarely go anywhere near £30,000—they should be so lucky.

Touring in Europe is very effective advertising for the United Kingdom but it is also a fundamental part of artistic development. It would be a tragedy if the UK dance sector took the risk of becoming more isolated and inward-looking. Participation in initiatives such as Creative Europe has been hugely beneficial. Since these sources of funding are rapidly drying up, can the Minister tell us what plans the Government have to promote and encourage a vibrant UK creative sector, and to mitigate people's understandable and frighteningly real concerns about the potential unintended consequences of our departure from the EU?

I think I look forward to the Minister's reply. I pray that he has not demolished all his oysters before he rises to his feet, perhaps to give us some answers or, at the very least, to demonstrate that the Government have genuinely taken the sector's concerns on board.

4.49 pm

Lord Parekh (Lab): My Lords, it is a pleasure to participate in a debate led by the noble Lord, Lord Jay. Many people have expressed anxiety that Brexit will have a negative impact on the cultural sector of this country. It will cut us off from our European roots, it will make Britain inward-looking and it will take away the incentives provided by international comparison. For all these reasons, there is a deep fear that Brexit will be damaging to our country in cultural terms. I share some of those anxieties, but I want to probe a little deeper to explain why I think these consequences might come about.

If you defend Brexit on the grounds that we need to get out of the European Union to control our borders and thus the kind and number of people coming into this country, obviously you are saying that immigration control is the central motive for it. Therefore, if that is one of the main reasons for Brexit, once it takes place, it is the criterion by which it will be judged. Let us imagine our country once Brexit has taken place. People will say, "No, it hasn't gone far enough. You haven't executed it properly". Why is that? "People are still coming here from France, Germany and Italy". Who are the custodians of that society? Who makes up the vanguard of the revolution that Brexit has created? They are the people who said that the point of Brexit is to control immigration. As long as Brexit is defended in such language, it is inevitable that it will involve controlling immigration, often wrongly. There will be constant pressure on controlling immigration and our lives will be that much the poorer for it.

Therefore, if I was a Brexiteer, which I am not, I would want to make the case for Brexit on different grounds—the opposite grounds; namely, that the point of Brexit is to make Britain open to the world so that we can walk into the world and the world can walk into Britain. It is because we do not want to be limited to the European Union that we want to execute Brexit. My argument would be made in terms of openness. If you make that kind of argument, it becomes easier to say to the people post Brexit, "Let these people come in because this is why we got out of the European Union". In other words, I want to warn people against

making the case for Brexit. Unless they are careful, they will create a lot of problems, not only in cultural but in other spheres.

I want to make another point, which is just as important. The cultural life of our country matters to us a great deal. Our culture defines us as a particular kind of community. It is far more of a source of revenue than some other, more material, industries. It is also a source of soft power that allows us to punch above our weight. This is what we have been able to achieve as a result of our culture, so the point is that our reputation as one of the cultural centres of the world should not be compromised or undermined.

That means asking certain questions. How does a culture flourish? If British culture is to flourish and make an impact, what are the preconditions? I shall move on here to argue that immigration in one form is central to culture. Culture implies the fusion of sensibilities—constantly being exposed to new ideas and interacting with them. Where will those new ideas come from? Let us look at our own country. When we consider any of the academic disciplines with which I have been involved, such as philosophy or science, they have benefited from the presence of a sizeable number of immigrants. It is the same in the field of art and other areas. If immigration is central to culture, one cannot blindly say that all forms of immigration must be restricted.

This leads to another question: if you accept my argument that immigration is central to culture, what kind of restriction can you put on immigration? When can you say, "Look, we will have too many people", or, "We will not have people of the following kind"? One needs to bear in mind the specificity of culture: it is the kind of area in which restrictions on immigration must take a particular form.

Let us take two issues that have come up time and again. First, many artists are self-employed—certainly in the field of music, where we are the second-largest exporter. They work for a little while then need to go to some other European countries to work; that is how they earn their living. How will these self-employed artists function if there are restrictions limiting them to one country or another? Multi-country, multi-entry visas will need to be easily available for these people.

Secondly, if you were to insist that anybody who comes in must have a certain amount of income—£23,000, £30,000 or whatever—you are again imposing a criterion that will not be met by the artist, because artists' wages are lower than the national median. If you say that an artist coming from Europe must have an income of £30,000, you are asking for the impossible. These are the kinds of consideration we would need to take into account, because they are specific to culture. If, therefore, we have occasion to restrict immigration in the cultural sphere, these are the criteria by which we can do that.

The third important criterion has to do with the kind of skills this country requires. You cannot abstractly say that we have too many people and do not want more. You have to make an assessment of the kind of skills your country requires now and later, and then ask yourself how to encourage those skills. Many people have rightly expressed the anxiety that in the desire to stop immigration or to stop people coming

[LORD PAREKH]

here, we will starve ourselves of the kind of skills we badly need—for example, heritage skills. Lots of old buildings need restoration—whether it is Buckingham Palace or Parliament—and we need people with those skills; we do not have them in sufficient supply in this country. This is the third criterion: we need a total assessment of the kind of skills we require and to make sure our cultural policy fits into that.

4.57 pm

Lord Aberdare (CB): My Lords, it is a pleasure to follow the noble Lord, Lord Parekh, who succeeded in introducing an important extra dimension to our debate. I too congratulate the noble Lord, Lord Jay, and his committee on their report. It clearly and concisely sets out why movement of people is fundamentally important to the cultural sector and makes excellent suggestions about how the needs of the sector, and thereby our national interests, could best be met following Brexit. They say that there is nothing new under the sun, and I am afraid my speech will certainly follow that rule; it may remind some of your Lordships more of Groundhog Day.

It is discouraging—indeed, alarming—that 10 months after the report’s publication we are not much clearer about whether or how its suggestions will be followed. The Government’s response last November is shockingly thin. After a promising start, it offers just three rather brief and bland policy statements in response to the report, including the rather unlikely suggestion that, “EU exit could be an opportunity to stimulate training in the UK”—

as if the conservatoires were not already seeking to do just that. It is hardly surprising that the sector remains confused, concerned and uncertain about its future prospects and how to plan for them.

I shall focus on music, especially classical music—my own passion. Like so much of the cultural sector, this is a UK success story and not only earns us substantial economic returns, as we have heard, but helps to promote our values and culture and to enhance our standing in the world as an “exporting powerhouse”, to use the Minister’s earlier words. It is an important element of UK soft power. We have world-class conservatoires that attract top-quality students and teachers from around the world. We have outstanding conductors, instrumentalists and singers, including some of the world’s highest-profile and highest-earning pop stars. We have wonderful orchestras, opera companies, music festivals and performance venues. It is no wonder that our cultural offering is one of the main reasons cited by tourists for visiting the UK.

The music sector relies on movement of people. Many musicians working here in the UK come from abroad, and especially from the EU, and UK musicians spend time travelling or living abroad, not just to earn their living but to stimulate their creativity and artistry by sharing and learning from ideas and skills from elsewhere. Mobility is a key preoccupation of the sector, and both it and the committee’s report are clear about the issues that need to be addressed—I will not repeat those in great detail because we have already heard them from many other noble Lords.

Recent ISM research found that 85% of respondents visit EU or EEA countries at least once a year; 22% visit more than 11 times a year; and 35% spend a month or more per year working in those countries. Furthermore, one in seven musicians has had less than a week’s notice between being offered work and having to take it; for example, to replace scheduled performers falling ill. Touring is an important part of such travel, often involving visits to several countries, along with instruments and equipment.

The preferred solution, for both the ISM and the committee of the noble Lord, Lord Jay, would be a multi-country, multi-entry touring visa for musicians, valid for at least two years and matched by reciprocal EU arrangements. The ISM is clear that other approaches mentioned in the committee’s report—for example, based on existing permitted paid engagement or permit-free festival arrangements—would fall short.

What is needed from the Government—why not even from the Minister today?—is concrete reassurance regarding how the sector’s essential mobility needs will actually be met in an affordable and manageable way. This should reflect the fact that many musicians are highly skilled but fall below the proposed £30,000 salary threshold for skilled work visas and, as the report highlights, that many in the sector are self-employed and could not afford to travel as they do now if it involved expensive healthcare insurance or having to make duplicate social security payments.

I will pass over issues relating to the transportation of instruments and equipment, which other noble Lords, and indeed the report, have covered well.

As we approach the summer, many of us look forward to the music festival season. The various country house opera festivals, led by Glyndebourne, are promoting their wares. The Proms programme for 2019 has been published, including five concerts featuring Berlioz, in this his anniversary year—and I declare my interest as chairman of the Berlioz Society. Numerous other festivals will be taking place across the UK, from the large-scale such as Edinburgh, to more modest events such as the Llandeilo Festival of Music near my home in Wales. Two weeks ago, I was at the splendid Hellensmusic festival near Ledbury, which features master classes for young instrumentalists given by leading musicians from across Europe, as well as an innovative programme with the local primary school run by a violinist from Denmark.

Virtually all of these festivals and events will involve musicians from abroad, as well as from the UK, some recruited at short notice as last-minute replacements. The opening concert at Hellensmusic actually had to be cancelled because the scheduled performer—a remarkable and irreplaceable Kurdish-Iranian singer—was shockingly refused a visa. We all benefit enormously—as listeners, as performers, as communities and as a society—from their presence and contributions. It would be catastrophic if this free musical exchange between the UK and the EU and beyond, in both directions, could not continue after Brexit.

Brexit is supposed to be about the UK establishing itself internationally as an open, confident, independent, free-trading nation. The cultural sector is a major unique selling point, or USP, for the UK and should

be a key part of achieving that aspiration whatever the eventual outcome of Brexit. The Government claim to recognise the importance of continued mobility of people for the sector. I hope, therefore, that the Minister in his response is able to give more details about the likely mobility provisions of the proposed co-operative accord with the EU on culture and education, mentioned in the White Paper, thereby helping to demonstrate how, whatever the outcome, the mobility needed to assure the future of this important sector will be maintained, in line with the report, as an important element of the UK's global standing after Brexit.

5.04 pm

The Earl of Clancarty (CB): My Lords, I want to frame my contribution in two ways: first, through a discussion about the service industries more generally; and secondly, by addressing perhaps a wider definition of culture than that covered by this report, so ably introduced by the noble Lord, Lord Jay.

The first point to make is that the importance of the service industries—which make up 80% of our economy—is hugely underestimated, not only by the Government but by the Opposition's leadership too. The creative industries' contribution alone—£101.5 billion—is worth more than the automotive, aerospace, life sciences and oil and gas sectors combined, and is the fastest growing sector of the economy. The Arts Council states that 56% of exports in the arts went to Europe in 2014.

To take one example of the Government's fundamental attitude towards services, I followed with a mounting sense of horror the regret Motion of the noble Lord, Lord Whitty, on 1 May concerning the treatment of services in the recent trade treaty between the UK and Switzerland, which refers only to future, "exploratory discussions ... in additional areas, such as ... trade in services".

Yet, as the noble Lord, Lord Whitty, pointed out, services are over half our trade with Switzerland.

Across the board, the service industries are being ignored in favour of goods—ignored by the White Paper on skills-based immigration, and ignored by the withdrawal agreement and the political declaration. In particular, the outward movement of British citizens offering their services in Europe is also being ignored. Yet every red line we put down on immigration, including the salary cut-off, will inevitably be reciprocated by Europe.

This brings me to my second point, which is that there urgently needs to be a wider acknowledgement of the shared concerns of the service industries. As the noble Lord, Lord Whitty, put it so well last week, "from banking to ballet" the service industries depend on free movement. The excellent, and still timely—nothing has changed—report says that,

"as our evidence confirmed, free movement between the UK, the EU, and vice versa, is crucial to the sector".

The DDCMS may say it recognises the importance of outward mobility to the creative sector, as it has in its response to the report, but the Government certainly do not recognise its importance to the service industries as a whole, and this is deeply worrying.

Free movement is the overwhelming concern of those working in the arts. The report floats the idea of a permitted paid engagement visa but that is not the

right road to go down for our creative industries in Europe. It will not have the flexibility required for carrying out work on our own continent and would demand a fast response and multiple visits over long periods. This route has already caused problems for both WOMAD and the Edinburgh Book Festival last year.

Instead, the more realistic recommendation of the Incorporated Society of Musicians—"realistic" is the key word because it is closer to the current arrangement, which cannot be improved on—is to have, at the very least, a low-cost, admin-light, two-year, multi-entry visa that would also allow onward movement. It has to be something that can be standardly applied across the whole of Europe for UK purposes. However, given that this agreement would have to be made with every European country individually, we are already in nightmare territory.

The ISM also asks for an expansion of the list of CITES-designated ports, to include Dover and the Eurotunnel, and a clarification of CITES regulations. There is a more general concern about the movement of musical instruments, props and scenery for theatre and other equipment and hardware in other areas of the arts.

I ask the Minister: will there be a dedicated hotline for all those working in the cultural sector to offer guidance on mobility issues? Will the Government provide an update on progress towards the cultural and education accord between the UK and EU mentioned in last year's White Paper, *The Future Relationship between the United Kingdom and the European Union*?

However, free movement is not solely about free movement per se. The EHIC or an equivalent needs to be maintained, as must the A1 certificate. What social security procedures are likely to be agreed? Artists have experienced difficulty in obtaining an A1 certificate in the past.

One of the criticisms that Brexiteers always make is about the perceived bureaucracy of the Commission, but for the British public—travellers, workers and students—the bureaucracy is largely invisible. We know this from our experience in Europe. That is how free movement works, but for those who will be working in the service industries in Europe in the future, things will become more complicated and more bureaucratic, particularly if we leave the single market. Moreover, Brexit is already happening. Musicians are already losing work in Europe, as my noble friend Lord Jay pointed out, as are IT workers. It is obvious to ask this but, in a competitive situation, why would employers bother with the UK when so many other European workers continue to have access to the single market?

Some noble Lords will have read the long read in the *Guardian* last week by Timothy Garton Ash. He wrote:

"For everyone who is a citizen of an EU member state, this is a continent where you can wake up on a Friday morning, decide to take a budget airline flight to the other end of the continent, meet someone you like, settle down to study, work and live there, all the time enjoying the rights of a European citizen in one and the same legal, economic and political community. All this you appreciate most, like health, when you are about to lose it".

[THE EARL OF CLANCARTY]

There will be a massive gulf between what will ultimately be a narrow and mean technical solution applied to a professional activity and the kind of access to Europe available presently to all Europeans, however they engage with Europe. This raises the significant question of who will be eligible for visas in the creative industries and who will not. Will visas be available only to those who can prove formal cultural engagements? If so, it will exclude many working in the arts.

The term “cultural sector” is included in the name of this report, but the most meaningful cultural sector is surely Europe itself. It is Europe that artists, museums, academics, students and many others wish to engage with, and that is why I for one cannot accept any solution that fails to maximise that engagement for everyone and anyone who wishes it. It is vital that we remain a member of the European community. For those in the creative sector, who see more and more what the alternatives are, that position is strengthening.

5.12 pm

Baroness Massey of Darwen (Lab): My Lords, I thank the noble Lord, Lord Jay, for introducing the debate on this report and for chairing so brilliantly, as always, the committee which produced it. I am a member of that committee and I am delighted that we have produced such a challenging set of reports, including this one.

Although this report was published last year, the questions it poses are still relevant. The report has nine conclusions covering the high mobility of the cultural sector, the recommendation that the UK Government should pursue preferential arrangements for a UK-EU migration system if the UK ceases to be a member of the EU, concern about visas, the need for flexibility, the important concept of freedom to carry out short-term work in other countries, social security, and the need for the Government to negotiate an EU-wide multi-country, multi-entry short-term touring visa for citizens and make a reciprocal commitment for EU citizens. I look forward to the Minister’s response and to him updating the House on any new strategies the Government may be exploring.

This debate has already raised issues, and there is so much that needs to be explained. The Minister’s letter to the noble Lord, Lord Jay, dated 13 November 2018, recognised:

“The country benefits enormously from the sector’s contribution to its economy and society. The sector also makes an important contribution to the UK’s international image and influence”.

I am glad that this is recognised by the Government. Our actors, musicians, writers, artists, dancers and other performers have a strong reputation and presence across the world. That is deserved and applies not just to well-known names. I have recently travelled on Council of Europe business to Helsinki, Berlin, Paris and Vienna, and I was proud to see in each city a British presence and contribution to culture and the arts, not just music, which the noble Lords, Lord Black and Lord Aberdare, eulogised, but art, architecture, literature, dance and drama.

The White Paper makes reference to supporting talented people but it talks mainly about leaders in their fields. The cultural sector is wider and deeper

than that, and I hope that the Minister will be able to say something about the future immigration framework. Our report calls for the Government to urgently provide more detail on how what they call a “co-operative accord” would relate to wider immigration policy or the existing visa system.

Two surveys reflect some of the problems. One produced by ICM Unlimited for Arts Council England states that most arts and culture stakeholders have a negative perception of Brexit, including,

“reputational risk, an uncertain economic and funding environment, and increasing costs and complications for their organisations in relation to freedom of movement”.

Most stakeholders interviewed could see no advantages in Brexit for the cultural sector, although a number spoke of development opportunities from the change in the exchange rate and potential increases in tourism due to the weaker pound. However, the disadvantages were more prominent: the detrimental impact on international partnerships, uncertainty, the potential lack of EU funding, reduced freedom of movement, and a possible increase in administrative costs. Such issues came up in our own interviews for the report. Working abroad in the EU for short periods appears to be the most important factor for smaller organisations. The greatest concerns were expressed by stakeholders working in literature, the visual arts, music and the combined arts, rather than in the theatre or museums.

The Incorporated Society of Musicians published a survey of 9,500 professionals in February 2019. Its key findings included the fear that the withdrawal agreement would end freedom of movement without putting anything in its place. These issues have already been explored by the noble Lords, Lord Bilimoria and Lord Black, but they are worth repeating. The survey points out that 85% of respondents visit the EU or the EEA at least once a year, a third spend at least a month there and one in seven has less than a week’s notice before being offered work; 64% felt that a two-year visa would help allay fears over mobility issues, but 95% would prefer the two-year multi-entry visa over an extension of the permitted paid engagement visa; 83% would like a dedicated hotline from a government department to offer guidance on these issues; and more than half were concerned about the transportation of instruments and equipment. Concerns have also been expressed about healthcare, as most musicians and creative cultural visitors are self-employed and would thus need private insurance. Who can afford that? The same thing applies, of course, to others in the cultural sector.

I hope that the Government will be able to respond positively to the concerns expressed in the report and to this debate, as well as to performers in the various disciplines. We would, I am sure, all wish to support those who bring such pleasure to millions through their talent and dedication. We have good reason to be grateful to those who bring such respect for the UK in the cultural field and help create a collective cultural dynamic, not just across Europe but globally. I hope that the Minister will address the anxieties we have expressed. The Government have talked about the importance of the cultural sector, and it deserves reassurances and guarantees that its reputation and future will be preserved.

5.18 pm

The Duke of Somerset (CB): My Lords, it is the evidence from those on the front line—the experts, whose names are published at the back of this report—that goes to the nub of the Brexit problem: the ending of free movement of people. That is particularly true in the cultural sector, as the report demonstrates very well. Quotes such as “a big risk to the country’s soft power and creative reputation” are typical. Then there is Bob Geldof’s open letter showing how we in the UK dominate the music culture because, as he says, “we are brilliant at it”.

That really is global Britain. All this is threatened by a future immigration policy that is as yet unknown in any detail and, if aligned to the present third-country visa tiers, is likely to be crippling to our cultural and other industries.

This excellent and timely report, while rehearsing the likely gloomy future, also pinpoints two imminent issues: uncertainty and mobility. The first affects every corner of the UK, not just culture. The Government’s intransigence and premature red lines are preventing a soft Brexit agreement. Uncertainty affects businesses, such as the music festivals trying to attract artists to perform for our enjoyment. Organisers and employers know not how they will attract performers, whether in dance, broadcasting, museums or even heritage, as we have heard.

This House has long called for a unilateral declaration of European Union citizens’ future rights so that the EU can reciprocate for our citizens. Surely the Government can now make some initial commitments to safeguarding temporary workers and performers, to give the cultural sector some certainty. I too was going to reference the contrast with Defra’s position, which sets out a future way forward, as we heard from the noble Earl, Lord Kinnoull. Even the most determined Brexiteer will surely want to go on listening to European musicians and orchestras in future.

The White Paper of July 2018 talks of taking back control of UK borders. Yes, why not? We can do that, but control can also encompass setting generous arrangements for temporary employment outside net migration. The White Paper speaks of a desire for visa-free movement for tourism and temporary businesses. I trust the Minister will enlarge on this statement in his summing up.

