

## Latest position on the Brexit negotiations

- Two weeks of detailed Brexit negotiations concluded last week (Wednesday) in Brussels without agreement, but have been scheduled to continue this week in London.
- Lord Frost, UK Chief Negotiator, commented: *“We’ve just finished two weeks of intensive talks with the EU. Progress made, but wide divergences remain on some core issues. We continue to work to find solutions that fully respect UK sovereignty.”*
- Michel Barnier, EU Chief Negotiator, said: *“despite EU efforts to find solutions, very serious divergences remain in Level Playing Field, Governance & Fisheries. These are essential conditions for any economic partnership.”*
- Latest comment from the Government yesterday morning came from the Justice Secretary, Robert Buckland, who said he was *“cautiously optimistic”* about a deal being reached with the EU. *“Both sides are negotiating hard, there is still more work to be done, but the fact both sides are moving very swiftly to carry on the detail of negotiations is a significant sign”* he said.
- Timelines could extend into December. The UK side requires no parliamentary process, any deal can simply be agreed by the Government. On the EU side, a deal would first have to be agreed by the EU Council (representing member state governments), which can be done in a matter of days, and then by the European Parliament.
- The European Parliament timeline is longer, to convene a session of MEPs
- Before the end of December, there is an EU Council scheduled for the 10<sup>th</sup>/11<sup>th</sup> December and a European Parliament plenary from 14<sup>th</sup>-17<sup>th</sup> December.

## Analysis

- Boris Johnson’s approach to negotiating with the EU is to run down the clock, in an attempt to force the EU’s hand. The UK will be relaxed about the timeline, believing that the EU side is under more pressure because of the requirement for all EU member states to agree (at EU Council meeting) and for the European Parliament to meet.
- The negotiating mandate for Lord Frost and Michel Barnier, particularly the latter, is said to be too restrictive to allow for the movement

necessary for a compromise to be reached in their negotiations and further movement will require the intervention of ‘the principals’, the UK PM and EU Leaders, particularly Angela Merkel and Emmanuel Macron.

- There is likely to be more drama, e.g. the talks might break up with some acrimony and both sides declaring negotiations over, but then a final piece of theatre involving the ‘principals’ prior to the 10th/11<sup>th</sup> December EU Council meeting
- A deal is still the most likely outcome

Later Life Ambitions key issues:

- EHIC – there has been some discussion on this in Parliament this week, not in the chamber but through special committees called Delegated Legislation. See below for further information.
- Pensions Abroad – please see the following written question which should provide more detail, [here](#). It shows the Pensions Minister, Guy Opperman MP responding: “Under the terms of the Withdrawal Agreement, UK State Pension recipients living in the EEA and Switzerland by 31 December 2020 will have their state pensions up-rated for as long as they continue to live there and remain in scope of the Withdrawal Agreement.”
- Social Care workers – you may find the attached article of interest. It sets out that the Migration Advisory Committee made recommendations earlier this year for senior care workers to be added to the so-called shortage occupation list but so far, the Government has not yet acted, likely in part due to the pandemic.

#### [Delegated Legislation Committee on the Draft Reciprocal and Cross-Border Healthcare \(EU Exit\) Regulations](#)

- **The Parliamentary Under-Secretary of State for Health and Social Care, Jo Churchill** moved the regulations and explained that the regulations update the legislation from 2019 to take the withdrawal agreement into account and “*offers significant healthcare protections for those relying on reciprocal healthcare arrangements in the EU.*” She said from 1 January 2021, reciprocal healthcare arrangements will not change for those individuals who are in scope of the

withdrawal agreement. This means that, regardless of any future healthcare arrangements, state pensioners and workers who have moved to the UK or the EU and are resident there before 31 December 2020 will continue to have lifelong reciprocal healthcare rights for as long as they live in that country and are covered by the agreement. She said this also applies to those who may be in a “*cross-border situation over the end of the transition period*”. She gave the example of someone who is on holiday before 31 December 2020 but that ends afterwards can continue to use their EHIC card to access any treatment necessary until they leave that country by travelling to another EU member state or returning to the UK.

- **Shadow Minister for Care, Liz Kendall** replied that Labour would not vote against the regulations because they provide certainty regarding cross-border healthcare arrangements. She said it was good that the regulations will mean UK nationals who live and work in the EU and European Free Trade Association (EFTA) Countries on or before 31 December will continue to be entitled to healthcare in the member state, under that member state’s rules and have access to an EHIC by that member state. She added that EU and EFTA nationals registered in the UK will be entitled to NHS services and a UK issued EHIC. She asked the Minister to confirm that UK citizens who go on holiday, or a business trip in an EU member state, will no longer be able to use their EHIC card and therefore have to buy travel insurance to make sure they are covered.
- **The Parliamentary Under-Secretary of State for Health and Social Care, Jo Churchill** replied a lot of what was alluded is the subject of ongoing negotiations. She added she knows it is difficult for people with pre-existing conditions to find travel insurance that gives them the right cover but the Money Advice Service has recently launched an insurance directory for people with serious medical conditions to try and make this easier.

## House of Lords Committee Stage on Social Security (Up-rating of Benefits) Bill

- **Lord Randall of Uxbridge (Con)** raised the “*injustice*” of frozen UK pensions overseas by tabling a probing amendment to the Bill on the issue. He described current provisions as discriminatory against those living outside of the UK.
- **Minister of State at the Department for Work and Pensions, Baroness Steadman Scott** responded that it has been a long standing policy of successive governments that UK state pensions are uprated worldwide where there is a reciprocal agreement with that country requiring it to do so. She highlighted there are only two reciprocal arrangements which do not allow for uprating; those with Canada and New Zealand, because these countries have residence-based state pensions and to an extent means tested. She explained that in New Zealand they take overseas pensions into account of its superannuation scheme and requires that notional income is calculated if a pensioner does not claim their state pension from an overseas country – meaning any rise in state pension would see the additional money go to the respective treasuries not the pensioners themselves. Crucially, she said there are no plans to change the policy on uprating UK state pensions overseas.