

To: Michael Gove, Chancellor of the Duchy of Lancaster and Minister for the Cabinet Office
Maroš Šefčovič, Vice-President of the European Commission

Cc: Michel Barnier, Chief Negotiator, Task Force for Relations with the UK
David Frost, Prime Minister's Europe Advisor and Chief negotiator of Task Force Europe

Dear Mr Gove,
Dear Mr Šefčovič,

As the Joint Committee established by the Withdrawal Agreement meets for the first time on 30 March we are writing to you as representatives of the3million and British in Europe regarding the specialised sub-committee on citizens' rights and our participation therein.

British in Europe and the3million represent British citizens living in the EU and EU citizens living in the UK. We have been involved and have inputted into the discussions and negotiations on citizens' rights from the very start of the process (our organisations were established shortly after the Brexit referendum) and our first joint meeting took place with Michel Barnier on 28 March, 2017. More information about both our organisations is available at www.the3million.org.uk and britishineurope.org.

Given that the stated first priority of both parties since 2016 has been to secure the rights of citizens caught up in a situation not of their making, we are writing to request that representatives of our organisations be given a role on the specialised subcommittee on citizens' rights. We fully appreciate that it is up to the parties to nominate representatives but we also understand that there is provision for experts to attend the meetings and to provide input.

This is not new and is a feature of many international negotiations in other areas of policy. For example, when the Conference of the Parties for the WHO Framework Convention on Tobacco Control established working groups to develop guidelines on the implementation and oversight of the Convention, civil society organisations were invited onto the working groups as expert observers and contributed positively to the development of the guidelines.

We also have the current example of the five missions on cancer, climate change, food and soil, oceans and smart cities, whose boards include representatives of civil society. The missions are not international treaty negotiations but they are shaping EU policy and research agendas and priorities and will have a major influence on international as well as EU policy in the decades to come. As you are aware, citizens' engagement is a key priority for these missions and for the Commission.

30th March 2020

Why should British in Europe and the3million be expert observers?

- We have a proven track record of providing **well-informed legal analysis** of citizens' rights issues – see the numerous papers we submitted to both sides' teams during the negotiations, as well as to the UK Government, the European Commission, the UK and European Parliaments and the governments and parliaments of Member States.
- We have **detailed knowledge** of the issues that arose during the negotiations concerning the citizens' rights part of the Withdrawal Agreement – we were briefed privately by both parties' teams before and after each round of the citizens' rights negotiations and commented on each successive draft of the Agreement.
- Drawing on our widespread network of members we can provide up to date **evidence** of implementation of the WA across the EU and UK, and of any systematic problems being experienced in any country. This **"canary in the coalmine"** role will be particularly important in the aftermath of the coronavirus pandemic which may delay implementation, especially in the EU where most member states have yet to start implementation, and given the difficult economic conditions that all our countries will face as a result for the foreseeable future.
- We can be **trusted to maintain confidences**. Most briefings to us have been provided on a confidential basis and we have always respected those confidences.
- We have earned the **respect** of both sides' teams, including UK Ministers and civil servants on the one hand and the Commission's negotiating team, EU Council team and European Parliament's Brexit steering group on the other.

Both parties have consistently emphasised the importance of citizens in the Brexit process. Inviting us to participate in the specialised subcommittee would demonstrate a concrete commitment from you to your citizens. The coronavirus pandemic is changing our societies, our economies and how we do politics on a daily basis. The lives of EU and UK citizens and residents are being prioritised over all other concerns. Let's reflect these seismic changes from the very beginning of the discussions on the implementation of the Withdrawal Agreement by giving the3million and British in Europe a seat at the table because there should be "nothing about us without us".

Yours sincerely,

Dimitri Scarlato
the3million

Fiona Godfrey
British in Europe

30th March 2020