The other issue is mobility. We have heard how orchestras and concert organisers often have to substitute performers at short notice for reasons of sickness or disruption of some sort. If EU citizens have to revert to the current third-country visa system, which tier—1, 2 or 5—does the Minister foresee as the most appropriate future model? Tier 1 is for world leaders, so will not help our young, aspiring musicians, who are just starting out. Tier 2 visas are capped and subject to pay thresholds. As we have heard endlessly, the cultural sector rarely pays the £30,000 per annum demanded in the White Paper. To ram home the point, skill does not equate to salary. Tier 5 visas need a sponsor licence, so any sense of urgency is missing. Witnesses quoted in the report variously describe these visa tiers as “clunky” and “stymying”. If the Minister does not agree with these adjectives, could he explain why they are not appropriate?

The report does not seem to consider much the plight of our youth. They, after all, will suffer the most post Brexit. Ironically, many of them were unable to vote in the referendum nearly three years ago, because they were not of a sufficient age. The Erasmus programme has benefited many university students, helping them understand differing cultures, broadening their horizons and leading to future job opportunities. Is it the Government’s ambition to preserve access to this programme? It is fascinating to note that few in our political leadership have children, our Prime Minister among them. It is not surprising that they do not understand the ambitions and horizons of today’s young people.

The report makes recommendations which I hope the Government will heed. It points out the important contribution the cultural sector makes to our Exchequer, our image and our influence abroad. It highlights mobility and flexibility and thus advocates the preferential system for EU performers seeking to work here on short-term engagements. I add my voice to the clamour wanting the Government to address multi-entry, short-term issues. Of course, these will have to be reciprocal. We must have at the forefront of our negotiating agenda concerns for UK youth, as well as the established stars—this cannot be just dogma.

We are told that the vote for Brexit was driven significantly by immigration concerns, but we did not know then the full horror of stopping it, nor did we foresee that immigration pressure would ease as wages in countries abroad rose. We did not realise how much we relied on EU workers. The cultural sector is a good place to address this. I hope the Minister will enlighten us further on the Government’s thinking on this sector. I congratulate the sub-committee on this excellent report.

5.24 pm

Lord Wigley (PC): My Lords, I will speak briefly in the gap. It is a delight to follow the noble Duke, the Duke of Somerset. I endorse his comments, particularly on the premature red lines, which many of us feel very strongly about. I again declare my interests: my close family are all employed in the cultural sector. My wife, Elinor Bennett, organises an international harp festival.

I thank the noble Lord, Lord Jay, and his committee for their excellent report. I apologise for raising prematurely at Question Time the issue of securing agreement on touring visas for those employed in the cultural sector. It was remiss of me to do so ahead of the debate and it put the Minister into a rather invidious position. I am sorry that I did that.

I draw the House’s attention to an example of the negative impact of artificial barriers on performing artists. NoFit State—that is its name, not a description—is Wales’s flagship contemporary circus company of performing artists. The revenues from international touring accounted for 40% of its turnover in 2016. Its recent experience of touring America highlights the additional costs when there is no barrier-free right to travel and perform. Its costs over and above travel costs for a few weeks in the United States were £46,000 higher than the equivalent costs of a similar tour in the European Union, on the same scale and of the same cultural nature. Major costs included visas for

[LORD WIGLEY]

£13,000, carnets for £9,000, and medical and equipment insurance, as well as other significant costs such as certification.

If costs such as these were to arise relating to working in the EU, it would be totally prohibitive to companies and individuals. They need to know now what the circumstances will be so that they can plan ahead. I agree with the noble Earl, Lord Clancarty, who mentioned an urgent need for the provision of practical information with regard, for example, to visas, permits and carnets for those in the UK cultural sector when they hope to work in the European Union—and indeed for EU performers wishing to come to tour in the UK and the agents organising such visits and activities. A service providing information and assistance of this sort is desperately needed. I hope the Government will be able to say something about that.

Incidentally, we have seen the difficulties faced by non-EU performers coming to the Llangollen International Eisteddfod, many of whom have faced bureaucratic hurdles. Heaven help us if similar and unnecessary barriers are placed between the European Union and the United Kingdom.

5.27 pm

Lord Clement-Jones (LD): My Lords, I add to the thanks to the noble Lord, Lord Jay of Ewelme, and his committee for an excellent report, which has prompted an equally excellent debate, with some very big cultural guns being trained at the Government's policy. Despite intervening events, such as the publication of the Migration Advisory Committee's report and *The UK's Future Skills-Based Immigration System* White Paper, it still makes complete sense.

Noble Lords have been eloquent about the damage that has already been caused in the cultural sector, particularly through the uncertainty caused by, in a sense, the lack of government policy and the delay over Brexit. Throughout the debate they unpacked a very inspiring and interesting range of organisations that they were connected with. My noble friend Lady Pinnock talked about Huddersfield Contemporary Music Festival. The noble Lord, Lord Black, talked about the RCM. The noble Lord, Lord Lipsey, talked about Trinity Laban. The noble Lord, Lord Russell, talked about The Place. The noble Lord, Lord Aberdare, talked about the Llandeilo festival. So we have heard about a huge range of organisations, which demonstrates how close noble Lords are to the cultural sector. That is very impressive. When noble Lords say that we share our culture with Europe, they really understand that. I thought that the discussion about students and soft power was of particular interest.

This March, I supported an amendment to the Trade Bill, tabled by my noble friend Lord Fox, to ensure that any trade agreement with the European Union would include a mobility framework that enables all UK and EU citizens to exercise the same reciprocal rights to work, live and study. I did this in particular because, without the right deal on movement of talent and skills, our cultural and creative industries will face the challenges emphasised by the EU Committee and all speakers today. The committee stressed the importance of the cultural sector to the UK's economy, and a

number of noble Lords talked about the wider creative industries sector. That is where I tend to focus and the message is exactly the same: the impact of a lack of mobility will be as great on those wider industries as on the creative industries. As the noble Lord, Lord Russell, the noble Earl, Lord Clancarty, and others emphasised, those industries are worth £101 billion to our GDP. Since 2010, the GVA of the creative industries has increased by a massive 53.1%. Encompassing the cultural sector, as those industries do, they now generate 5.5% of the UK economy.

One could mention many other statistics. One of the most interesting was raised by the noble Earl, Lord Kinnoull, about the workforce producing visual effects in films and our dependence in that sector on EU workers, with 25% of those in the visual effects industry coming from the EU—and 30% in gaming. Both are extremely important components of our creative industries. In a survey by the Creative Industries Federation last year, 74% of those in the UK's creative industries said that they believed restricting immigration would severely limit their capacity to do business, while in its 2017 *Global Talent Report* the federation stressed the need for the Government to allow businesses to bring in EEA workers who do not meet the salary threshold of £30,000, which has of course been mentioned. Almost every noble Lord emphasised that this is an industry where "highly skilled" often does not equate to "highly paid".

No wonder the Creative Industries Federation reacted so strongly against the Migration Advisory Committee report *EEA Migration in the UK*, published at the end of last year, and the White Paper on future skills-based immigration, which came after it. The report argued that EEA citizens should have no preferential access post Brexit and should fall under the current non-EU immigration system, including the £30,000 Tier 2 salary threshold. Many noble Lords mentioned that, including the noble Lord, Lord Bilimoria, and, at Question Time today, my noble friend Lady Bonham-Carter. Alan Bishop, the CEO of the CIF, said in response to the Migration Advisory Committee's report:

"The Federation has made clear that using the UK's current visa system for both EEA and non-EEA citizens would strangle access to vital international talent".

The analysis by the noble Earl, Lord Kinnoull, was particularly convincing: it showed that 45% of the workforce in that sector are self-employed and therefore that the proposal will not be of any use even if they could meet the £30,000 threshold. In response to the White Paper, the CIF made it clear that the current salary threshold of £30,000 is too blunt an instrument and not fit for purpose if applied to EU permanent workers.

Let us look at the impact on our artists going to Europe. As many noble Lords said, so much of the committee's report is focused on the touring aspects. The music industry, as everybody has described, is of huge importance: in 2017, £2.6 billion of export revenue was generated by music. Germany, France and Sweden are in our top export markets, and are major destinations for our musicians. I am going to make an exception and not repeat all the ISM survey points; I thought that they were all relevant and made a great impact. The ISM deserves our thanks for having taken the

trouble to put together such a cogent survey. Its previous survey last July demonstrated that more than a third of musicians said that they received at least half their income from working in the EU 27. That is a pretty stunning figure.

The impact of an impending Brexit on musicians has increased since the previous survey. There is a clear rise in concern by musicians; if they were not concerned at the outset of these surveys in 2016, they certainly are now. More than 50% of musicians said that they had noticed an impact on their work as a result of Brexit. The noble Earl, Lord Clancarty, made particular reference to that.

All this demonstrates that musicians, in particular, rely on being able to work and tour in Europe freely, easily and often with very little notice. It is equally important that other people vital to touring, such as roadies and technical staff, are able to travel on the same basis. It is also vital that instruments and equipment can be moved around easily when touring, as a number of noble Lords said. There is a real concern about the future in that respect—musicians very much want to avoid the reintroduction of anything like a carnet. There are several “old rockers” who remember the bad old days in the 1960s when they had to get carnets to lug their equipment around Europe. Experience in third countries such as the US is very frustrating for artists.

The leaving the EU White Paper said that the UK would look to reach an agreement allowing musicians and museums to tour major events with their equipment and goods. What is considered a major event? It is not clarified in any government communication and there are few details of what an agreement would look like. As many noble Lords have said, there will need to be considerable changes to these proposals if the Government are to ensure that sectors such as the creative industries continue to thrive post Brexit. There is still a huge lack of clarity, with a chorus of criticism from UK Music, the MU and the ISM, among others. UK Music expressed its strong concerns in a letter directly to the Prime Minister last December, but the response was thin gruel compared to the size of the issue. A number of noble Lords have mentioned the Minister’s response to the Select Committee report—I think that was pretty thin gruel as well. I say to the noble Lord, Lord Russell, “Not many oysters there”.

Top UK musicians wrote an open letter, as mentioned by the noble Lord, Lord Bilimoria; Organised by Bob Geldof and backed by dozens of pop, rock and classical heavyweights, including Ed Sheeran, Rita Ora and Damon Albarn, it called for a rethink on Brexit and explained why Europe is so important to the music industry. I shall not repeat the quotes, but they expressed very great concern, and that is why the recommendations in the Select Committee report are so important. Its recommendation in paragraph 59 is particularly important, asking the Government to seek a commitment to an EU-wide, multicountry, multi-entry short-term touring visa for UK citizens. Many noble Lords re-emphasised that today.

As the committee says, these must be reciprocal arrangements. Otherwise, as the MU says:

“Our reputation as a country that embraces all arts and culture will be severely damaged”.

That is why the final recommendation in paragraph 60 is so important. As the noble Lord, Lord Inglewood, pointed out, we already have reciprocity, and it is a fine thing to have that existing arrangement within the EU.

Of course, many other issues need to be tackled to ensure continuing mobility for our artists. There are social security issues, which are dealt with in the committee’s report; there are issues relating to the movement of instruments which are covered by CITES, as mentioned by the noble Lord, Lord Lipsey; and there are health insurance issues. The MU calls for consideration of a permitted paid engagement scheme and permit-free festival arrangements—we have heard already about some of the problems with Edinburgh, WOMAD and Llangollen. We need those arrangements in place.

I hope that we will get satisfactory answers from the Minister—or more satisfactory answers than we have had from the Government to date—but in the face of the serious consequences of a lack of mobility for the sector after Brexit, it is appropriate in this debate to say it in music. On these Benches, as Fred Astaire and Ginger Rogers sang in the film “Shall We Dance”, we say: “Let’s call the whole thing off”.

5.41 pm

Lord Griffiths of Burry Port (Lab): Not yet, my Lords—let us not call it off until I have had my minute in the sun.

I concur with what has just been said about the continuing appositeness of the report, even though it has taken so long to be aired in this debate. It continues to have point and poignancy despite all the documentation and reports that have come between then and now—that needs to be emphasised again. The noble and embattled Lord the Minister, who now faces the concerns laid out so pungently by Members on all these Benches, will have to do his best to answer some very direct questions. We have been asking the questions for a long time. It is not the first time that even I, a rookie in these affairs, have stood here making these points and asking these questions, yet we still do not have a clear idea of how this part of our national economy, which represents an enormous percentage of what is earned for this country, will manage its future.

How could we expect differently? Almost all the Answers to the Written Questions gathered together at the end of the excellent briefing from the Library begin with a sentence that damns this whole process. It runs like this: “The Government is clear that free movement of people will end when the United Kingdom leaves the European Community”. If they begin in that way, any attempt to answer the particular Question seems to run into the sand right from the start. It is a fixed point, a red line, a determined position from which very little movement can be expected, yet it is in respect of a part of our national life that is about movement, development, unpredictability and glorying in spontaneity, colour and shape.

We are glad to have the report. Its questions—and they have been mentioned many times around the House—focus on uncertainty. The uncertainty which this sector of all sectors is faced with prohibits planning

[LORD GRIFFITHS OF BURRY PORT]

programmes and activities. In the gathering of information in the Library briefing, I looked at the ISM and Arts Council reports and noted for a start that they are so recent. Why do we have to wait for them, with their concerns about the uncertainty facing them, to produce the kind of evidence that should inject urgency into our debates? But that is what they have done.

I liked in particular the two case studies at the heart of those reports, not about country house music, which we heard mentioned earlier, nor indeed about the many organised festivals, but about the Hallé Orchestra and Sage Gateshead—nice, too, to get out of London when thinking about the arts and the cultural life of the country. Each of those case studies ends by stating that no preparations have been made in either case for a post-Brexit world. That does not mean that they are lacking in foresight, endeavour or energy, but that they do not know what they are responding to or preparing for. That is the uncertainty and I hope that the Minister will recognise the emphasis on that word “uncertainty” and have something to say about it when he rises.

Much has been said about visa requirements. I will say no more, but we must have a word too about flexible and usable visas for people who are travelling at short notice in the ways described. What provision will the Government make for people working in this way in this sector? Do the Government recognise that without such arrangements, it is a death knell for so much of what happens in the sector?

We have heard about social security, healthcare and so on, and I think there is enough clarity there, but we need some reassurance in those areas too. I was interested to hear from the noble Lord, Lord Jay, that the impact of what has been happening—or rather, what has not been happening—is already telling in the sector. There are already repercussions. We are already impoverished: bookings are down, and people are unready to make arrangements ahead of time. That too is a sad thing to say when we have been arguing this case again and again over the months and years that followed the referendum.

My noble friend Lord Parekh touched on something that has not been adequately mentioned: skills. People taken on in apprenticeship positions in order to acquire skills cannot qualify for the full apprenticeship scheme, because of the nature of the contracts and the way the work is done. I wonder whether we might consider a way for people to accumulate the necessary experience, by having a card which is stamped or something, to make it possible for people who learn skills in the sector to accumulate enough experience and qualification to fall within the terms of the apprenticeship scheme.

I hope that the Minister is going to speak about the £30,000 salary limit, because we have all recognised that it does not correspond at all to the reality of the levels of pay received by many people in the cultural sector. Incidentally, I think it was the noble Lord, Lord Inglewood, who wanted us to remember certain definitions of culture. I remember that a Bishop of Liverpool, describing to his congregation what he thought culture was, said, “Culture, my friends, is what happens around here”. It was reported in the newspaper the next day that the Bishop of Liverpool

had stated that “Culture happens in Liverpool”. I mention that because I think culture happens in an indirect way, and the work of this sector has repercussions when we encourage people to travel to European countries. When in Vienna, Salzburg or wherever, ordinary people on their ordinary holidays have their horizons widened and their sensibilities touched. I think we should see that culture is a people’s thing; it is not just high culture and it can be caught and taught, so we must think seriously about the freedom of movement of people going on their holidays and visiting the continent of Europe in due course.

I was so pleased to hear the noble Lord, Lord Jay, mention for a moment the Cinderella in all this—poetry, my preferred option as well. I also heard “The Walrus and the Carpenter” as we were talking about high culture earlier in the debate. I will end, as I contemplate Brexit and the departure from Europe, with words from nearer to where I come from. I wish I could raise the country to its true height and rise, as Milton put it, to,

“the height of this great argument ...
And justify the ways of God to men”.

I would say to the nation, alert and listening:

“Do not go gentle into that good night.
Rage, rage against the dying of the light”.

Over to the Minister.

5.50 pm

The Parliamentary Under-Secretary of State, Department for Digital, Culture, Media and Sport (Lord Ashton of Hyde) (Con): My Lords, I had not detected, even before the noble Lord, Lord Griffiths, pointed it out and confirmed it, a huge wave of support around the House for the Government’s position—still less for my reply, which was politely castigated by the noble Lords, Lord Russell of Liverpool and Lord Aberdare, the noble Duke, the Duke of Somerset, and, slightly less politely, by the noble Lord, Lord Clement-Jones. They may have underestimated the difficulty of producing a reply just one month before the Home Office produced its immigration White Paper.

I thank the noble Lord, Lord Jay, for today’s debate and all noble Lords who have brought it to life with such enthusiasm. I know that your Lordships will agree with the noble Lords, Lord Jay and Lord Whitty, and many others on the importance of our cultural sector. It is a thriving industry, contributing £29.5 billion to the UK economy in 2017. That is an increase of 38.5% since 2010.

But it is not just economically important; it represents the best of British talent, and is admired the world over. Indeed, last week I was luckily able to see that when I spoke at the opening of the British Pavilion at the Venice Biennale with Cathy Wilkes’s six-room exhibition. I took the opportunity to highlight the opportunities and rewards of international cultural collaboration and exchange. Thanks in part to the benefits such cultural exchanges bring, the UK recently reclaimed top position in the global soft power index. Now that we are back on top, I absolute agree that we need to stay on top.

I thank the noble Lord, Lord Jay and his committee for the report and their work in what we all agree is an important area. As he said, the report outlined proposals

on mobility arrangements for the cultural sector once we have left the EU. These covered preferential treatment of EU 27 nationals once we have left the EU, visa salary thresholds—which I will come to—social security co-ordination and both permitted paid engagement and permit-free festival visa routes and their extension to EU 27 nationals.

As has been said, I wrote to the noble Lord, Lord Jay, in November, acknowledging that access to international talent is a key issue for the cultural sector. For example, we know that touring is important for the music industry across all genres; for the performers themselves and for live industry workers including stage managers, engineers and make-up artists. We know that professionals in screen industries, ballet, theatre, classical music and architecture, among many others, use international work as a valuable part of their income stream. As several noble Lords mentioned, many of these workers are freelancers; 49% of workers in the cultural sector are self-employed. Many also work for smaller enterprises. The sector is dominated by microbusinesses, with 95.4% of businesses employing nine people or fewer.

In my letter, I outlined that the UK's future immigration system will be based on skills, not nationality. The same rules will apply to EEA nationals as to those from outside the EEA. I also referred to the White Paper *The Future Relationship between the United Kingdom and the European Union*, which sets out the Government's ambition to seek a mobility framework that is reciprocal and consistent with the ending of free movement and that enables businesses to move their talented people. I will come to that in a minute. While the details of these arrangements are yet to be negotiated, the ambition remains. The DDCMS is committed to ensuring that our future mobility framework encourages our cultural industries to continue to thrive.

We must also support domestic talent in ensuring that our world leading cultural sector continues to thrive, which the noble Lord, Lord Russell of Liverpool, asked for. We are working collaboratively with the rest of government to ensure that the necessary direct support is available to allow the creative sectors to flourish. For example, in the 2016-17 academic year 870 apprenticeships were started in the arts, media and publishing sector, under which this industry falls. We have announced almost £500 million of funding between 2016 and 2020 to support a diverse portfolio of music and arts education programmes. My noble friend Lord Black will also approve of the fact that this includes £300 million for music education hubs, which aim to reach at least 600,000 pupils in two years, and almost £120 million for the music and dance scheme, supporting exceptionally talented children to attend specialist music and dance institutions. Let us not forget as well that just under £0.5 billion a year is spent by ACE and the National Lottery Heritage Fund.

Since my response to the noble Lord, Lord Jay, was sent, the Government's White Paper on immigration has been published. Furthermore, the withdrawal agreement and political declaration have been agreed by the Government and the EU, although not yet supported by the House of Commons. The political declaration sets out where the EU and the UK have agreed to discuss reciprocal mobility arrangements—the noble

Lord, Lord Inglewood, highlighted their importance—and recognised the importance of mobility for enabling cultural co-operation.

The White Paper noted the MAC's recommendation of £30,000 for a minimum salary threshold for skilled workers, which most noble Lords have mentioned. MAC is the independent adviser to the Government on all things migration-related, and has considered the best means for assessing who should be able to migrate to the UK. It has repeatedly said that a salary threshold is the most objective way of assessing this and provides certainty. In its most recent report it suggested that a salary threshold should continue to apply; it suggested that this should be £30,000.

However, the Government realise that this has caused concerns, including among the cultural sector. We are currently engaging on where the future salary levels should be set. Indeed, the Secretary of State for DCMS said at the Creative Industries Federation conference, "Salary alone is too blunt an instrument with which to measure skill level".

The Government have launched a year-long engagement programme on the White Paper proposals. The DDCMS is working with the Home Office and cultural industries throughout this process so that we can approach policy well-informed by those working in the sector. I do not agree with the noble Lord, Lord Bilimoria, that the Home Office does not understand these things. For example, this January the Minister for Arts met One Dance UK, the Association of British Orchestras, UK Theatre and officials from the Home Office to discuss the future skills-based immigration system. In June, the Secretary of State will meet the Creative Industries Council and a sub-group looking at immigration will produce a paper for discussion at that meeting. Officials have met over 100 stakeholders at least once and held four round tables in different UK cities.

I will come on to some of the points that have been made. The noble Lord, Lord Jay, asked in introducing the debate whether a touring visa had been ruled out. As I said, we appreciate the importance of touring to the cultural sector and recognise that it depends on the ability to move quickly and easily between countries. The Government have proposed that we should seek to agree with the EU reciprocal mobility arrangements that support businesses to provide services and move their talented people. The political declaration agreed between the UK and the EU—although, as I say, not yet agreed by the House of Commons—specifically acknowledges the importance of mobility for cultural co-operation. That is why the government position is still, as I said, that we must try to get the withdrawal agreement.

The noble Lord, Lord Jay, and the noble Earl, Lord Clancarty, asked whether we will consider waiving social security payments. Again, this depends on getting an agreement with the EU. Under the withdrawal agreement, the EU social security co-ordination rules will continue to apply in full to EU citizens living in the UK and UK nationals living in the EU at the end of the implementation period for as long as they remain within the scope of the citizens' rights agreement.

[LORD ASHTON OF HYDE]

I want—if I can—to bring a little optimism after the rather gloomy tenor of some noble Lords' speeches about the proposed immigration system. The ability for UK nationals to tour in the EU is dependent on what we are able to agree reciprocally with the EU. However, there remain many ways in which talented EU artists, including freelancers, can come to the UK. Until 2021, EU nationals will be able to come here for up to three months and a further 36 months, subject to security checks, even if we leave with no deal. Exceptionally talented performers—I accept that this is for only a limited number of exceptionally talented international people—can still take advantage of our popular tier 1 visas. For short-term visits, creative professionals can come with a certificate of sponsorship for up to 12 months under tier 5, which is extendable, and for other visits they can take advantage of permitted paid engagement rules or permit-free festival arrangements. Under our new proposals, low-risk nationals will be able to apply to come to the UK for up to 12 months to work, regardless of their skill or salary level, or whether they have an employer. We are engaging with many organisations in the cultural sector to ensure that these routes reflect their needs. I am not saying that this is therefore the same as or equal to being in the single market, because leaving the EU has consequences. However, I maintain that the picture is not as gloomy as some Peers have said. Even if it was, we are having a year-long consultation.

On a small but equally important level, I can reassure the noble Baroness, Lady Pinnock, that the Huddersfield Contemporary Music Festival is a permit-free festival, which means that a performer can take part and be paid without needing to obtain a work visa. Glastonbury is also a permit-free festival.

My noble friend Lord Inglewood asked about Irish nationals in the future system. They will not be subject to future immigration arrangements, reflecting the long-standing and historical relationship between the UK and the Republic of Ireland.

The noble Earl, Lord Kinnoull, talked about seasonal worker pilots in agriculture and whether that system could be extended to culture. The MAC has opined that agriculture—more specifically, seasonal agriculture—is the only sector of the labour market that would benefit from a sectoral immigration scheme. The Government have listened to concerns from the industry and have introduced a pilot scheme to test the immigration system's ability to cope with seasonal demand. It is limited to edible horticulture sectors, which are a unique British success story, performing uniquely seasonal work. The MAC's EEA report says that seasonal agricultural labour is unlike any labour market in the UK and therefore it is right that it is treated differently. However, I agree with the noble Lord that the similarity between agriculture and culture is that they move just beyond the economic benefits to this country, important though those are. It concerns something more: the place we live in and the values we hold as a country. Therefore, when we discuss this with the Home Office, we will make a strong case that culture and the movement of cultural workers has an importance beyond simply the economic numbers.

The noble Earl, Lord Clancarty, accused the Government of, among other things, ignoring the value of services to the UK economy. I simply do not recognise his categorisation that the Government would ignore 80% of the economy. Leaving the EU means that, for the first time since we joined, the UK will be able to negotiate bilaterally with our cultural partners all over the world to agree arrangements similar to those we have been pursuing with the EU and to facilitate the mobility of professionals for the purposes of delivering services. The noble Earl may have seen that within the DCMS sector, it has just been announced that fintech is the largest generator of finance for that industry. Within DCMS we pay attention to services, as do the Government as a whole.

The noble Baroness, Lady Pinnock, asked whether, in supporting the reconstruction and renovation of Notre-Dame Cathedral, this type of important collaboration will be affected by EU exit. Obviously, we sympathise deeply with the French people after that fire, and we have offered full assistance to France in the task of rebuilding the medieval cathedral, using our particular expertise in this country. That support will not be affected by leaving the EU.

The noble Lord, Lord Lipsey, talked about CITES and ports in relation to musicians bringing in and taking out instruments. I completely understand the importance to those in the sector of being able to travel with their equipment, including musical instruments—obviously it is an important part of a musician's job to travel with their instruments. The noble Lord is right that the rules of the convention sometimes apply to these important instruments. Leaving the EU and the customs union has consequences for how these rules will apply. I took on board the noble Lord's point about the ports, and I will be happy to write to him with more detail on this subject, and to talk to him if he would like to do so.

One of the benefits that we are trying to introduce into the system is swiftness. The Government want to ensure that the new immigration system is smooth and swift. We set out in the immigration White Paper how the new system will be digital. We will make the best use of the information the Government already hold and provide the very best service for those who use it. One of the things we want to do—and one of the difficulties, bearing in mind the special nature of not only the cultural sector but other sectors—is to make a system that is efficient and quick and without too many complications. We have seen before that that is where problems lie in immigration and other government systems.

The noble Lord, Lord Jay, asked us to acknowledge the impact that exit is already having; he and other noble Lords talked about the music industry in particular. I accept that there is some evidence that that may be happening but, on the other hand, the creative industries in general are thriving and the sector is growing and has been successful since 2016. It is therefore important not to exaggerate these fears, although I accept that we need to pay attention to the situation. I accept that one of the issues will be the long-term effects rather than what will happen immediately.

I have tried to paint a slightly less gloomy picture, but we realise that there are issues with the cultural sector. We at DCMS think that it is an important

sector, not only economically but for the health of this country and what makes it worth living in. We will take the White Paper consultation seriously and ensure that the cultural sector's views are well understood by the Home Office.

6.09 pm

Lord Jay of Ewelme: My Lords, I am grateful to all those who have spoken in this debate: there have been some very powerful speeches this afternoon. I am also grateful to the Minister for his thoughtful reply and his undoubted commitment to our cultural sector. The debate has confirmed the importance of our culture, both for its intrinsic excellence and for its benefit to our economy and soft power aboard. I well remember, when I was ambassador in Paris, an excellent production of a British play sponsored by the British Council, whose title bashfulness forbids me to mention in the confines of your Lordships' House.

Motion agreed.

Learning Disabilities Mortality Review Statement

6.10 pm

The Parliamentary Under-Secretary of State, Department of Health and Social Care (Baroness Blackwood of North Oxford) (Con): My Lords, with the leave of the House, I shall now repeat as a Statement the response given to an Urgent Question on the learning disabilities mortality review originally made by my honourable friend the Minister of State for Care in the other place. The response was as follows:

“Mr Speaker, I should like to start by restating our commitment to reducing the number of preventable deaths among those of our population with a learning disability and to address the persistent health inequalities that they experience. It is completely unacceptable that people in our country with a learning disability, and indeed autism, can expect a shorter life than the rest of the population as a whole.

Each and every death that might have been prevented is an absolute tragedy. We must not compound that tragedy by failing to learn lessons we can that might improve the care that is provided in the future. That is why the Government in the first place asked NHS England to commission the learning disability mortality programme, known as LeDeR.

The principle behind it is a relentless determination to learn from these deaths and to put in place changes to the way that care is organised, provided and experienced to make a real difference both locally and nationally. It means challenging often deep-rooted, systematic cultural issues that have existed for decades. It is driven by the fact that we are clear that the quality of care offered to people with a learning disability sometimes falls very short of the standards we expect—and that is simply not good enough.

The existence of the LeDeR programme testifies to our commitment to address that. It is so that people with a learning disability can access the very best possible care and support. The annual reports published by the LeDeR programme and the recommendations it makes, to which we respond, are a key part of this.

Over the weekend, the media reported on the findings of a draft of the third annual LeDeR report, which is due to be published shortly, and in making this Statement I record my deep regret at this apparent leak. It is also my regret that Her Majesty's Opposition should table a UQ based on leaks, and indeed that the Speaker's Office should see fit to grant it. I have committed in the past, and I will commit once again, to bring the final report before Parliament on the day of publication, which we are told by NHS England will be in the next few weeks. I know that honourable Members will feel as concerned as I do by some of the things that have been leaked in the report, which I shall be very happy to discuss in more detail when the report is fully published”.

6.13 pm

Baroness Thornton (Lab): I thank the Minister for repeating the Statement. I just make the obvious point that the Government have had the draft report since 1 March, and if they had published it in a reasonable time it might not have leaked.

I am sure that we can all agree that people with a learning disability have worse physical and mental health than people without a learning disability, and that the Confidential Inquiry into Premature Deaths of People with Learning Disabilities found that the average age of death from different levels of impairment was between 46 and 67 years, which is massively below the average lifespan for those without a learning disability. I look forward to the report, which the Government have told us that we will soon see.

Will the Minister now say that it is always unacceptable for learning disability to be given as a reason for not resuscitating someone? For this programme to work properly, does she agree that it needs to be resourced so that it can consider all reported cases in a timely manner? I suggest to her that many families feel that the review is the NHS marking its own homework, and that what is required here is a truly independent national body to review the premature deaths of people with learning disabilities.

Baroness Blackwood of North Oxford: I thank the noble Baroness for her important questions. On her first point, which is that the Government have had the report since March, I should like to be very clear that this is not a government report; it is an independent report from the University of Bristol. It is free to publish it when it is ready, although it was commissioned by NHS England, so the Government are not in control of the timetable for publishing it.

The noble Baroness is 100% right, however, on her point about “do not resuscitate” orders. The reports that we have heard that disabilities such as Down's syndrome are being used by some doctors as a reason not to resuscitate are entirely unacceptable. We are taking immediate action and a letter will be sent to health professionals to make clear that that is not an acceptable reason to put in place a “do not resuscitate” order. On her last point about resourcing and the effectiveness of the LeDeR programme, progress has been made in implementing it: 15 out of 24 of the recommendations have already been completed, and in others we are making real progress. NHS England

[BARONESS BLACKWOOD OF NORTH OXFORD] has trained more than 2,100 experts to carry out reviews, 1,500 reviews have been completed and a further 1,500 are in progress, but I have no doubt that given the situation in which we find ourselves, questions will be taken into account by NHS England and the department.

Baroness Jolly (LD): My Lords, I should declare my interests. I am chairman of Hft, a learning disability charity which cares for more than 2,000 adults. I thank the Minister for repeating the Statement and understand the limitation of her responses, but I am not sure that the Secretary of State's words will console parents and other relatives of someone with a learning disability. If the Secretary of State were to take immediate action on any part of the leaked report, I should like it to be on the issue that the noble Baroness, Lady Thornton, just raised about "do not resuscitate" orders.

No one dies from a learning disability or Down's syndrome. The reason for the annual report is to identify why people with learning disability die much earlier than the population average. Why and how well-trained doctors do not know and appreciate that appals me. Can the Minister put a note in the Secretary of State's in-tray to suggest that this might be an area to look at urgently and remedy quickly? Can she ask him to ensure that all doctors in training learn to care for people with a learning disability, and that that is regularly refreshed as part of their ongoing professional development? Will she flag up to him that I look forward to discussing the report with him as soon as it is finally published?

Baroness Blackwood of North Oxford: The noble Baroness is absolutely right that this issue must be a top priority, and I assure her that the Secretary of State is taking it as such. I repeat that it is entirely inappropriate that disability of any kind—in particular, learning disability or Down's syndrome—should ever be used as a reason for a DNR, and that NHS England will be writing to all doctors to remind them of this fact. It will be made absolutely clear.

The noble Baroness is right that there should be no reason for people with learning disability to have a different life expectancy. A commitment has already been made in the long-term plan to address those challenges, including increasing the uptake of annual GP health checks for people with learning disabilities to 75%, as it is recognised that physical care for those with learning disabilities is not as effective as it should be; creating a digital flag on patient records for all people with learning disabilities and autism by 2023; and reducing the number of in-patients with learning disabilities by half by 2024. We are increasing the pace with which we do that.

The noble Baroness's last point, which is really important, concerns ensuring that all those working in the health system are trained to treat those with learning disabilities. A consultation on this matter has just closed and we will respond to that in the next two to three months.

Lord Arbuthnot of Edrom (Con): My Lords, I thank my noble friend the Minister for her helpful answers so far. Is one of the problems that there is a contradiction

between our natural desire to make sure that there is no variation in treatment or administration across the country and our equally natural desire to ensure that local people can make decisions on the basis of their local resources? Is there a sense that the Government cannot win?

Baroness Blackwood of North Oxford: In my view, there should be no variability in the quality of care that a person with learning disabilities receives in whatever part of the country they are in. That is exactly why the LeDeR was brought in, why we have brought in a care review to understand why there is variation, why we are bringing in support through training for those delivering care and why we are bringing in measures under the long-term plan: so that individuals can be identified and flagged up to healthcare professionals who, once they have the training, can apply it and bring in proper healthcare for individuals so that they do not see the life expectancy challenges in healthcare we have been seeing until now.

Lord Wigley (PC): My Lords, I draw attention to my registered interests and involvement with Mencap and Mencap Wales. A moment ago, the Minister finished her answer by referring to the need for nurses to be trained, and to have the awareness and ability to deal with people with learning disabilities so as to mainstream what is happening. Can she assure us that some priority will be given to this issue? Until we get the lack of capacity sorted, we cannot make the reasonable adjustments that will solve the problem we are addressing.

Baroness Blackwood of North Oxford: I can say absolutely that priority will be given to this. The mandatory training consultation, which has just been completed, was published on 13 February. The consultation lasted eight weeks but such was the volume of responses to it that it was extended by a further month; it received more than 5,000 responses, which the department is currently going through. There has been a commitment to a response within two to three months. The Government are taking this extremely seriously.

Lord O'Shaughnessy (Con): My Lords, I thank my noble friend for her answers and the commitment and empathy she has shown, but let us be clear: what we are describing is appalling. The fact that people with learning disabilities—Down's syndrome, autism and the like—have shorter life expectancies is completely unacceptable. I know that the Government and the Minister personally are committed to doing something about that but I want to return to the issue of training. To change a culture, we need to change not just the curricula of people training to enter the profession but the attitudes of everybody already working in the caring profession who do not always take these issues seriously. I appreciate that my noble friend will not be able to give details ahead of the consultation response in two to three months' time, but can she give a commitment that we will think about not only training—in medical colleges, on nursing courses and so on—but continuing professional development so that everybody who is likely to have contact with people with learning disabilities in a care setting will have the opportunity

to retrain, to understand the needs of these people and to make sure that we provide them with the care they deserve?

Baroness Blackwood of North Oxford: I thank my noble friend for his question. He is absolutely right: it is a disgrace that the reports demonstrate that too many people with learning disabilities are still dying prematurely and, all too often, for preventable reasons. We must ensure that we drive through the entire health system a change to make this come to an end. This is partly a matter of leadership, which is why it is absolutely right that Stephen Powis, the NHS England medical director, will write personally to doctors saying that it is not appropriate for DNRs to be based on disability and learning disabilities. It is why learning disabilities have been made a priority throughout the long-term plan and key programmes in the plan prioritise improving the physical healthcare of people with learning disabilities; that is important because it drives the issue up the priorities list of those working on an already busy schedule. It is also why the consultation on mandatory training will be brought forward as a matter of priority. Only when you have that combination of leadership, the practical healthcare programmes funded in the long-term plan and training will you get the culture change that my noble friend rightly identified as necessary.

Brexit: Common Security and Defence Policy Missions and Operations (European Union Committee Report)

Motion to Take Note

6.24 pm

Moved by Lord Horam

That this House takes note of the Report from the European Union Committee *Brexit: Common Security and Defence Policy missions and operations* (16th Report, HL Paper 132).

Lord Horam (Con): My Lords, I rise to move the Motion at the request of my noble friend Lady Verma, who sadly cannot be with us today and in whose name the original Motion stood. In doing so, I place on record my thanks to her for her thoughtful and inclusive chairmanship of our committee, as well as to my committee colleagues and our invariably excellent and conscientious staff.

Our report focused on the UK's role in the European Union's common security and defence policy—CSDP—post Brexit. The report was published no less than a year ago but, like a good wine, it has matured satisfactorily in the past 12 months. In any case, defence and security are always front-page news, and rightly so. The European Union deploys these overseas missions and operations in support of peacekeeping and conflict prevention, with the aim of strengthening international security. Currently, there are no less than 16 such missions; six are classified as military and 10 as civilian. Despite this difference of nomenclature, their value by comparison with a typical NATO or UN mission is in their comprehensiveness: they bring together military, political, diplomatic, economic and legal expertise, which the UN and NATO are sometimes unable to do.

The UK has played a significant role in many of these missions. A particularly good example is Operation Atalanta, the anti-piracy operation off the Horn of Africa. Some Members may have seen “Captain Phillips”, in which a Maersk container ship was stopped by a small piratical boat packed with Somalis. The hero was played by Tom Hanks who, of course, managed to beat off the attack. The film is fascinating, for anyone who has not seen it, to see exactly how it all worked and how a small boat could literally stop in its tracks and invade or attack a large container ship. Being a US film, no Brits are mentioned in the episode but the fact of the matter is that our naval forces deployed off the Horn of Africa have led to a dramatic drop in the amount of piracy in those waters. We did not think it wise necessarily to go to the Horn of Africa—we thought about expenditure as well—but we went to our services HQ in Northwood and how it had all been done was demonstrated to us.

The amount of seaborne traffic travelling off the Horn of Africa is enormous, frankly; it is adjacent to the Strait of Hormuz, with its equally huge amount of seaborne traffic. A high proportion of the world's seaborne traffic goes through those waters; it is therefore extremely important that it is safe. In fact, I believe that the US Navy now contributes a huge proportion of its assets to defending the Strait of Hormuz. I will not take that point any further; otherwise, President Trump will no doubt ask us to contribute more to the cost. It is important that we remain involved with that sort of task. It is very much in our interests as both a trading nation and a good international neighbour.

We made three recommendations in the report for the post-Brexit situation. The first is that the Government should develop and submit “detailed proposals” for the future CSDP consultation. Secondly, they should,

“seek to negotiate observer status in the EU's planning and decision-making bodies, such as the Political and Security Committee”.

Thirdly, they should invest extra resources in Brussels and the other European Union capitals.

On the first point—proposals for consultation—the political declaration which was endorsed by the Government and the 27 other nations of Europe last November allows the UK to participate in the CSDP on a case-by-case basis. That will be formalised in a so-called framework participation agreement. It also envisages that if the UK does contribute to a specific CSDP mission, it will participate in the force generation conference, the call for contributions and the Committee of Contributors. I ask my noble friend: is this the sort of arrangement that third countries get automatically when they contribute to European Union operations or is it special, different or enhanced in any way beyond what has been the standard procedure so far? I ask this in the light of the fact that in the Government's own White Paper last year, it was said that the UK should deploy its forces subject to contingent agreements about how it will be involved in the planning process. Obviously, the earlier we can be involved in the planning process, the better. If we can be involved from day one, that is good. Is that going to be the standard pattern that the Government are trying to arrive at with the European Union?

[LORD HORAM]

On the second point, about observer status, the Government's response to our report said that there will be "regular dialogue" and ad hoc meetings with the EU Political and Security Committee in informal sessions. That is fine, but it is certainly not about trying to get observer status. Is it still the Government's objective to try to get that status on the EU Political and Security Committee? On resources, I welcome the fact that seven ambassadorial posts inside the EU have been upgraded and no fewer than 50 new diplomatic post have been created. Can my noble friend update us on that very welcome situation?

Finally, we believe—and intend—that we are going to have a new political relationship with the European Union, but the geography has not changed. We are small. We are a group of islands off the coast of continental Europe and it is therefore absolutely in our interests on security and defence grounds that we co-operate as much as we possibly can, and we have important assets to bring to the game. That is the burden of our report. I beg to move.

6.32 pm

Baroness Suttie (LD): My Lords, I thank our chair, the noble Baroness, Lady Verma, in her absence, and the secretariat of the committee for producing such an excellent and comprehensive report on Brexit and the common security and defence policy. I congratulate the noble Lord, Lord Horam, on introducing the report so well. I am afraid that many of the points that I am going to raise are rather similar, but that may be because we are fellow members of the committee dealing with this inquiry.

This report was based on an inquiry carried out in 2017-18 and which was adopted exactly a year ago, as the noble Lord, Lord Horam, has said, by the European Union Committee. Yet, one year since the report was adopted, it is still far from clear how the Government envisage our future relationship with the CSDP should we actually leave the European Union. This debate therefore provides a useful opportunity to try to seek some answers and more information from the Government on this matter.

One of the most interesting elements of taking part in this inquiry, as the noble Lord, Lord Horam, said, was our visit in February last year to Northwood and the operational headquarters of Operation Atalanta. Since its creation in 2008, Operation Atalanta has been one of the most successful CSDP missions. It has been protecting vulnerable shipping off the coast of Somalia, including vessels from the World Food Programme and the African Union Mission in Somalia. It has deterred piracy and armed robbery at sea and has strengthened maritime security and capacity in the region. Being based in the UK's principal military HQ at Northwood made strategic and operational sense, and anyone who has had the opportunity to meet Major-General Charles Stickland will know that as commander of Operation Atalanta, his personal drive and commitment have played a significant role in making the mission such a success. Yet in March this year, because of Brexit and because the withdrawal agreement precludes the UK from hosting operational headquarters once we have left the EU, Operation

Atalanta and its command moved to Rota in Spain. This is a very real example of the diminishing influence that will be faced by the UK in European defence missions following Brexit. We will no longer be in a position to give the operational drive to such missions; nor, most probably, will we be able to engage directly at the planning stages of future EU missions, allowing us to provide our very great historical and geographical experience to these missions. I do not believe this to be in the best interests of either the UK or the European Union.

It is to be welcomed that the Government have provided a detailed response to this report, and because some time has now passed since the responses were published, I will use the remainder of my remarks to ask the Minister for some additional information. In their response, the Government state that the UK will seek to achieve its objectives,

"through a new form of engagement with CSDP or enhanced bilateral activity".

Can the Minister say a little more about how the Government envisage this new form of engagement with the CSDP? Current third-country engagement with the CSDP has been encouraged since its creation, but does the Minister regard the current Committee of Contributors mechanisms as being satisfactory and how would he imagine greater involvement for the United Kingdom at the planning stages? Does he believe that our European partners are open to such a "tailored partnership" with the EU post Brexit, including proposals such as ad hoc attendance at the Political and Security Committee meetings in informal sessions? Can he also say a little about the ongoing financial contributions from this country should such an arrangement be possible?

Finally, in their response to paragraph 263, the Government state:

"Since 2017, the FCO has upgraded seven Ambassador posts and created 50 new diplomatic positions in Embassies in Europe".

Although this is much to be welcomed, as the noble Lord, Lord Horam, said, can the Minister say a little more about how the Government intend to strengthen the role of the UK permanent representation in Brussels to ensure British influence? Can he also confirm that UKRep has recruited 40 new members of staff in Brussels? How many of these people will be specifically assigned to the security and defence brief?

I appreciate that I have asked rather a lot of questions and that the Minister will probably not be in a position to provide comprehensive answers to many of them, in which case I would appreciate a written response. I also appreciate that given the current stalemate on the Brexit negotiations, it is particularly difficult for him to respond fully, but as we approach the elections to the European Parliament next week, it is important that the realities of UK influence in matters of European security and defence are discussed as openly as possible.

The United Kingdom and France have been the EU's strongest military powers in recent years and as we discuss the potential arrangements for future relations and UK influence, it is difficult not to reflect that any future arrangements are going to be vastly inferior to those which we currently enjoy.

6.38 pm

Lord Dannatt (CB): My Lords, I congratulate the members of the European Union External Affairs Sub-Committee for their most interesting and informative report, which is now the subject of this short debate. Notwithstanding its publication a year ago, as has already been mentioned, the strategic context of our impending departure from the European Union remains as valid today as it was on the date of publication.

Last year or this year, our future security and defence relationship with our European friends, partners and allies remains a most significant topic, and our departure from the European Union should in no way be seen as a lessening of our commitment to the security of all the peoples of Europe, nor of the role that we as Europeans can play in overall world security. That said, the report highlights that historically the United Kingdom has played only a modest part in EU common security policy missions and operations, contributing only 2.3% in manpower terms, but believes that we have played a more significant role in the formulation of strategic guidance at the planning stage of many of these missions and operations. Our national concern, well expressed in chapter 4 of the report, is that as only a “third country”, as it is termed, our influence will be diminished. This may indeed be right in the narrow context of EU membership, but I believe that, in the overall context of security and defence, this view is too narrow.

More broadly, within the EU or outside it, the facts remain that the United Kingdom is a permanent member of the United Nations Security Council, a significant player within the G7 and G20 and the leading European military member of NATO, which, after all, is our highest-priority defence and co-ordinating alliance—an alliance that not only secured the peace in Europe during the Cold War but has played a significant part in securing peace and prosperity in a number of parts of the world in the 30 years since the end of the Cold War. The role of the United Kingdom in NATO and in coalitions of the willing under United States leadership must not be overlooked or played down. That role stands proud as a major contribution, especially when compared with the modest UK contributions to EU missions and operations.

But this contribution stands proud only as a result of the quality, experience and determination of the United Kingdom’s Armed Forces. I stress “quality”, because sadly quantity has been diminished in the successive rounds of cuts to the defence budget since the end of the Cold War. The 2% of GDP now spent on defence—the smallest amount in modern history—has bought us the smallest Royal Navy, British Army and Royal Air Force in modern history. I suggest that it is the diminution of our capability, rather than our exit from the European Union, that diminishes our influence in international defence fora.

This therefore is the challenge that we face in the context of overall security and defence policy. If the United Kingdom wishes to continue to play the significant role in international security and defence that we have in the past—and I sense no great appetite for strategic shrinkage—the fighting power of the United Kingdom’s Armed Forces must be restored. This fighting power

underpins both soft and hard power and is made up of a balance of physical, moral and conceptual components. It is not acceptable to offer ideas and strategic guidance to missions and operations unless we are prepared to make significant force contributions manned by well-trained and motivated individuals.

With this in mind, I am pleased to note two most welcome public statements in recent days—one from the Foreign Secretary, who wishes to double defence expenditure to 4% of GDP, and the other from the new Defence Secretary, who wishes to bring forward legislation to stop the undermining of service and veteran morale and motivation by controlling retrospective inquiries years after operations have ended.

On the former point, 4% of GDP spent on defence would merely return us to the spend of the 1990s—the decade when commentators thought that war as we had known it was over and Francis Fukuyama announced “the end of history”. How wrong they were, but how different things might have been had we maintained a higher level of defence spending for the benefit of not only our own security but that of Europe and the world more widely. Whether Mr Hunt, should he become Prime Minister, can find an extra £35 billion for defence I do not know but strongly doubt. Nevertheless, his highlighting of the insecurity of the world today and our ideal response to it is to be welcomed.

On the latter point, people are at the heart of our Armed Forces, and the debilitating inquiries that have been going on for years after operations have ended drive a dagger through that heart, potentially fatally damaging our fighting power. While I welcome the Defence Secretary’s announcement today, the initiative must be extended to include the hundreds of thousands of service men and women who took part in the 38 years of Operation Banner in Northern Ireland. I believe that many in your Lordships’ House, in the other place and among the general public are very much of this view.

I am conscious that I have strayed away from the narrow confines of EU missions and operations, but my final comment is to repeat something that I and others have said in this House—that an increase in our defence budget would send a strong signal not only to those who wish us harm but, more importantly, to our friends and allies in Europe that, although we may be leaving the European Union, we are not walking away from our collective responsibilities to the security of Europe and will not do so in future. Seventy-five years on from leading the largest military operation in history to secure the peace of Europe, beginning on 6 June 1944, the United Kingdom remains fully mindful not only of our history but of our continuing responsibilities to our friends and allies in Europe and more widely across the world.

6.45 pm

The Lord Bishop of Portsmouth: My Lords, the noble Lord, Lord Dannatt, has just reminded us that none of us participating in this debate can forget that we will shortly mark the 75th anniversary of what must surely be the most defining day in Europe in living memory: D-day. That has special significance for the city of Portsmouth, and indeed the whole

[THE LORD BISHOP OF PORTSMOUTH]
diocese I serve. As a result, we will have the pleasure—I think—of welcoming the President of the United States into our midst as part of the commemorations.

Memories of D-day are long in Portsmouth, and these are memories of which we can all be justly proud. Perhaps the most powerful memory is of those young men who crossed the channel in a storm to face another storm. It was a mighty army; a staggering 156,000 men were landed on D-day itself. That represents a force just under double the size of the British Army today. It is instructive to dig into that number, because the army that crossed the channel to France consisted of men from no fewer than 12 nations. The logistics of such an endeavour rather boggle the mind, but those people made it work. It is a powerful reminder of what can be done when, despite difference, we work in concert with partners and allies for the common good—the good not just of the United Kingdom but for a more united world. More than that, it reminds us of a moment when Britain incontrovertibly acted as a force for good and accumulated colossal moral authority for decades thereafter. With considerable regret I worry that we risk squandering such moral authority as we currently enjoy.

I turn to the CSDP and the committee's excellent report. Of course, it does not consider interventions on the scale of the Normandy landings, but it shows the good that can be achieved by deploying British expertise and know-how in, as paragraph 90 says,

“lower-intensity crisis management, such as capacity building, reform and training”.

The committee rightly draws attention, as others have, to the important success of Operation Atalanta, a signal success in suppressing piracy using Type 23 frigates well known to Portsmouth. This has seen a reduction in reported pirate attacks from 176 in 2011 to just nine in the past three years, according to the Government's response to the committee.

The tragedy—and it is a tragedy—is that we might be willing and able to participate in future operations, but our leverage in planning them will be more limited. We risk looking from the outside in. That is something on which the committee rightly focused, not least in noting that the Government's aspirations for their co-operation with the EU on the CSDP is some distance beyond the current third-country model. The Government's response acknowledged that the model allows operational but not strategic involvement, and goes on to note that the overall initiative to strengthen strategic partnerships with third countries is “ongoing”. I would be interested to hear the noble Earl's analysis of how it has gone on and how such aspirations will become reality.

That we even have to ask such questions is a source of sadness. It would be a tragedy for the influence we have to be lost. We have perhaps punched above our weight; we now risk punching below it. Our soft power risks being that much softer. But “soft power” is perhaps a misnomer. The CSDP is not about projecting power: it is about doing good and doing the right thing. Limiting our capacity—indeed self-limiting it—above all risks those whom we seek to serve: those

at risk from instability, those subject to violence or those who live in fear of violence. It risks ordinary people who just want to get on with their lives.

Recently, someone told me that they were “Brexit-ed out”. It is a new verb, in increasingly common usage, and I am wholly in sympathy with those who suffer from the debilitating effects of the syndrome. But Brexit, or being “Brexit-ed out”, does not provide a reason to turn away. We must engage and serve the wider world. We must not let Brexit dilute our moral purpose.

Lest we forget, our moral purpose is lived out in the nitty-gritty of how we participate in endeavours such as the CSDP. Lest we forget, deploying British expertise and know-how within a multinational enterprise can be a tremendous force for good. Lest we forget, we have a duty as a developed, affluent nation to be a force for good.

6.52 pm

Lord Arbuthnot of Edrom (Con): My Lords, I agree with absolutely every word of what the right reverend Prelate said. He reminds us of what is at stake when we speak of defence, but also of the value of alliances.

I draw attention to my interests declared on the register, particularly the fact that I am chairman of the advisory board of Thales UK and chairman of the Information Assurance Advisory Council, a cybersecurity and resilience not-for-profit organisation.

I thank the committee for this report. It is good to be able to debate it; it is realistic, informative and sober. I am able to say that, not having served on the committee. The report makes important points about, for example, the excellence of some of the UK's contributions to the CSDP and what it describes as “the particular success” of Operation Atalanta, to which we contributed the headquarters at Northwood. One of the witnesses in front of the committee described that headquarters as,

“Really significant, both intellectually and in terms of military capability”.

However, a thread running through the entire report is that we do not do as much as we could or should, given the importance of the CSDP missions and operations to the UK's own foreign policy objectives. One of the witnesses described the provision of the HQ at Northwood as an important exception to the UK's otherwise limited role in military missions and operations. The noble Lord, Lord Ricketts, thought that the other member states “think we are slackers”.

There are various reasons suggested for this. One is that our Armed Forces have been busy elsewhere, which of course is true. Another reason is that they are better suited to high-intensity operations than some of the low-intensity ones which form the bulk of what the CSDP does. I am not sure about that. But the third reason is that the UK has been ambivalent politically about the very existence of the CSDP, ostensibly because it runs the risk of duplicating what NATO does—and in terms of duplicating headquarters, there is a good point made there. The reality, however, is that the issue of duplication was really only an excuse. We can see the Conservative Party, in its current manifestation, becoming more suspicious of everything to do with Europe.

I think this detachment from the CSDP is both a shame and a mistake, for two reasons. The first reason is that we are good at defence and security, and that generates real respect for our country. The more we can operate alongside other countries and put our shoulder to the wheel, the greater the respect for ourselves that we can generate—at a time when, God knows, we could do with it.

The second reason is that we should recognise that the nature of war is changing. In the past, wars tended to be won by those who could put more tanks, aircraft, ships and men into the field and deploy them well with a winning argument that took the moral and physical high ground. Those remain important issues, but nowadays we also have to consider other things. What is the cybersecurity of our Armed Forces? A US Government report by the Government Accountability Office found mission-critical cyber vulnerabilities in nearly all weapons systems tested between 2012 and 2017, including the F-35 and missile systems.

More than that, what is the cybersecurity of our critical national infrastructure? How is general news reaching the people of our country? Is it accurate or is it fake? In the last US presidential election, fake news from only six Russian sources was viewed on Facebook over 250 million times. That must have had an effect. We are more likely, it seems, to share fake news than real news. In other words, while military capability is important to our defence and security—and I would argue that we spend too little of our GDP on that capability, and that the noble Lord, Lord Dannatt, was quite right in what he said—so too are other aspects of our society; aspects involving the civilian population and a comprehensive approach for which the CSDP is ideally suited.

What can we learn from the conflict in Ukraine? We can learn that Russia switched off its power grid. Have we in the UK learned that lesson? No, because Russia made sure that the consequences for Ukraine were not as utterly catastrophic as they could have been, and so we paid little attention. Russia has been able to exercise its concepts of war without the West taking the precautions necessary to defend against those concepts.

If we in the UK suffered a prolonged, widespread power outage, what would happen? Our communications would go down: mobile telephones, which need the aeriels to have power, would not work. There would be no more money: not only would the ATMs stop working but so would the tills in the shops and the computers in the banks. The water which we take for granted, pumped by electricity, would stop, and so would the sewage removal. The sewage in the pipes would solidify within a week. There would be no more Facebook—you see how serious things would become.

In these circumstances, it is right for the UK to fashion its defence and security based as much around the new threats as around the old, and around mobilising our civilian population as much as our distressingly small military forces. What a pity it is that we seem to be doing our best to diminish our own influence with the decision-making process that is so important to our own policies and our own future. The right reverend Prelate spoke of the risk that we are squandering the moral authority we currently have. He was quite right.

7 pm

The Earl of Sandwich (CB): My Lords, the noble Lord speaks with tremendous knowledge and wisdom, not least from his time on the Defence Select Committee, and I am delighted to follow him in this debate. I agree with much of what he said. I thank the noble Lord, Lord Horam, and the sub-committee, to which I once belonged and which I look forward to rejoining in the next Session.

I am enthusiastic about the UK's involvement in CSDP missions. As we clamber offshore into uncharted waters, they seem to be among the most sensible and stalwart pillars of our defence system alongside NATO. The right reverend Prelate used the phrase, "They are doing good". They may be for the most part limited and narrow in scope, but it is precisely that focused activity on which the UK will concentrate from now on in its defence policy, possibly as a third nation. As the noble Lord, Lord Arbuthnot, said, "The nature of war is changing".

The Government's political declaration—which is still somewhat beyond the horizon—makes it quite clear that we intend, as the noble Lord, Lord Horam, said, to retain the fullest co-operation with our European allies on security and defence. In her Munich speech of February last year, the Prime Minister said,

"the UK is just as committed to Europe's security in the future as we have been in the past".

That is how it should be. Even the purist Brexiteers in the ERG would agree with that, although by leaving the EU they make it almost impossible to achieve, as previous speakers have feared.

The US has been complaining this week on NATO's behalf about the EU's defence strategy through the EDF and PESCO, and I have some sympathy with that. There has always been opposition here to a European army as such and, in or out of Europe, we will have nothing to do with it. However, closer co-operation on defence and intelligence is quite different: it will be vital.

One area where the UK will—and must—continue co-operate with the EU alongside NATO is the western Balkans, and I look forward to hearing what the noble Baroness, Lady Helic, has to say this evening. Our commitment began with the conflicts of the 1990s—not so long ago—and was reinforced by our membership of the Berlin process and at the western Balkans summit in London last year. It is also underlined by our military contributions to EUFOR, KFOR, Kosovo's security force and the CSDP. All of these, including Operation Althea in Bosnia, have helped the western Balkans states to stand up to the continuing threats and dirty tricks from the Russian President.

I had direct experience of a CSDP mission when I visited the EULEX project in Kosovo a few years ago. The largest EU project in Europe, EULEX has had a significant impact on the rule of law but it has also been cumbersome and bureaucratic, as the report also outlines. It has since learned from criticism and, partly thanks to UK pressure, has scaled down considerably, both in numbers and ambition. However, while it remains part of the judicial system and is vital to the economy and the legal position of the country, it is not popular in Kosovo and has had little effect on war crime prosecutions.

[THE EARL OF SANDWICH]

Can the Minister forecast what direction EULEX will now take and confirm that the UK will continue its support? I hope he can because the UK retains a good reputation in Kosovo and I know it intends to maintain its development programme there.

Kosovo, Serbia and their neighbours still want to join the EU but they are increasingly impatient with the lack of progress, which is one reason for the desperate land swap idea that Brussels has rightly dismissed. However, the EU has not yet succeeded in bringing the Ashton plan to fruition. It still needs to design institutions that are more appropriate to the needs of the Balkans, and this is where CSDP should be able to help by avoiding grand projects in the future and redesigning EULEX.

The great strength of the CSDP missions, as both the report and the response emphasise, is the combination of skills that you cannot find in the average defence and foreign policy configuration. In their response to paragraph 94, the Government confirm that through the CSDP the EU can combine at least five lines of operation,

“in a comprehensive approach”,

and can draw on,

“a wide range of technical expertise”.

The CSDP can tiptoe in where the UN and OSCE are unable to agree, such as in the civilian mission in Georgia, which has also proved its value in one of Europe’s most dangerous flashpoints. Incidentally, Georgia has made an outstanding contribution to an OSCE mission in the Central African Republic.

The Ukraine advisory mission got off to a good start, but can the Minister say whether there has been tangible security sector reform in Ukraine under this programme, as the Government response on this is muted? Atalanta, which has been mentioned and which we discussed in this committee before, has been another important success. By the way, I have seen the Tom Hanks film, which was excellent.

In the Mediterranean, Operation Sophia, on the other hand, may have run out of steam because of the uncertainties of migration and the continuing and inexorable civil war in Libya.

There are important challenges for the CSDP in Africa, especially in the more discreet French-led operations in the Sahel. Terrorist attacks in Burkina Faso and Mali continue. The noble Lord, Lord Ahmad, reassured me in a recent Written Answer, HL15192, that we are committed to supporting the EU training mission in Mali with IED training and other expertise. I hope that will continue. However, the committee’s report is reticent about the EU missions in Africa and I hope the Minister will confirm that we intend to offer our support beyond Brexit, if he can see that far.

The CSDP projects as a whole make a good story. This would be a matter for rejoicing, if not for the fact that it is all held up by the Government’s inaction and Parliament’s inability to take decisions. There is a real risk that the EU will simply reject some of these vital partnerships in the future.

The evidence of the noble Lord, Lord Ricketts, is that we cannot set up one system for the transitional phase only to find that it has to be revised afterwards. Our future relationship must be established now.

I have noticed that the evidence coming in to the sub-committee’s separate inquiry on international co-operation post Brexit is, if analysed, an overwhelming statement of support for the work of the European Union. Indeed, it is a thinly disguised call for our continuing membership of the EU and some of us regret that even now, it may be too late to maintain the status quo that so many people, perhaps a majority, wish for. However, I must not relapse into wishful thinking.

One problem with Brexit is that we are saturated with reports and recommendations, as we are today, but we are left with a pile of papers and without direction or, indeed, any certainty about the way forward. The previous EU debate this afternoon suffered similarly. The tired phrase “post-Brexit” seems to demand certainty, but it is simply not there.

7.09 pm

Baroness Helic (Con): My Lords, I congratulate the committee on this excellent report and welcome the opportunity to debate it. I am honoured to follow the speeches given by noble Lords.

British and European security have been intertwined for centuries. There has hardly been a single major European event, from the Congress of Vienna to the two World Wars, the Cold War and the Balkan wars, in which Britain has not played a major role. In modern history Britain has had more of its interests served and protected on the European continent than anywhere else in the world. What distinguished Britain from other European countries is that it had the fortune and the judgment to be on the right side of that history. When some were exploring unholy alliances, accepting Anschluss and carving up the lands of their neighbours, Britain stood firm, and now, as Britain’s fundamental future relationship with the EU is debated, and whatever emerges as our country’s stance on this issue, British engagement is essential for the future security of Europe.

That is why, regardless of the form of our withdrawal from the EU, I believe we must seek the strongest possible security relationship with our continental partners and allies, in particular and whenever possible through NATO. We may no longer share a common security and defence policy, but we will certainly share common interests, from counterterrorism to the rise of China, Russia’s aggressive actions in Europe and in cyberspace. I therefore welcome the Select Committee’s report and, in particular, its call for the Foreign Office to develop detailed proposals for future security and defence co-operation with the EU and for the United Kingdom to be more ambitious.

Many trends frame this discussion, and there are two on which I shall focus. The first is the slow but steady corrosion of democratic institutions in some parts of Europe as a result of Russian interference, particularly in the former Soviet satellite states that are now members of the EU and NATO. This comes at the same time as a populist surge in parts of the EU calling into question certain fundamental democratic values.

The second issue of concern is the sore wound on the outskirts of the EU represented by the western Balkans, Europe's most volatile and vulnerable region. We hoped we had seen the end of Balkan nationalism and secessionism, but today there are open discussions about the redrawing of borders and so-called population swaps. There is rearmament in Serbia on a scale unprecedented since the 1990s. Last week's May victory military parade in Serbia featured not only the latest tanks, rockets, planes and helicopters but the participation of a recently released convicted war criminal and Russian paramilitaries.

In neighbouring Bosnia, the smaller entity of RS is recruiting its own paramilitaries, militarising the police and deepening security links with the Kremlin. The argument that we have heard in recent years, including from our own Foreign Office, that this is all simply rhetoric and political posturing no longer holds any water, if it ever did. It is a stark illustration of what is at stake when we consider the future of UK-EU defence and security co-operation. I therefore welcome the Government's undertaking that the UK's foreign policy priorities in this area will not change significantly on leaving European Union. I hope this will be matched by continued leadership.

The committee concluded that there is a lack of clarity over how we will work with our EU allies in the post-Brexit era. I hope the Minister will be able to reassure us that the Government are looking into all options available to us. In particular, I hope they are studying the model presented by EU-NATO co-operation in the Berlin Plus arrangements. As we know, the EU-led military Operation Althea in Bosnia and Herzegovina is a case in point. The operation was set up under the Berlin Plus arrangements agreed in 2003. It has been a separable but not separate European capability under the NATO umbrella. NATO's deputy supreme allied commander, currently a UK four-star general, is the operational commander. He is answerable solely to the EU for this function, but his actual military capacity flows from NATO. Under the Berlin Plus arrangements, the EU may request NATO to make its assets and capabilities available to the EU for an EU-led and directed operation, if needed. I suggest that this model, which has been somewhat neglected and sidelined in recent years, would offer a better standard of co-operation than that available through third-party status.

The committee's report also offers a stark warning about the potential consequences of leaving the EU without a deal. Can the Minister shed some light on what the position of UK personnel serving on EU missions would be in that eventuality, how many personnel would be likely to be affected, and what arrangements are being put in place now to try to prevent such a disruptive scenario? I fully recognise that it is the Government's intention to pass the withdrawal agreement and leave the EU on an agreed basis, but have the Government had any indication that European partners would step in to fill any breach created by a no-deal scenario?

Of all the precious things we care about, nothing is as precious or as important as peace. Whatever happens over the coming months, I hope we will be conscious

of the importance of security and defence co-operation with the European Union as an aspect of our national security; that we will leave nothing to chance and will clarify now the basis on which that co-operation can continue; and that, whatever our views on Brexit, we will be concerned about the prospect of the loss of any UK influence in this area and work determinedly to prevent that worst-case scenario.

7.15 pm

Lord Bilimoria (CB): My Lords, the 26-page political declaration setting out the framework for the future relationship between the European Union and the United Kingdom, published in November last year, starts with platitudes and continues with platitudes, including in "Part III: Security Partnership", under the heading "Objectives and principles":

"With a view to Europe's security and the safety of their respective citizens, the Parties should establish a broad, comprehensive and balanced security partnership".

Under "Foreign policy security and defence" it mentions the UN, NATO, the common foreign and security policy and the common security and defence policy. It states:

"The future relationship should therefore enable the United Kingdom to participate on a case by case basis in CSDP missions and operations through a Framework Participation Agreement", and that we,

"should consider appropriate arrangements for cooperation on space".

I congratulate the noble Baroness, Lady Verma, the noble Lord, Lord Horam, and the committee on the report *Brexit: Common Security and Defence Policy Missions and Operations*. How do we co-operate under the CSDP? To summarise:

"EU member states pool funding and resources to achieve agreed common goals, including: humanitarian and rescue missions ... conflict prevention and peacekeeping ... joint disarmament operations ... military advice and assistance ... crisis management ... post-conflict stabilisation".

The majority of missions,

"carried out through the CSDP are civilian, as opposed to military missions".

We have heard that such EU missions include Operation Althea, Operation Atalanta and Operation Sophia.

The UK is without doubt the EU's strongest defence power and has a huge amount of influence. On the other hand, right up front in these negotiations the EU has already said that UK contractors will not be able to participate in the military element of the Galileo satellite system. The report clearly states:

"The UK's departure from the EU places a question mark over its future participation in Common Security and Defence Policy ... missions and operations. As an EU Member State, the UK has influenced the development and planning of all missions and operations ... After Brexit, the framework for the UK ... is unclear".

Will the Minister give us some clarification?

As we have seen, the political declaration is so far the square root of diddly-squat. To date:

"The UK's principal contribution on CSDP has been strategic guidance ... The UK's contribution of personnel ... has been limited ... The UK has also provided assets ... The UK will almost certainly continue to derive value from participation in current CSDP missions",

[LORD BILIMORIA]

but if it becomes a third country it will not have a role in the planning and decision-making, which, “would not give the UK the influence that it currently enjoys”.

The report very clearly states that we lose our influence. It further states:

“The level of influence the Government seeks goes well beyond the scope of the existing model for third country participation”.

Again there is a wish list:

“Prospects for changes to this model are uncertain”.

The report states that the committee is concerned about the Government’s high level of aspiration, and:

“Whatever agreement on CSDP missions and operations is reached with the EU, the Government will also need to invest significant resources in Brussels and in Member States’ capitals, to maintain influence from outside the structures of the EU”.

My noble friend Lord Dannatt said very clearly that, as a third country, our influence will be diminished. However, he also said, rightly, that we will continue to be a permanent member of the UN Security Council and a leading power in NATO, whose 70th anniversary we are celebrating this year—we thank NATO for bringing peace to the world. My noble friend also said that our Armed Forces are respected around the world for their fine quality, but he added that their quantity has been diminished. SDSR 2010 under Defence Secretary Liam Fox was a disaster. In my noble friend’s words, it was a “diminution of our capability”. I completely agree with him that spending 2% of GDP is not enough. As I have said many times before, it should be 3%. The United States spends 4% and, quite frankly, with the threats that we face, we should go back to what we spent in the 1990s and also spend 4%.

Will the Minister confirm what RUSI has said—that if we come out of the CSDP, it will mean,

“the relocation of EU’s anti-piracy headquarters at Northwood”, and,

“the relocation of the Galileo Security Monitoring Centre”,

to another EU state? Following the publication of this report, a headline from Reuters said:

“UK could lose influence on EU security and defence policy”.

That was the message from the report. The noble Baroness, Lady Helic, referred to the threats that we face. They come from Russia, China, Iran, the far right, Islamic terrorism, jihadi fighters, cyberwarfare, and AI from China. We face all that with reduced defence spending and a loss of co-operation with Europe. Our former Defence Secretary, Gavin Williamson, talked about how leaving the EU would,

“maximise our influence around the world in the ... years ahead”.

Which world is he dreaming in? Frankly, that is absolute rubbish, but of course he is no longer the Defence Secretary. While he was in that role, he asked our Army officers to write 1,000-word essays. That was the influence that he had.

The really important point is security in general. Deputy Assistant Commissioner Richard Martin is leading police preparations for leaving the EU, particularly in a no-deal scenario. He says very clearly that we would lose access to Europe-wide databases such as SIS II—a database of convictions and wanted suspects. We would also lose access to the European arrest warrant, which speeds up extradition and allows arrests

if someone is wanted overseas. A loss of these powers would greatly diminish our security. It would mean officers having to go to magistrates and checks taking up to 66 days. All that would threaten our citizens’ security. Richard Martin said:

“There is a tool behind any that we might lose but it’s not a one-for-one capability. Every fallback we have is more bureaucratic, it is slower ... We go back to a slower, clunkier place”.

That would impact the rest of the criminal justice system. Without any doubt, all that would leave Britain less safe. He added:

“If you haven’t got access to some of those really critical systems like SIS-2, you probably won’t know what their convictions are”.

Michel Barnier has said:

“I don’t want a no deal but we are prepared for it and we need to be prepared for the implications of a no deal for our security partnership”.

In conclusion, by leaving the EU, even if we go down the EEA/Norway route, we might maintain frictionless trade and it might be good for business, tourists and students but it will mean that we are no longer at the table. We will no longer be at the European Council table or in the European Parliament or have representation in the European Commission. We will no longer have our veto or a say on major items. We will not be at the top table of the largest trading bloc in the world—a bloc of 500 million people. The right reverend Prelate the Bishop of Portsmouth put it very well: our country, with 1% of the world’s population, has always punched above its weight. Our soft power is unbeatable, but now we will be punching below our weight. I would go one step further—we will be punching ourselves.

During the referendum, we were scared by the concept of the creation of an EU army, but what we have been debating is not the creation of any EU army, and we have the veto rights never to join an EU army if we do not want to do so. We are part of NATO, which, as I said, is celebrating its 70th anniversary, and we prevented the Cold War succeeding. Peace in the European Union has been brought about not just by NATO but by the EU and NATO.

With the PM’s deal, nothing has been agreed. It is simply uncertainty that continues, regardless of the backstop. Northern Ireland is the Achilles heel of Brexit. The political declaration is absolute waffle and a wish list. Whichever way we look at it, from a security point of view there is no question but that the safest thing for our country and our citizens is to remain in the European Union.

7.24 pm

Lord Tunncliffe (Lab): My Lords, I welcome the useful report by the European Union Committee on the common security and defence policy. I thank the noble Lord, Lord Horam, for introducing the report and am grateful for the contributions of other noble Lords.

The CSDP dates back to 1948, when five countries, including the UK, signed the Brussels Treaty, which envisioned a collective defence effort to keep the continent safe after the Second World War. It is also seen as a proud achievement on this side of the House, because it was one of the steps pursued by Ernest Bevin to

provide the security on which the reconstruction of Europe could be built. Since then, the Labour Party, along with EU partners, has played a defining role in establishing the framework for EU peacekeeping, crisis management and conflict-prevention missions.

When I read the committee's report, I was reminded of how, during and after the EU referendum, the leave campaign often claimed that collective EU defence policy undermined the UK's priorities. Defence was toxified during the debate, and fears of an EU army were enhanced to question whether the UK's sovereignty would survive further co-operation. The EU was blamed for sapping our military might.

Helpfully, the committee's conclusions, as well as to some extent the Government's response, allow us to debunk such myths. The report found that CSDP missions and operations have made a significant contribution to a number of UK foreign policy priorities, including tackling piracy, promoting the rule of law, and peacekeeping in post-conflict situations. For example, the UK-led Operation Atalanta contributed to a dramatic fall in piracy in the Horn of Africa and the Gulf of Aden, and was overseen here in Northwood.

The Government's response to the report highlights Operation Althea in the western Balkans as supporting, "the UK's foreign policy priorities",

by bringing security and stability to Bosnia and Herzegovina. It also states that, even after Brexit, "UK priorities for European security are unlikely to change".

This, of course, reveals the great Brexiteer myth of EU defence—that it has somehow been imposed upon Britain.

The report also shows how the UK was only a modest contributor to EU crisis management and missions overseas. It states that UK personnel contributions have been "very limited" and equal 2.3% of total member state contributions. Of the 35 past or current CSDP missions, the UK has provided 25, with an average of 16 personnel per mission—hardly a great drain on our resources. Britain's main contribution was strategic guidance during the planning and review of missions and operations. Claims that the EU, rather than government cuts, was to blame for the UK's diminishing Armed Forces are shown to be unfounded.

Since the report was published last May, we now have the withdrawal agreement, which has been defeated in Parliament three times, and the political declaration, which confirms how the UK faces a new future as a third country in terms of defence co-operation. It may participate in CSDP operations and missions, but without any leading capacity; the UK's Defence Minister will no longer be able to take part in meetings; and the UK has the possibility of participating in the European Defence Agency, but without any decision-making role.

Perhaps one of the biggest failures of the Government's botched negotiations is the fact that the UK will no longer have access to the Galileo satellite navigation system. The political declaration is incredibly vague on this point, stating:

"The Parties should consider appropriate arrangements for cooperation on space".

It appears that the Government are lost in space. Why have they failed to secure continued participation in Galileo? Can the Minister confirm the Government's plan for influencing the shape of EU defence and security policy after we leave the EU? This report also called for the UK to continue to sit on the Political and Security Committee, but this is not included in the political declaration. Does the Minister believe that observer status for the committee can be achieved?

As the Government continue to bring forward no-deal SIs, we can assume that they believe no deal remains a possibility, perhaps if the country is faced with a Boris Johnson Brexit. This would be disastrous for our collective security. We would have to withdraw from all common security and defence policy missions, we would be permanently shut out of the European Defence Agency, and our defence industry would be hit by crippling tariffs and delays at the border. When will the Government see that no deal is not an option?

Labour supports continued UK-EU co-operation on defence, and our priorities remain peacekeeping, crisis management and conflict-prevention missions. We will also continue to champion EU-NATO collaboration to promote and support European and global security effectively, especially on cyber warfare and artificial intelligence.

However, austerity has badly damaged our ability to co-operate internationally on defence. Budget cuts have led to sharp reductions in troops, equipment and investment. The Ministry of Defence faces an affordability gap of between £7 billion and £15 billion, and recruitment across the board is in free fall, with the Army standing at 75,880, well below the Government's target of 82,000. Uncertainties over the UK defence budget could erode our standing, not only in Europe but with NATO and other key allies.

As the report shows, our modest contribution to the common security and defence policy acted as a significant force multiplier for the UK. Close defence co-operation between the EU and the UK makes us all safer, and I hope the UK will continue to participate in CSDP missions after we leave—whenever that may be. But the Government still have many questions to answer about post-Brexit defence co-operation with our closest partners.

7.32 pm

The Minister of State, Ministry of Defence (Earl Howe) (Con): My Lords, let me begin by congratulating the members of the EU External Affairs Sub-Committee on their report, and by thanking my noble friend Lord Horam for his excellent introduction. I am equally grateful to all noble Lords who have spoken for sharing their knowledge and experience of defence and security policy in what has been a very useful debate.

As noble Lords are aware, the sub-committee's report was published in May 2018. Since then, there have been significant changes resulting from the negotiations on our exit from the European Union. Notably, the terms of the withdrawal agreement explicitly rule out the UK commanding missions during the implementation period that would follow our exit. Accordingly, as pointed out by the noble Baroness, Lady Suttie, we have handed over the operational headquarters of Operation Atalanta—the counter-piracy

[EARL HOWE]

operation off the Horn of Africa—from Northwood, just north of here, to Rota in Spain. Likewise, the operational command of Operation Althea has transferred from NATO's Deputy Supreme Allied Commander Europe, General Sir James Everard, to a French three-star general.

In May 2018, when the sub-committee's report was published, there were around 120 UK personnel deployed to CSDP operations and missions. A year later, due to the conditions set out in the withdrawal agreement and the withdrawal of HMS "Echo" from Operation Sophia, we find ourselves with a much smaller footprint: today, the UK deploys 33 personnel. While the number of UK personnel in operations and missions is small, I need hardly say that the quality of their input is high, and they provide significant contributions in their roles.

The report makes clear, as have a number of speakers today, that our participation in CSDP operations and missions makes a significant contribution to a number of the UK's foreign policy priorities, from the Horn of Africa to the western Balkans. CSDP missions and operations utilise member states' considerable expertise to carry out long-term activities in complex circumstances, often to support the host nation to deliver a critical part of government. With these difficulties in mind, member states recognise that concrete results cannot be achieved overnight.

Europe's security is our security and the Government have made clear their commitment to maintain it. Therefore, once the UK has left the EU, and in the event of a deal and therefore an implementation period, we intend to maintain a presence in those CSDP missions and operations where it is in our mutual interests to do so.

With a longer-term view, we have set out proposals for a new security partnership with the European Union, as a third country. The political declaration agreed alongside the withdrawal agreement in November last year provides the basis for a flexible and scalable future security partnership. This would allow for UK contributions to CSDP missions and operations on a case-by-case basis, building on existing frameworks for third-country participation.

I welcomed a good deal of the speech from the noble Lord, Lord Tunnicliffe, who correctly drew attention to the valuable contribution that the UK has made to EU missions and operations over the years. I agree with him that not only have we played a useful part in such missions but the missions themselves have supported some key UK policy priorities. Where I depart from him, and other noble Lords, is over the criticisms of the EU withdrawal agreement and the political declaration in terms of what may lie ahead for our future defence relationship.

The deal the UK has reached with the EU will provide for the broadest and most comprehensive security relationship the EU has ever had with another country. On defence, the political declaration is quite explicit in setting out that the UK and the EU welcome close co-operation in operations and missions, both civilian and military, in the future relationship. This co-operation would enable the UK to tailor its contributions

and participate on a case-by-case basis through a framework participation agreement. The detail of such an agreement will need to be negotiated, but there is no dissent over its key elements. The UK and the EU would be able to exchange information.

As a contributor to a specific CSDP mission or operation, the UK would be there at the very start. As my noble friend Lord Horam made clear, the UK would participate in the force generation conference, the call for contributions and the Committee of Contributors meeting to enable information sharing about the implementation of the mission or operation. It should also have the possibility to second staff to the designated operation's headquarters, proportionate to the level of its contribution. All this is recognition by the Commission that a perfectly reasonable *quid pro quo* for our involvement in an EU mission or operation is to be closely involved in the planning stages. Therefore, I do not share the view of the right reverend Prelate that our leverage will somehow be reduced.

My noble friend Lord Horam asked whether what we are asking for is in line with what third countries have achieved in similar circumstances or is a special set of arrangements. The current involvement of third countries in force generation, planning and oversight of operations is simply not adequate to enable the kind of deep co-operation we seek. The political declaration envisages a better-than-standard third-country relationship on the CSDP. In particular, it sets out in broad terms arrangements whereby the level of involvement in operational planning would be commensurate with the level of our contribution. We would not envisage being involved in the planning of operations we were not involved in, but we should be able to scale up our co-operation when our input to an operation is significant.

My noble friend Lord Horam and the noble Lord, Lord Tunnicliffe, asked about UK observer status on the Political and Security Committee. Given that the detail of our future partnership has yet to be agreed, my best response to them is to quote from the political declaration, which says that,

"the future relationship should provide for appropriate dialogue, consultation, coordination, exchange of information and cooperation mechanisms".

The noble Lord, Lord Tunnicliffe, also took the Government to task over the negotiations relating to Galileo. The Commission took a very hard line on this. We made it clear that we would continue to participate in the Galileo programme only on a basis that would enable us to rely on Galileo for our national security and allow UK companies to compete fairly and openly for all Galileo contracts. We felt that, given the UK's contribution to Galileo to date, which has been significant, this was a perfectly reasonable ask. Unfortunately, the offer on the table from the European Commission does not meet our requirements for participation. That is not a failure of negotiation on our part. The Commission decided that this was not a matter on which negotiation was possible.

In answer to the noble Baroness, Lady Suttie, and other noble Lords, we are absolutely clear what our future partnership with the EU should look like. It should be centred on three pillars. At the diplomatic level, we should have in place structured consultation

on strategic priorities, underpinned by regular dialogue with the EU and member states on thematic and geographic issues so that we can tackle global issues together. We should also have the means to co-ordinate activity and action. That could mean the UK contributing to EU operations or missions, as I said, or to EU development programmes, as well as co-ordinating the implementation of sanctions. There is also a clear benefit to facilitating a collaborative and inclusive approach to European capability development and planning, including R&D. This is about being able, where we choose, to combine our efforts to best effect in pursuit of our mutual interests. Any agreement we reach must therefore be flexible, allowing the UK and the EU to respond effectively to situations as they arise. It is especially important that the partnership respects the sovereignty of the UK and the autonomy of the EU.

The noble Baroness, Lady Suttie, asked whether we thought the Committee of Contributors was a satisfactory set of arrangements. We do not feel that it is, as currently figured. While it provides information and a degree of oversight of operations, it does not allow third-country involvement in planning processes where that will be necessary to enable that country to contribute significantly. That is why we secured provision in the political declaration to intensify co-operation in the planning of a mission, proportionate to our level of contribution, as I said.

The noble Baroness also referred to the strength of UKRep. We will continue to play a leading role alongside EU partners in buttressing and promoting European security and influence around the world, as I have said. We aim to enhance our strong bilateral relationships with our European partners and beyond. To that end, I can confirm that UKRep will see its staff numbers increase from 130 to 180 personnel. Of that uplift, I am afraid I cannot confirm at the moment how many will be working on CSDP or security more broadly because that is yet to be agreed.

I am grateful to my noble friend Lady Helic for her powerful speech. I endorse her main point that Europe's security is our security. The UK, the EU and its member states share the same values and interests. The UK will remain a committed partner, deploying our significant assets, expertise, intelligence and capabilities to protect and promote them as a leading NATO ally and a permanent member of the UN Security Council. However, the CSDP is just one part of a suite of tools the UK uses in, for instance, the western Balkans, the Sahel or the Horn of Africa, or against illegal migration piracy. For instance, last summer the Prime Minister announced a 95% increase of funding to the western Balkans, up to £80 million, and doubled the number of staff working in the region on security issues.

My noble friend asked what would happen in the event of no deal. As she is aware, the sub-committee's report did not consider the impact of a no-deal Brexit, but in such an event a separate agreement would be needed for UK troops to continue as part of EU missions and operations, such as Operation Althea. We have made clear to the EU that we are open to reaching such an agreement to ensure continuity of the UK's contribution to the operation. We have made

contingency plans for UK military personnel taking part in Operation Althea. The UK's other commitments in the western Balkans, including our support to NATO's KFOR in Kosovo, will not be affected by any EU exit scenario.

The noble Earl, Lord Sandwich, referred to Kosovo, and in particular the future direction of EULEX. EULEX's monitoring and operational mandate will continue until June 2020. The UK remains strongly supportive of EULEX's work and the Kosovo Specialist Chambers & Specialist Prosecutor's Office. Leaving the EU does not change the importance that the UK places on delivering justice for victims and ensuring that war criminals are held accountable. Strengthening the rule of law in Kosovo is important to the UK's national interests. This is one of the key areas addressed by the Government's commitment of £80 million in programme funds for the western Balkans this financial year.

The noble Earl also referred to Operation Sophia. Its current mandate expires on 30 September this year. Member states will continue to discuss a way forward towards a sustainable disembarkation solution, as well as the future of the operation. Until then, the operation continues to perform its tasks. Coastguard training modules are now planned for later in the year to take place in Italy, Croatia and Greece. All training provisions are subject to the security situation in Libya, which at the moment does not allow trainees to transit in and out of the country.

The noble Earl referred to our assistance to the Government of Ukraine. EU exit does not change the UK's commitment to Ukraine. The UK will remain a major global actor and permanent member of the UN Security Council, continuing to collaborate closely with European and global partners to achieve our shared objectives. I am sure he will be reassured to know that, in this financial year, the UK is providing over £35 million to Ukraine to support a range of areas, including governance reform, anti-corruption, accountability in communications, conflict stability and security, humanitarian issues, human rights, and education and culture.

The noble Lords, Lord Dannatt and Lord Tunnicliffe, returned to a theme familiar to our debates: the size of the defence budget and, by extension, our Armed Forces. I cannot add materially to the comments I made in our recent debate on the 70th anniversary of NATO, but I gently point out that our defence budget is not reducing; it is growing. We did not spend just 2% of GDP on defence in the last financial year; we spent appreciably more than that. We also met our NATO commitment to spend 20% of our budget on equipment and research. The cornerstone—indeed, the bulwark—of our defence is NATO. The EU certainly can and does complement NATO's role, but I cannot agree with the right reverend Prelate that the political declaration leaves the UK punching below our weight in defence terms. We remain the most significant European member of NATO. We are determined that our growing bilateral relationships with friends and allies, both in Europe and globally, will ensure no diminution in our soft power or the levers we use to exercise it. We are the only G20 nation to meet the NATO 2% target on

[EARL HOWE]

defence spending and the UN target of 0.7% on development. Our commitment to European and global security as a leading global actor is every bit as great as it has always been.

I shall of course write to those noble Lords whose questions I have not addressed, but I conclude by saying that I am, as ever, reassured by the depth of expertise on these subjects that exists in your Lordships' House. As the UK leaves the EU, I can only stress once again the UK's commitment to maintaining and enhancing European security and continuing our co-operation with the EU on all aspects of our security relationship, including the main focus of this debate: the missions and operations that fall under the banner of the common security and defence policy.

7.49 pm

Lord Horam: My Lords, I will wind up briefly by thanking all noble Lords who made contributions to this debate. It has been a genuinely interesting and well-informed session. I also thank my noble friend the Minister for the clarifications he was able to bring on a number of subjects. The theme throughout, endorsed by everybody, was that as we leave the European Union it is absolutely in the UK's interests that we continue to play a significant part in common security and defence operations. As the Minister himself just said, Europe's security is our security. It is in our interests and, as the right reverend Prelate the Bishop of Portsmouth said, it is also the right thing to do.

Motion agreed.

Brexit: Plant and Animal Biosecurity

Motion to Take Note

7.50 pm

Moved by Lord Teverson

To move that this House takes note of the Report from the European Union Committee *Brexit: plant and animal biosecurity* (21st Report, HL Paper 191).

Lord Teverson (LD): My Lords, it is very appropriate that this debate should follow one on defence and security because it has exactly the same theme, except that the bugs are not cyber bugs but actual ones, since those still exist. It is also appropriate because I understand that this week is Invasive Species Week; the first such week took place in 2015. I know that the Minister, who is very involved in this sector, has also been involved in a number of other initiatives. The other reason this debate comes at exactly the right time is the publication of the report by the intergovernmental committee on biodiversity and ecosystems, which laid out how the numbers of species within the ecology across the globe were threatened. One thing it highlighted, which was perhaps not publicised quite so strongly in the press, was that alien and invasive species are a severe threat to biodiversity across the globe—including Europe, obviously, and our own country. That is why this subject is so important.

Also, to reflect some of the comments in the previous debate, if Brexit happens, although we will be leaving the European Union, we will not be leaving the European biosphere. We share its marine and aerial environments, and we are only 22 miles away from its terrestrial environment. The question to which my committee particularly wanted to find an answer was whether, post Brexit, our ecology will be as protected on invasive species and biosecurity as it was during our membership of the European Union. Can we even improve on the situation that we have at the moment?

The threat is very real. I am sure that all of us will remember the foot and mouth outbreak back in the early 2000s. That cost the country some £8 billion, but in some ways that was nothing compared to the effect it had on farming communities and rural communities throughout the kingdom. We know that we now have ash dieback disease; a recent report from Oxford University suggests that the total cost of that disease will be some £15 billion over 100 years, half of that—£7.5 billion—coming over the next 10 years. These threats are real and they are about real organisms. There is the Asian hornet and the American skunk cabbage, which I am sure the Minister will talk to us more about later, although I had never heard of it before. It is also about oak disease and a number of other threats to our ecology at this moment.

We are not only a part of the European biosphere but absolutely integrated into the systems of the European Union in this area of national security and defence. Let me remind Members of four of those systems: the animal disease notification system; the alien species notification system; the rapid alert system for food and feed; and, lastly, the plant health interception system. While I very much welcome the Government's response—they wanted to remain a part of those systems—one of my first questions to the Minister is: has that bid progressed in any way? Are we at all confident that we will be able to participate in those systems, and if there is no deal in place do we have alternative systems? Most importantly, I am aware that, through those systems and that shared intelligence among the communities of scientists and researchers in those areas, we have advance warning of these organisms approaching us across the continent. We are able to prepare and plan for those potential invasions. How will we be able to continue having those connections and those sorts of systems once we are outside the European Union?

On day-to-day issues, the IT system called TRACES is absolutely fundamental in tracking the progress of trade between European Union member states of animal and plant products. We have had assurances from the Government that we now have an alternative to that system. Has it been truly tested yet? Will it be able to integrate with the TRACES system, allowing us at least to approach on the phytosanitary side the frictionless trade that will be so important between us and Europe on food and animal products in future? Those are clearly key issues.

Other issues that came out of the report are, first, around trade. I have mentioned EU-UK trade, which is very important for the farming industry in this country, but will we be able to have the systems that we will need to cope in the future? It particularly concerns me

that the Government are clear in making the point that from day one, when we leave the Union or end the transition period, we will have exactly the same list of potential threats to biosecurity. We will have the same lists as parts of those systems but, clearly, they are likely to diverge quite significantly over the first one to three years. How will we deal with frictionless trade at the point when we have that divergence on scientific advice? Will we instead ensure alignment well into the future?

The greatest concern is about new trade deals. We often talk about America and the great leverage it would have on a trade deal with us. On the details of that trade deal, we are far from confident that environmental and biosecurity issues will be at the top of that list. Will they be a *sine qua non*, without which we will not do that deal? Can the Minister assure us that that is still the case? We know that even with China, there are huge issues with food quality. A lot of the problems with invasive issues in foodstuffs have been to do with Chinese products, as is a lot of the protection. Again, there is huge leverage there so, as a nation, will we be so concerned about having those trade deals post Brexit that we will not pay sufficient attention to those areas?

I come on to resources. We know that Defra has in the past been under huge constraints and reductions in funding. We know that large resources have been taken in there for Brexit planning. Will they remain there to ensure our biosecurity well into the future, rather than just on Brexit day one?

I come back to a theme that my committee has often talked about and taken evidence on: the veterinary profession. On the front line of industrial veterinary work, something like 95% of staff are EU citizens. The committee went to the London Gateway port two weeks ago, where we met the veterinary team on the front line. Of that team of eight, the lead and six others were Spanish, and one was Italian. There is a real issue about keeping those people here. Most of them will earn less than £30,000 and, under the present government proposals, they will not be able to enter the system.

Our research laboratories are the pride of the country; we are the European Union experts on foot and mouth disease, bluetongue disease and many others. We have access to the rest of that network of research laboratories, with all their scientific evidence and expertise. In addition, there is a collegiate feeling among the scientists and researchers in that community. How will we replace the research laboratories that concentrate elsewhere in the EU on other diseases and threats that do not exist here?

On the island of Ireland, the issue is different from the normal one about customs and borders, as bugs know no borders. Can we keep the island of Ireland as a single biological territory in terms of rules, regulations and biodefence? Will that be possible?

I have laid down a long list of challenges. However, we recognise that Brexit will give the United Kingdom the ability to make its own rules and regulations about biosecurity. Witnesses have looked at the very strong rules that New Zealand and Australia have to protect their bio-environment. Does the Minister see what areas of greater protection we might have, taking into

consideration that those southern ocean territories are much more isolated from other territories than we are from Europe?

This is sometimes seen as rather a niche subject, yet it is a key part of the defence and security of our nation. There is already a threat and it is costing us £1.7 billion annually to make this defence effective. We are looking to the Government to assure us that once we leave Europe—if we leave Europe—we will have the same defence that we have now.

8.03 pm

The Earl of Caithness (Con): My Lords, I declare my interests as set out in the register. Sadly, I was not a member of the committee, but I thank its members for all their hard work. The report has been well received and was very well introduced by the noble Lord, Lord Teverson, who has great experience in this area.

Biodiversity is not just a national or a European problem—it is a worldwide matter of huge concern. I congratulate the Government on their commitment to maintaining internationally recognised environmental principles, whether or not we leave the EU. Can my noble friend Lord Gardiner tell us what progress has been made on the 2020 global framework updating the UN Convention on Biological Diversity? If we get it right at a global level, we have a better chance of getting it right at a national level.

In our discussions on leaving the EU, we tend to think of EU standards as very good—but they are not always. Dutch elm disease reached us before we joined the EEC, but since then our trees have been infected with *phytophthora ramorum*; red band needle blight has resurfaced; and we have ash dieback, sweet chestnut blight and horse chestnut leaf miner. We are encouraged to plant more trees, and this was reinforced by the climate change committee's recent report. What trees does my noble friend recommend that we should plant that our grandchildren might be able to enjoy? What action has there been on Action Oak, which was launched by my noble friend Lord De Mauley when he was a Minister?

There are plenty of diseases in Europe which might come our way and cause us a lot of trouble. We need to be constantly vigilant. Can my noble friend update us on the spread of *xylella fastidiosa*? What extra measures are we taking to prevent it coming here? Does he agree with me that planting mixed species and preferably managing woodlands on an uneven-aged basis with no clear felling is better for our biosecurity and biodiversity than the current system of planting trees in straight lines and single crop? I have been arguing that for 50 years, and perhaps my time is coming.

Disease and pests have affected not just trees. We imported the Obama flatworm from Holland, and the free movement of plants under the single market, which came into force in 1993, has been a mixed blessing. Invasive species are costing our economy at least £1.7 billion annually.

I should like to pick up quickly on two points made by the noble Lord, Lord Teverson. He asked about advance notice—I suggest to him and to my noble friend that one area that could be used for advance notices is our embassies. They should be reporting regularly to us on the spread of diseases, so that in London we are fully up to date.

[THE EARL OF CAITHNESS]

The committee was absolutely right to stress, as it did in the last sentence of the report's summary:

"The need to facilitate trade post-Brexit must not be allowed to compromise the UK's biodiversity".

That is a point that the British Veterinary Association raised with me this morning when I telephoned. It is a major area of concern and a potential weak spot. What is being done to ensure that all departments in London and the devolved Administrations are joined up in their thinking and action on this?

Turning to animals, will my noble friend give us an update on where we are in creating a system to track stock imported and exported? Will the EU allow us to link into the trade control and export system if and when we leave? On the trade in animals, the Government need to pay as much attention to biocontainment—keeping problems at home—as to biosecurity, keeping problems at bay. We know how quick the French are to stop trading in animal products if there is a problem in the UK, and they will be even quicker when we leave the EU. Can my noble friend advise us on what actions the Government are taking with regard to biocontainment?

Leaving the EU is a unique opportunity for the Government to review our entire biosecurity structure. It is up to them to do this and to raise standards well above those of the EU as and when necessary. I believe that that is what is needed.

Lord Framlingham (Con): Before my noble friend sits down, has he had the opportunity to see the briefing produced by the Woodland Trust identifying what it thinks is the way forward on what it calls an effective biosecurity strategy? I wonder whether the Minister has seen it. I seriously recommend it to anybody who is concerned about this subject—it sets out exactly what we should do to protect our trees.

The Earl of Caithness: My Lords, I have seen it and I wish my noble friend was speaking in this debate.

Lord Framlingham: My Lords, I would love to, but I have just had an operation and I shall not be staying for the rest of the debate. But my heart is with you.

8.09 pm

Lord Browne of Ladyton (Lab): My Lords, I am delighted to follow the noble Earl. I think that the Minister will be pleased that I have only two questions to add to the impressive list that has already been put before him.

As I intend to restrict my remarks to two issues and mainly to the part of the report that deals with UK-EU biosecurity collaboration, I draw attention to my entry in the register of interests, particularly the reference to my relationship with St Catharine's College, Cambridge. That relates to the setting-up of BioRISC, a research initiative to provide cutting-edge, evidence-based information about existing and emerging biological security threats and interventions—I can sense those who know me wondering why I am involved in that given my background, but it is proving a significant education to me.

I add to the congratulations and appreciation expressed to the noble Lord, Lord Teverson, and his committee on this wide-ranging and very good report. As the noble Lord reminded us, biosecurity is an important issue. The Government agree with that. So serious a matter is it that, in July last year, they published a *UK Biological Security Strategy*. Governments do not publish national strategies unless the nature of the threat merits it. We can infer from the publication of this document that the National Security Council, the main forum for discussion of national security, found agreement that biological security is a priority for our collective security.

The very existence of the strategy leads me to the preamble to my first point. It is astonishing that, in late 2018, when I last looked, a search of *Hansard* revealed no reference to it—no ministerial Statement, not even when it was launched; no debate; no Written or Oral Question; apparently no committee interest; and no parliamentary accountability or scrutiny whatever. Not only Ministers but Members of both Houses have been largely silent on the strategy. A conversation at least, and in this House, is long overdue. I ask the Minister whether, in government time, we can have a debate on the national biological security strategy.

As on all other issues of national security, the Government rightly say that this strategy cannot be delivered by government on its own. Clearly, there is a role for many parts of society, for industry and for academia. Unfortunately, from my reading of the strategy, it contains lots of statements about what people are doing beyond the Government in relation to biological research, but there is no plan as to how this partnership and its activities will be taken forward. Perhaps in a more detailed debate we could tease out from the Government how they will administer and bring into action their strategic approach to biosecurity. At St Catharine's, we intend to take advantage of the first anniversary of the strategy and have a conference of experts in order to identify 100 questions that need to be answered to implement it. Thereafter, we intend that these questions will form a coherent programme of academic research and study, perhaps for years to come, to deliver the strategy.

I have no criticism of this important report's recommendations. On the contrary, I welcome its publication; it does this House and the country a great service. The noble Lord, Lord Teverson, said the following on its publication—I feel rather awkward having to read his words, when he read virtually none in his wide-ranging speech—which sums up effectively the point that I want to make:

"The existing"—

that is, European Union—

"arrangements are far from perfect but significant gaps will be created when the UK leaves them. We rely on the EU for everything from auditing plant nurseries and farms to funding our research laboratories. The UK Government has a huge amount of work to do to replace this system in time for Brexit, and failure to do so could have an economic and environmental impact that would be felt for decades to come."

Those words describe the scale of the challenge that we face at Brexit probably better than I could myself.

I regret that I cannot be so positive about the Government's response. In it, they rely on various forms of the "we will work to build on existing capabilities"-type statements. For example, the responses to recommendations 10 and 13 are redolent of this approach. This language betrays a lack of recognition that we will be building not on the existing state of capabilities following Brexit but on a reduced set of capabilities, since the EU-based components will be necessarily diminished in various ways and substantial work will be needed to bring those diminished capabilities back up to existing levels to sustain them, never mind to build on them. If anybody has any doubt as to why that is the case, I recommend to them—I shall not read it—Michel Barnier's speech to the European Union Agency for Fundamental Rights in June 2018. In it, he spelled out the legal obligations that we among others imposed on the European Union that mean that we will have a necessarily diminished relationship with the European Union. It is impossible for us to sustain anything like the relationship that we currently have with those countries and their institutions.

My second point relates to the topical issue of the threat of invasive species. On cue, we read today of the Costa Rican frog that turned up, apparently healthy, in a shipment of bananas in a Lidl supermarket in Nottinghamshire. It has been all over the papers. The frog has even been given a name by those who discovered it.

Understanding the donor regions, vectors and introduction pathways of invasive species, plant pests and animal diseases is central to the effective prioritisation and management of future biological threats to the UK. Trade patterns have been demonstrated to be central to explaining the introduction of high-profile biological threats into this country, including foot and mouth, ash dieback and many invasive animals and plants.

Post-Brexit, the Government's policy is that our trading patterns will change considerably. This is likely to have a profound effect on the origin and type of organisms that are introduced into the UK. This is an important point: before we joined the EEC in 1973, the vast majority of invasive species discovered in the UK had first established populations in mainland Europe. In the 40-odd years that we have been in the EU, that has reversed. It comes to us now predominantly from Europe, but that means that we get prior notice and sometimes guidance from them on the most effective management tools.

Changed trade patterns under Brexit are likely to result in the UK changing from being a recipient to being a donor of emerging biological threats to Europe. If the Government build the trading patterns that they anticipate, with countries such as China, the US and the 53 diverse members of the Commonwealth, we will have an enormous responsibility to develop tools for horizon-scanning, early detection, containment and possible eradication, as we will be the recipient and the introducer of many such threats. My question to the Minister is relatively simple: what planning do we have for that significant change, given our new trade policy?

8.18 pm

Lord Krebs (CB): My Lords, I declare my interests as recorded in the register and thank the chairman of our committee, the noble Lord, Lord Teverson, for his excellent leadership as well as his superb introduction to the content of the report.

I am not a betting man, but if I were, I would be happy to place a bet that, within the next 10 years, we will have a major biosecurity crisis in this country. Why? We have just to look back in history. We heard in earlier speeches about foot and mouth disease—which came in 1967 and again in 2001—Dutch elm disease and ash dieback. I will add to that list BSE. So the record of the past is that at least once every 10 years we have a major biosecurity crisis, but for at least the last 40 years, as the noble Lord, Lord Browne, so clearly articulated, we have been under the shelter of a Europe-wide system of protection. As we move out of that protection system, the chances of a biosecurity crisis, as others have said, will increase rather than decrease. In that context, I want to focus specifically on food safety and biosecurity.

Noble Lords will recall that in the wake of the biggest food safety and biosecurity challenge of the past 100 years, namely the BSE crisis of the 1990s and early 2000s, the Government of the day established a new, non-ministerial department, the Food Standards Agency in 2000—I should declare that I was its first chairman—to protect the interests of consumers in relation to food safety and biosecurity. Following our model, in 2003 the European Union established a Europe-wide agency, EFSA, the European Food Safety Authority, based on the UK model. Indeed, it pinched the chief executive of our Food Standards Agency to become its first chief executive. As a consequence of the arrangements set up in 2003, we are now part of the Europe-wide system for risk assessment, biosecurity and other food safety alerts, and risk management, as the noble Lords, Lord Teverson and Lord Browne of Ladyton, emphasised. As a result of Brexit, if Brexit happens, we will leave this well-established and effective system and replicate it, as best we can, on our own.

I am confident, because we took evidence from its chairman, that the Food Standards Agency will do its utmost to ensure that food safety and biosecurity standards are maintained. Nevertheless, the UK will lose out. We will no longer, as others have said, have immediate access to the rapid alert system and the real-time, helicopter view of biosecurity that this system provides. We were told that the Food Standards Agency has made thorough preparations for the post-Brexit world and has been provided with extra resources to do so, which is very much to be welcomed. However, one crucial aspect of the new FSA role remains to be clarified and I hope the Minister will be able to provide a clear and unambiguous answer today. When the Food Standards Agency was set up, its role was to both assess and manage risks. This was crucial because the whole point of an independent department was to ensure that political considerations and conflicts between consumer and producer interests, which were perceived as important in MAFF's attitude to food safety management and biosecurity, did not influence decisions. The Food Standards Agency, in its 19 years of existence, has been successful in rebuilding the shattered trust in

[LORD KREBS]

the UK food system and associated biosecurity, which had reached a low point as a result of BSE and salmonella in eggs, for example.

Since the EU-wide system was established, risk-management decisions have been made at the European level by a committee on which the UK is represented by the Food Standards Agency. What will happen after Brexit? Initially, it appeared that Health Ministers wished to seize back control of risk-management decisions, leaving the FSA in a purely risk-assessment role. I quote from a letter written to the committee by the then Minister for Public Health, Steve Brine, who wrote on 3 December last year:

“Ministers will then take the final decisions”.

At that time it appeared that Ministers either had no knowledge of the history of why the Food Standards Agency was set up or were suffering from severe amnesia. However, subsequently the same Public Health Minister seemed to confirm that he had changed his mind. When he gave oral evidence to our sub-committee on 6 March and was asked whether it would be his intention to hand risk management back to the Food Standards Agency, he replied:

“It most certainly would, yes”.

So I seek confirmation from the noble Lord, Lord Gardiner, this evening whether it is indeed the position of the Government that, after Brexit, the Food Standards Agency will have responsibility not just for risk assessment but also for risk management in relation to biosecurity as it affects our food. Furthermore, if the Government’s position has changed, as indicated by Steve Brine on 6 March, will the Minister inform us when the formal powers to undertake this role will be given to the Food Standards Agency?

Finally, very briefly, while I am talking about biosecurity, I should like to mention another aspect of the agency’s work, namely labelling of food. This is important for consumer choice and protection. As the Minister will be aware, in 2010 the Government decided to strip the Food Standards Agency of its responsibility for nutritional and food labelling. The logic of this decision was never properly explained: it was generally assumed that it was the result of pressure from the food industry, objecting to the agency’s effective role as a regulator. Food labelling is an EU competence, so Brexit provides an opportunity to hand back to the FSA part of its original remit. In light of the recent concerns about allergen labelling and the Prime Minister’s announcement of a review of labelling, this is surely the moment to rethink departmental roles. Furthermore, the FSA has responsibility for labelling in Northern Ireland and Wales, as does FSA Scotland north of the border. Does the Minister therefore agree that Brexit provides an ideal opportunity to bring England into line with the rest of the United Kingdom?

8.26 pm

Lord Selkirk of Douglas (Con): My Lords, it is a great privilege to follow the noble Lord, Lord Krebs, who put his finger on a spot of enormous importance, which is that the Food Standards Agency has been a success story and this should be borne in mind by the Government.

I should mention a past interest: I represented the constituency of Edinburgh West for more than 20 years, during which time I witnessed the way that an alien and enormously destructive bark beetle was able to ravage the arboreal ecological systems in our country. Scotland’s capital city has lost more than 30,000 elm trees since the late 1960s, when the new, virulent strain of Dutch elm disease was brought to the United Kingdom—on, it is believed, logs from North America. By 1980, 20 million trees throughout the United Kingdom had been destroyed, which gives some picture of the enormity of the task facing the Government and our country.

As for the biosecurity of our animal life, the current threat to our pigs from the spread of African swine fever is very dangerous and every effort is being made to keep it at bay and provide a protective vaccine. The shocking fate of our elm trees and the alarming threat posed by the global advance of the virulent and deadly African swine fever offer a stark reminder and a warning about the importance of having truly effective and fit-for-purpose biosecurity systems in place to protect the United Kingdom from imported threats to the health of our plants, trees and animals.

The sub-committee’s report expresses considerable concern over whether the United Kingdom will be able to replace, and in many cases recreate in time for our exit, all the safeguards, alerts and intelligence-sharing put in place over the years by the European Union and which currently help to protect our plants and animals from dangerous invaders. It urges that we should seek continued participation in EU alerts on animal, plant and pest disease threats. I congratulate the chairman of our committee, the noble Lord, Lord Teverson, on his wise and far-sighted advice to the Government. On publication of the report, he said:

“The existing arrangements are far from perfect, but significant gaps will be created when the UK leaves them. We rely on the EU for everything from auditing plant nurseries and farms to funding our research laboratories. The UK Government has a huge amount of work to do to replace this system in time for Brexit, and failure to do so could have an economic and environmental impact that would be felt for decades to come”.

I raise with the Minister the vital matter of who will be in place to implement all the new biosecurity checks and inspection procedures that will soon have to be rolled out and put into operation on a UK-only basis. The Chief Veterinary Officer of the Department for Environment, Food and Rural Affairs, Dr Christine Middlemiss, told the committee that,

“within the food chain, a vast majority of vets working are of non-UK origin”.

The British Veterinary Association has said that the majority of these vets are from the EU. The committee also heard from the Equine Disease Coalition and the British Equine Veterinary Association. It was quite clear in what it told us. To quote from paragraph 126:

“A shortage of vets will have an adverse effect on disease surveillance, disease control measures, risk of disease incursions, control of an exotic disease emergency, domestic food safety, loss of high quality reputation for exports and animal disease research. This at a time when the potential loss of harmonised disease controlled trade movements between the EU and the UK will increase the need for veterinary checks and certification to maintain our biosecurity”.

With regard to the public sector in a post-Brexit world, the report acknowledges that there has been recent recruitment of staff in Defra but also urges the department to ensure that enough appropriately trained staff are dedicated to the issue of biosecurity.

The United Kingdom Government are currently engaged in the very important process of devising a new UK immigration policy, so can the Minister guarantee that people such as veterinarians, who are essential to our future biosecurity, will be on what is called the shortage occupation list, which is part of that new policy, and that their profession will be prioritised as part of the new arrangements? I am sure he will agree that no matter how good systems, inspections and regulatory checks are, they are effective only if they are policed by ample numbers of appropriately qualified men and women. I hope the Minister will give this pressing matter of sufficiency of staffing very high priority.

With regard to another aspect of biodiversity, I first thank the Minister for his apparent readiness to support the launching of a global review into the economics of biodiversity which includes biosecurity. In time, such a move might well help save countless lives and perhaps even assist with the removal of plastics from the oceans. Secondly, the initiative to increase the waters designated as marine protection areas is very welcome. The Minister will be well aware of to what extent it affects biosecurity, but it will also greatly increase conservation areas as far west as Ascension Island—conservation of sea life, as well as wildlife, will be very welcome. I wish him every good fortune in the very important task of securing renewed co-operation with other countries' Governments to enhance environmental purposes and prospects.

8.34 pm

Baroness Sheehan (LD): My Lords, I draw attention to my interests as recorded in the register.

In rereading this excellent report, it is clear that what is at issue is the scale of damage to our nation if there were to be a serious lapse in biosecurity. My noble friend Lord Teverson and other noble Lords have already mentioned foot and mouth. Who can forget the terrible scenes as farmers and emergency services battled to rid the country of it, or the nostalgia with which we still regret the absence of the majestic elm from our countryside?

The briefing from the Woodland Trust tells us that, during the UK's membership of the EU, global biosecurity threats—particularly in plant biosecurity—have increased significantly and that the UK's response has sadly been less than exemplary. The report is therefore timely and very well put together, and I take this opportunity to put on record my thanks to the clerks of the Lords EU Energy and Environment Sub-Committee for their skill in helping members of the committee, of which I am one, to access the material to produce such an informative report. I also extend my appreciation to my noble friend Lord Teverson for his excellent chairmanship and masterful introduction to this debate. I will concentrate on two aspects: food safety risk management, which has already been covered by the noble Lord, Lord Krebs—although perhaps I can offer something a little different—and compliance and monitoring.

First, what happens to food safety risk management if we do not have a seamless transition from being an integral partner in the EU's disease notification systems to not having a seat at the table? Just to recap, the four main notification systems are: the animal disease notification system; RASFF, the rapid alert system for food and feed; the European alien species notification system; and the European Union notification system for plant health interceptions. The importance of these early alert agencies has been recognised by the Government, who have stated their intention to retain access to these systems. It is good that the Government recognise that it is important to be part of the discussion that leads to decisions about what information will be put in the public domain and what will not. As the chemists among us will know, after filtration, both the filtrate and the substrate are of interest. However, as things currently stand, the fact is that the only third countries that take part in any of these organisations are those in the animal disease notification system, and they are either candidate or potential candidate countries, or members of EFTA. For the other three bodies, full participation is restricted to member states only.

Can the Minister say how matters stand with respect to gaining access to these important early alert systems? I know that other noble Lords have asked the same question of the Minister, which goes to illustrate how important we think it is that this matter is addressed and that we have clarification. Does he agree that relying solely on public websites will not substitute for the wealth of information and insight that we currently enjoy, nor the influence we currently exercise—and that that applies even if we take part in international information exchange networks like the Food Industry Intelligence Network and the WHO's International Food Safety Authorities Network? The plan may be for the FSA to step into the breach, but it is not clear when it will be up and running and firing on all cylinders. The noble Lord, Lord Krebs, has given us a fairly comprehensive run-through of why concerns about the FSA's role remain. As has been mentioned, it is not clear either that any shadow body that is set up in the interim, until the FSA is up and ready, will be independent of government interference and at a safe distance from the food lobby. I therefore echo the same concerns as the noble Lord, Lord Krebs.

It is frightening to think that the Government were once seriously peddling a no-deal Brexit in the knowledge that alternative arrangements for biosecurity, such as they are, were not yet in place and that the UK's protection from animal pests and disease would have been substandard. It is also concerning that there remain on the Government Benches—and, it has to be said, the Opposition Benches—those who still extol the virtues of a no-deal Brexit. A poorer-quality early alert system, coupled with the proposal for laxer controls on borders, is a recipe for disaster and criminally negligent. Maybe it was merely political posturing and never in serious contention; one can only hope. However, the worry is that the snake-oil proponents of a no-deal Brexit are doing rather well in the polls for the Euro elections next week—a consequence of the failure of the Government and the Opposition to tackle the myth that we can have our cake and eat it, forgetting to mention the listeria or the E. coli lurking within.

[BARONESS SHEEHAN]

The role of monitoring and enforcement is currently filled by the European Commission and the EU's Food and Veterinary Office, which I am sure the noble Lord, Lord Trees, will cover in detail. The FVO carries out regular missions to member states to check practices and compliance with animal health, animal welfare and food safety regulations. It is a valuable independent assessor of risk management. In paragraph 38 of the report, the Agriculture and Horticulture Development Board asks who will perform this function if the UK leaves. The Welsh Government Minister, Lesley Griffiths AM, said in written evidence:

"There will ... need to be a body to replicate the audit and advisory support, post EU exit, currently delivered through the FVO". The RSPB raised an important issue about enforcement. I refer noble Lords to paragraph 39, where it said that the text of the invasive alien species regulation, "requires Member States to report to The European Commission on a 6-yearly basis on actions taken to implement the IAS Regulation".

The Commission therefore has the power to ensure that member states are implementing the IAS regulation and it can take enforcement action if necessary, along with the European Court of Justice. The result is that we currently have a monitoring and risk assessment agency and a Commission that has a record of taking meaningful action against transgressors.

The Minister's response to the committee when asked about how enforcement would be dealt with post Brexit, was, if I may say so, rather lackadaisical, given the dire consequences should there be a material lapse in vigilance. The Minister in question is the same Minister who is responding on behalf of the Government today, who said to the committee:

"If we need to look at either remits or additional powers to retain our reputation and our requirements, we will look at that ... We will take every opportunity, if necessary, to bolster any existing organisations".

Baroness Barran (Con): I remind the noble Baroness that the advisory speaking time is seven minutes.

Baroness Sheehan: I am sorry—I am just about to finish.

It sounds very much like we would be willing to shut the stable door once the horse has bolted. I hope that the Minister is now of a more proactive frame of mind. It is much more cost effective to address and manage the risks before catastrophe strikes and farm animals, lives and livelihoods are lost. I hope, if nothing else, that the Government will now take heed of that message from this report.

8.43 pm

Lord Trees (CB): My Lords, I, too, thank the noble Lord, Lord Teverson, and his committee for their excellent report, and I draw the attention of the House to my interests as declared in the register.

We are in a period of human history of an unprecedented degree and pace of change. Many of these changes have undeniable benefits—the emergence of digital technologies being one such example—but we are just beginning to understand the downsides of digital technology and the societal costs which we will

have to bear. Another seismic change is globalisation. The scale and speed with which people, animals, plants and their products can move around the world is unprecedented. Although globalisation undoubtedly brings great public good, driving economic growth and political co-operation, there is a cost to it. That cost is reduced biosecurity.

On this island of ours, we have rather taken biosecurity for granted, but we do that at our peril. Although the fruits of globalisation may be measured in billions of pounds in wealth, breaches in biosecurity can be measured in billions of pounds in cost. A recent paper estimated that the cost of dealing with ash dieback, mentioned earlier by the noble Lord, Lord Teverson, will be £15 billion. This cost follows the importation of ash saplings: an indigenous species to the UK which grows like a weed in my Scottish garden. We need seriously to consider the cost/benefits of such trade. I shall return to that later.

Focusing specifically on the consequences of Brexit for biosecurity—although, understandably, I am concerned with the health of trees, I shall focus mainly on animal-related matters—there are challenges and risks and, conversely, opportunities to strengthen our biosecurity. I point out that the ash saplings which may have introduced ash dieback into the UK are thought to have come from the Netherlands.

The increased risks have been raised by many of your Lordships tonight and previously. I must acknowledge that in many cases, the response from Defra has been extremely positive. For example, an internal UK system to replace TRACES, referred to by several noble Lords, the Import of Products, Animals and Food and Feed System—IPAFFS—is, I understand, nearing operational capability. I echo the question of the noble Lord, Lord Teverson, and ask the Minister for an update on the situation. What current plans are there to continue our participation in the EU animal disease notification system, or develop our own capabilities?

With respect to food safety, there are a number of important issues. I shall say much less than I planned to because it was most ably covered by the noble Lord, Lord Krebs. I will just reiterate his final, main point and question, because it is so important. Can the Minister assure the House that, in addition to risk assessment, the responsibility for risk management will lie with the FSA, independent of ministerial interference?

The potential shortage of veterinary staff has again been mentioned by several noble Lords. It has been the subject of Defra's veterinary capabilities and capacity project. Has this project reported to the Government? If not, when might that report be available?

The potential opportunities to enhance biosecurity post Brexit are several and significant. There are real and present animal health risks in continental Europe, and we now have an opportunity to introduce a uniform and tailor-made biosecurity system for the UK. I join the noble Lord, Lord Selkirk, in mentioning African swine fever, which can affect not only domestic pigs but, significantly, wild boar, and which has been spreading westwards in wild boar in Europe as far as Belgium, with associated outbreaks in domestic swine. Denmark is currently building a fence across its land border with Germany to control the movement of wild boar. The incursion of African swine fever into the UK would be

a devastation for our UK pig industry, and it would be extremely difficult to eradicate because of the potential wild animal reservoir of infection.

Regarding the movement of pet dogs, the pet travel scheme—PETS—has led to a huge increase in the movement of dogs into the UK from continental Europe: from 11,000 in 2000 to nearly 300,000 in 2017. Most disturbingly, criminals have exploited the system to illegally import large numbers of dogs for sale, contrary to the original concept of PETS. An unknown number of these animals may not have received proper rabies vaccination or medication to prevent tapeworm—both measures to safeguard public health. Through its investigations, the Dogs Trust has revealed the inadequate inspection and enforcement capabilities at our ports of entry. What plans do the Government have to tighten biosecurity and public health safeguards for the importation of dogs into the UK?

In conclusion, such is the magnitude of the economic damage that deficient biosecurity can inflict that there are strong arguments for adopting a “white list” of what is permitted in the way of importing living things and their products, in contrast to the “black list” of what is excluded. Whatever legal systems we have, it is essential that we strengthen enforcement at our borders. Finally, will the Government consider an in-depth report analysing the cost/benefit of different levels of biosecurity implementation, given the colossal cost of breaches in biosecurity?

8.51 pm

The Duke of Montrose (Con): My Lords, I have considered it a privilege to serve on the Energy and Environment Sub-Committee as it has dealt with these matters. I offer my congratulations to our chairman on persevering to secure the debate and to the committee staff on producing such a comprehensive report, the measure of which can be seen in the thorough and detailed response from the Government. I think that we sharpened up their approach very considerably.

On Monday, as part of Invasive Species Week, my noble friend the Minister mentioned that he and his colleagues had successfully obtained approval for the UK to have approved third-country status in case of Brexit. I for one feel that he and his colleagues should be congratulated on that because a great threat was hanging over the farming industry.

I declare my interests as detailed in the register as a farmer and landowner in Scotland. Quite a lot of the policy in this area is a matter of devolved competence but the question of Brexit and protection from invasive alien species is bound to be of common interest across the UK. In my small, immediate area of the UK, I have experienced a great deal of the breakdown of biosecurity. We have seen invasive plant species such as giant hogweed, Japanese knotweed and Himalayan balsam, to mention a few. Then there are the current invasive plant diseases, in addition to those whose effects have been mentioned by noble Lords. We have seen it in shrubs, rhododendrons and cypresses; these diseases will affect a great raft of areas.

On animal species, my experience goes back as far as grey squirrels and mink but there are other things nowadays, of course. Now, noble Lords concentrate

rather more on the topic of animal diseases. We even had an invasive fish wipe out a particularly unique native fish population in Loch Lomond. There are many more such diseases under all these different headings that we watch for and fear.

All of these things involve production and financial losses or expenses for anyone involved in making an income from the land, and much of it has occurred in my lifetime. If the Government’s policy is that we must learn to be more efficient and productive in agriculture, they will have to be much more rigorous in maintaining a true species and sanitary barrier around our shores.

On financial support for agriculture, we are constantly being told that we should try to emulate New Zealand. The noble Lord, Lord Teverson, mentioned this subject. Anyone who has visited New Zealand will know that border security, even for a passenger, is strict. You are put through a rigorous procedure if there is any suggestion that you may have been on a farm in another country, yet here we allow overseas animals to be delivered to a purchaser and only then subject them to testing.

The committee raised the question, as have other noble Lords in this debate, of whether the UK has sufficient powers to enforce compliance. The Government’s reply suggests that biosecurity is an area where the relevant department probably has sufficient powers to ensure that the full rigour of the legislation is enforced. We hope that that is true because we simply do not want invasive species.

In certain other environmental matters, the EU has operated to a different pattern of discipline in order to deal with 24 different countries. The EU likes to set aspirational targets and regulate with fines. Noble Lords will almost certainly remember that it was a considerable novelty when we passed the Climate Change Act and introduced the target mechanism into UK law. The ordinary citizen now knows what was considered appropriate at that time and can urge the politicians on. The difference between us and the EU is that it was never considered desirable, and we still do not know who will be held accountable if and when the country misses that target. Can the Minister say if in his view it has provided a pretty good incentive which we all have to watch for? What other mechanism would he suggest?

The noble Lord, Lord Teverson, considered the variations in the EU list of invasive alien species. He asked what system the Government propose to put in its place. I notice that the Minister gave some consideration to the question in his reply to the report. We all know that variations will occur. The first issue for us will be, as always, whether we feel compelled to act in compliance with what the EU does for the sake of trade. Should we immediately follow suit? But if change is needed, the suggestion is that the Secretary of State will be able to make the changes by order. Can my noble friend the Minister say whether this order will be in the form of a statutory instrument, and if of contentious nature, could it be subject to the affirmative procedure?

8.57 pm

Lord Grantchester (Lab): My Lords, I also thank the noble Lord, Lord Teverson, and his committee for this excellent report on biosecurity in the context of

the Brexit challenge. The report is part of a series of reports on different environmental, agricultural and trade aspects of Brexit that it is important to debate and consider together. I congratulate the committee on its work and the noble Lord, Lord Teverson, on his introductory remarks. This has been an excellent debate and I declare my interest as noted in the register.

The report highlights four strands to the inquiry: the biosecurity implications of leaving the EU in relation to animals and animal products, plants, food safety, and invasive non-native species. I thank the Minister and his department for the Government's extensive 15-page response. I think this shows that the Government are by and large aware of all the issues and have covered the implications under a no-deal exit scenario through the immense number of statutory instruments brought before your Lordships' House over recent weeks.

From recent experiences, Defra could be said to be well equipped to deal with the import and export of animals and animal products. I refer to the lessons learned from BSE, FMD, avian flu and potential zoonosis diseases. While the report highlights the dependence on EU systems, the UK in many regards shares and reciprocates the data and monitoring necessary. The debate has also shown that complacency must be guarded against. Veterinary scanning surveillance enables early detection and investigation of new or re-emerging animal diseases. The diagnostic service is the cornerstone of the scanning surveillance system. In England and Wales it is delivered by APHA's network of VI centres and partner providers contracted by APHA. It will be important to ensure that the capacity and capability of the domestic surveillance system, which has been under financial pressure for many years, continues to work effectively. Can the Minister inform the House how many VI centres remain in the UK and whether they are still adequately positioned within an hour's travel from farms, to ensure relevance for disease monitoring to be able to be fed into the national surveillance system and to improve detection and animal management on farms?

The Government state that UK laboratories that lose EU reference laboratory status have already been provided additional funding, and that this will ensure a strong level of expertise and research resource. However, the Government have no immediate plans to introduce an independent body to replicate the audit and advisory support of, for example, DG SANTE in Brussels to ensure biosecurity standards in non-EU countries. This new entity could reduce biosecurity risks posed by trade. Will the Government commit to review the situation in the light of any final outcome, not only to EU negotiations but to future international trade agreements?

Quite distinct from reference laboratories, biosecurity facilities will need to be developed further at entry points to the UK. What is the Government's intention regarding entry and exit points for trade—ports and airports? Is it the Government's intention that all ports for trade will be facilitated equally for inspections, certifications and monitoring, or will the Government concentrate on specific reference status points for enhanced protocols, such as may be required of the UK to abide

by the new biosecurity phytosanitary certificates necessary following the UK's change of status to that of a third country?

The Government are correct to recognise the importance of a balance between rights and responsibilities in international trade, underpinned by biosecurity being the definitive requirement that will not be compromised by any future trade deal.

The report highlights the staff requirements and underlines the reliance on vets from overseas. Can the Minister update the House on the shortage occupation list in the new immigration policy proposals? The reliance on EU veterinary surgeons is particularly acute in the meat hygiene sector, where 95% of the veterinary workforce graduated overseas. This inspection work is crucial to food standards and labelling, necessary to minimise the risks of food fraud in the international food chain, to promote animal welfare and to provide public health reassurance to consumers at home and overseas.

All biological trade is accompanied by documentation under TRACES. The Government's preferred option is to retain access while developing a UK notification equivalent. It must be recognised that this applies only to commercial activities, and the protocols around the pet travel scheme appear to have been abused through the option to trade as non-commercial rather than under TRACES. Will the Minister commit to review the pet travel scheme of 2012 in the light of the undercover investigations by the Dogs Trust and others that reveal serious loopholes in biosecurity measures, highlighting ineffective border controls and negligible sharing of evidence, the falsification of data and treatments, and a lack of sufficient penalties?

Following ash dieback, first identified as resulting from imported nursery stocks in 2012, the Government have moved quickly to bring about plant biosecurity under a more robust system, commensurate with the standards pertaining in the animal sector. The spread of the disease in the UK, through the planting of infected nursery stock and wood, can also be enhanced by the wind-borne distribution of fungal spores, such that the disease could well have been in the country much longer.

I thank the Woodland Trust for its briefing on the report, and for its proposal to the Government that a wide assurance scheme be introduced for all plants on sale in the UK. The Woodland Trust created its UK-sourced and grown assurance scheme to ensure that all native tree stock is healthy and pest free. Assurance schemes are well understood and recognised in the animal sector, and I ask the Minister to take this idea back to his department and consider extending it to plants, alongside developing and providing best practice guidance on how to deal with affected trees and broader messages to the public.

The need for symmetry of controls for biosecurity across both plant and animal risks and threats needs to be recognised. The Government have committed to implement the new EU plant health law in the UK. The report also highlights the importance of similar clarity on the EU animal health law which is under development.

The last of the four strands concerns invasive non-native species, or invasive alien species. This is intrinsically a cross-border undertaking, given that organisms do not respect national boundaries and can enter the UK via land, sea or air. The UK will continue to need the benefits of EU data sharing, collaboration and cross-border liaison to keep indigenous flora and fauna safe in the future. The report urged the Government to ensure ongoing access to the EU IAS information system. The Government's response did not answer this point. Will the Minister confirm that the Government intend to negotiate continued participation in as many of the EU's notification and intelligence-sharing networks as possible, including continued access to the EU IAS information system?

The EU IAS regulation provides some preventive, reactive and management measures for tackling IAS, and includes the responsibility of restoring damaged and destroyed ecosystems based on the "polluter pays" principle. An amendment to the withdrawal Bill to enact this measure was not accepted by the Government. This measure, together with the creation of the environmental protection office, is due under the future environment Bill, as the UK faces a governance gap because there is no independent authority to which reports on actions on invasive species can be made or by which any UK biosecurity failings can be held to account. Will the Minister explain how the governance gap will be filled in the interim? Will a new biosecurity Bill be brought forward to prevent the introduction of unwanted invasive species with additional unknown pests and diseases? The Government's response under paragraphs 43 to 186 of the report suggests that proposals are being developed to provide further clarification on this and on the land border on the island of Ireland being treated as a single epidemiological unit. That would be extremely timely.

The report also highlights the challenge to the UK framework from the devolution settlements and the various differences in approach. The need for a close working relationship between all parts of the United Kingdom is recognised, so that all parts can play a full role in developing a UK-wide biosecurity framework, where ecological and geographical differences that give rise to different solutions do not create either internal borders, vulnerabilities or trade distortions. While the Government's response does not comment on this, I am sure the Minister may wish to underline its relevance in the debate.

With the backcloth of the Chatham House report on the threats to biosecurity against the imperative action needed on climate change, this report is timely in the consideration of threats to the UK ecology and recognised way of life.

Baroness Barran: Perhaps I may remind the noble Lord of the timings.

Lord Grantchester: I am well aware of the timings. I thank the noble Baroness and I am drawing my remarks to a conclusion.

As the future trading relationships behind the glib phrase "global Britain" still need to be agreed and reconciled, this report has underlined the most important

relationship of all—how the UK interacts with its nearest neighbours. The Minister has a long list of questions to address on a wide-ranging report with many serious risk management issues.

9.10 pm

The Parliamentary Under-Secretary of State, Department for Environment, Food and Rural Affairs (Lord Gardiner of Kimble) (Con): My Lords, the noble Lord, Lord Grantchester, is right in his final remarks. I promise that I will write more fully because, given the force of argument in this debate, it will not be possible to adequately answer all of the questions in the time I am permitted. I declare my farming interests as set out in the register. I am grateful to the noble Lord, Lord Teverson, and all committee members because this is a valuable report.

It is appropriate that this debate takes place during Invasive Species Week. Yesterday I was in a ditch in Kent with volunteers digging up American skunk cabbage. I was delighted to be speaking alongside the noble Lord, Lord Teverson, at the Wildlife and Countryside Link panel on invasive species.

My noble friend Lord Selkirk referred to the overseas territories. The hope factor is important in all of these issues, which I take seriously. On South Georgia, the eradication of the rat has now made that island as pristine as it was before Europeans arrived there, and the pintails and the pipets are back in rapid profusion.

The Government welcome this report. I am the Minister for Rural Affairs and Biosecurity, and having a Minister with responsibility for biosecurity is not only daunting but essential. As has been said, plant and animal pests, diseases and invasive species pose a considerable threat to our country's environment and economy and it is important that UK biosecurity involves the co-operation and collaboration of our friends and partners on the continent.

The Government agree with all the observations on the need to maintain high standards of biosecurity and, yes—the noble Lord, Lord Teverson, made a pragmatic reference to this—we also want to improve upon them. I am not satisfied that we should just be seeking to maintain. We need to consider these matters. The noble Lord, Lord Trees, referred to ash dieback and to what we did then. The lessons we have learned include the appointment of an outstanding Chief Plant Health Officer because we got things seriously wrong.

International co-operation is important. The eastern counties of England have got it naturally, because the fungal spores have not travelled far enough. My noble friend the Duke of Montrose mentioned that New Zealand and Australia are biosecurity conscious—we permitted far too many invasive species into those countries following our arrival—but biosecurity is much more straightforward when you have enormous oceans between countries. There are undoubtedly lessons to be learned, but there are proximity issues, and that is why we need to work so closely together.

Much of our biosecurity legislation is underpinned by EU regulations covering all these issues. We have made clear our intention to bring back all relevant aspects of EU law—many noble Lords have been involved in this—so that we have fully operable legislation to protect our biosecurity. Indeed, since the report was

[LORD GARDINER OF KIMBLE]

published, I think the vast majority of all the statutory instruments required have been laid and will come into force when we leave.

On 9 April, the European Commission called a meeting of the relevant committee—SCoPAFF—to consider the UK's third-country listing application and made it clear that it required all relevant animal health legislation to be in place by that date. I am very pleased that member states voted unanimously to list the UK as a third country, if that had been necessary. The committee proposed an independent and effective domestic enforcement mechanism to take on the role currently filled by the Commission. Through legislation made under the withdrawal Act, we are bringing over into UK law all relevant legislation and associated reporting requirements on exit day.

On our enhancement of enforcement controls, the Invasive Alien Species (Enforcement and Permitting) Order 2019 ensures that the principal EU regulation on the prevention, management, introduction and spread of invasive alien species will be effectively enforced at the UK border. We have robust legislation on diseases and pests which allows enforcement of domestic legislation. The Animal Health Act sets out clear powers of access and enforcement, while individual orders made under that Act identify which breaches and non-compliances are punishable under the Act.

The noble Lord, Lord Krebs, and my noble friend Lord Selkirk mentioned the Food Standards Agency—a non-departmental public body—maintaining its independence of government. Although the FSA works very closely with the Department of Health and Social Care, I meet Heather Hancock and officials with biosecurity issues and food safety in mind. It is important that that independent body can provide the information. When I get to it in the list of replies, I will refer to some of that in rather more detail. We will continue to review what, if any, additional measures need to be taken if we are concerned about further enforcement issues.

The noble Lord, Lord Krebs, and the noble Baroness, Lady Sheehan, spoke about co-operation. Ongoing co-operation with our friends and partners in the EU is essential so that in any trade we have, we and they do not increase the risk of animal and plant diseases, pests and invasive non-native species entering this country. We remain committed to engaging with the EU and international partners to maintain and enhance networks. As many noble Lords, particularly the noble Lord, Lord Krebs, know, we have significant scientific expertise. Many international experts will continue to sit on international advisory boards, including the European Food Safety Authority. The UK's Chief Veterinary Officer and Chief Plant Health Officer are outstanding, as are their teams. Having travelled with them in Europe and the United States, I know that their reputation is very considerable indeed and we should be proud of our country's reputation for world-class science.

On trade and inspections, the committee highlighted a number of areas which might change as our relationship with the EU develops. The disease and pest risks posed to the UK by the EU will not change overnight,

so we are confident that our plans are proportionate and practical. The Government consider that controls on imports should be risk-based and proportionate, taking advantage of available technologies, which we believe will help us facilitate frictionless trade.

Continued participation in EU pest and disease notification systems is of course desirable, and we would like to retain full access to the EU systems. Indeed, there is some precedent for third-country access to EU notification systems, and it is clearly something that we will want to negotiate. These public notifications will be supplemented with extensive intelligence-gathering from other organisations, agencies and networks, and will be supported by enhanced bilateral relationships with key trading partners and our nearest neighbours.

Defra works closely with the Food Standards Agency and the Department of Health and Social Care to ensure that the regulatory regime for food safety remains robust when the UK leaves in order to protect public health and retain the confidence of consumers and international partners.

The noble Lord, Lord Teverson, raised the issue of TRACES. We recognise the important role that TRACES plays in monitoring the movement of animals, animal products and high-risk food and feed, and in minimising biosecurity risks. The UK replacement, which the noble Lord, Lord Trees, referred to—the Import of Products, Animals, Food and Feed System, or IPAFFS—has been built and was deployed in mid-March for import agents dealing with countries outside the EU. We are continuing to develop IPAFFS. I emphasise that the Government are seeking a deal and a negotiated arrangement. However, should the UK leave without a deal, EU imports of live animals, germinal products and certain animal by-products could be notified using IPAFFS.

For plants, we will operate a risk-based verification system, allowing inland surveillance to confirm that certification requirements are being met. The existing EU plant passport will be replaced by the internationally recognised phytosanitary certificate.

I turn to some of the specific points that were raised. My noble friend Lord Caithness and the noble Lord, Lord Teverson, asked how the UK is performing against the targets set out in the UN Convention on Biological Diversity. We are making progress but fully recognise that we need to do more. The convention has 20 targets, and we have, for instance, expanded our protected areas at sea and have provided new funding for woodland expansion and peatland restoration. While I was on Dartmoor on Saturday, I saw some of that peatland restoration work.

My noble friend Lord Caithness referred to the Action Oak campaign. This was a partnership that I was very keen to start up. My noble friend Lord De Mauley may have thought that he was going to set it up but it was actually my privilege to do so. It is a great partnership and we want to address urgently the research needs for the protection of a very significant tree. It is host to 2,200 species, many of which rely solely on the oak.

My noble friend Lord Caithness and the noble Lord, Lord Grantchester, both referred to trees. To respond in staccato to the question of what trees to plant:

definitely oak, grown in Britain and UK-sourced. Of course, we need appropriate trees for appropriate places, and the Forestry Commission can give very good advice on that. I also say to the noble Lord, Lord Grantchester, that our discussions with the Horticultural Trades Association are much stronger and we have very close collaboration with it. Guidance is an issue. *Xylella* is certainly making nurseries very conscious of enhanced biosecurity. In fact, it was the Secretary of State who most strongly pushed for further restrictions and action in the European context. If that had not been forthcoming, which it was, I would have been very keen to take national measures, as we have done on other occasions. Something that will be very interesting when we have our own responsibilities is the speed with which we can make decisions. It was a point I made, and which was raised with me, when I gave evidence.

On disease awareness, my noble friend Lord Caithness asked about plant health and the plant health portal. We have a risk and horizon-scanning system which looks very closely at all global threats. We liaise with embassies in countries where there are plant health problems. Outbreak assessments for animal diseases are published on GOV.UK.

The noble Lord, Lord Browne of Ladyton, raised the BioRISC project. Defra is fully engaged in that and we are looking forward to the debate at St Catharine's College in July. I know that Professor Nicola Spence, our Chief Plant Health Officer, will be part of those deliberations.

The noble Lord, Lord Browne of Ladyton, also mentioned the biosecurity strategy. The governance board has been set up at director and official level, there is a working group, and there are monthly meetings across government. The Government are very active on this. I am sorry these replies are rather staccato, but I want to get through as many as possible.

The noble Lord, Lord Krebs, mentioned RASFF and rapid alert access. Negotiations are ongoing. We are also strengthening our links with the WHO's International Network of Food Safety Authorities—INFOSAN—which includes 180 countries.

The noble Lord, Lord Krebs, also raised concerns about guaranteeing that imported food will continue to be safe. The Food Standards Agency is responsible for and absolutely committed to ensuring that imported food continues to be safe for our consumers, and that will of course continue.

The noble Baroness, Lady Sheehan, asked whether standards will change after exit. The UK is considered world-leading in standards of food safety and quality and these are backed by a rigorous legislative framework. We will maintain those high standards. The Secretary of State has been clear on a number of occasions that we do not intend to compromise our high food standards in pursuit of trade deals. We are committed to upholding and indeed strengthening our high standards in food, public health and safety, product performance and environmental protection. I am very happy to put that on the record again in your Lordships' House.

Turning to vets, I declare that two members of my family are in the veterinary profession. We have been strengthening this area by working with official

veterinarians. We now have 300 additional approved OV's. I am told that I have three minutes left, so I will write more fully on that. My noble friend Lord Selkirk referred to plant health inspectors and we are also increasing the number of plant health inspectors and support staff.

On legal powers to protect biosecurity, we will certainly give consideration to the extent to which we implement aspects of revised arrangements to be introduced in the EU from December 2019 through the new plant health official controls regulation. Indeed, the UK had significant influence in shaping those new arrangements.

There are a number of other points I should raise. My noble friend the Duke of Montrose spoke about amending the list of invasive species. The Secretary of State will have power to make regulations to change the list of species of special concern. The power can be exercised only with the consent of Welsh Ministers and DAERA and, in so far as it concerns import and export controls, the Scottish Ministers. Parliament will have the opportunity to scrutinise any regulations.

The noble Lord, Lord Grantchester, referred to veterinary investigation centres. There are 10 across England and Wales. Also on the very important issue of vets, the Government commissioned the Migration Advisory Committee to review the composition of the shortage occupation list. The department responded with the request to include vets on that list. Preparations are being made should there be no deal before the office for environmental protection is established.

The noble Lord, Lord Grantchester, also asked whether we will have agreed continued access to the European alien species notification list. The EU system enables critical information to be shared quickly. Clearly, future access is dependent on negotiations. We are developing contingency plans but, again, co-operation is hugely important.

I have not mentioned much in my speech the APHA's vital role in this work. The rapid risk-assessment processes are absolutely essential. I am informed on a daily basis about outbreaks around the world. We also have very close co-operation with Ireland. The epidemiological status of the island of Ireland is so important and must continue. Indeed, through the British-Irish Council, the whole United Kingdom, Jersey, Guernsey, the Isle of Man and the Republic are closely engaged on this and all of them are involved in Invasive Species Week.

I am very sorry that there is so much more I would like to have said, but I will write to your Lordships, in particular in reference to the point the noble Lord, Lord Krebs, made about risk management. This is clearly a matter for both departments, but also for the independent Food Standards Agency. That independence is so crucial. I thank your Lordships, in particular the noble Lord, Lord Teverson, and his committee. It is very important that biosecurity has the highest possible profile. Much damage can be done if we do not look after our biosecurity.

9.31 pm

Lord Teverson: My Lords, I congratulate the Minister on pronouncing "epidemiological" correctly. I was trying to avoid it and find an alternative all the way

[LORD TEVERSON]

through my speech. The committee and I absolutely recognise his dedication to this area. We welcome his taking the responsibility so seriously and the way he has responded to the debate. We look forward to him writing to us as well.

It is the end of the day, so I thank all those who have contributed, including committee members. It is also great to see some recent former members, particularly the noble Lord, Lord Trees. I thank him for all his excellent input on the veterinary side and broader areas during his membership of the committee. I also thank the Deputy Speaker, the noble Viscount, Lord Ullswater, who has presided over the debate and was an important member of the committee until recently. I also thank the noble Lord, Lord Browne, and the noble Earl, Lord—

Noble Lords: Caithness.

Lord Teverson: I know the noble Earl so well by his forename that I sometimes forget his title. He regularly contributes to these events. As others have, I thank Alexandra McMillan and Jennifer Mills, the clerking team for this committee. They have been absolutely excellent.

I sum up by saying that I welcome everybody's concentration in bringing this matter to the fore, but it will get more difficult to contain, not just, as the noble Lord, Lord Trees, said, because of increasing global trade, but because of climate change and the proliferation of personal travel. Yet it is so important that it is contained. I am positive about the way the debate is being taken seriously and has been responded to by the Government. I thank the Minister for that. I beg to move.

Motion agreed.

House adjourned at 9.34 pm.

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