

By email

Clare Hayles
Maritime & Coastguard Agency
Spring Place
105 Commercial Road
Southampton
SO15 1EG

Website: www.dft.gov.uk/mca/

16th October 2018

Dear Mr Tibbitt,

Request for information – our reference 3153

I am writing with respect to your request of 22nd September, where you asked:

“1. How much has been spent on external consultants or support to advise on the implications and consequences of brexit, or recommend actions to mitigate any possible brexit impacts? If spend has occurred, please confirm the name of the supplier or suppliers and copies of any material produced by this process.

2. Please supply copies of any brexit planning documentation held by the organisation or consumed by senior management. This may include, but should not be limited to, Risk Assessments, Action Plans, Meeting minutes, Reports and presentations.

3. Please supply technical or advisory briefing documentation on brexit that has been produced by the organisation and supplied to other government agencies or bodies.

4. Please supply copies of any technical or advisory documentation that has been supplied to the agency from other public bodies that relates to Brexit contingency planning.

5. Please supply details of any assessment that has been made of the financial impact on the organisation, either positive or negative, of the brexit process. Has the organisation set-aside a contingency fund or invested as a direct consequence of the brexit process? If so, please provide summary details.”

Your request for information has been dealt with in accordance with the Freedom of Information Act 2000.

The UK wants a positive future relationship with the EU, encompassing both economic and security cooperation. The Government are confident that this future relationship is in the interests of both sides, and so are approaching EU Exit negotiations anticipating a successful outcome. The UK does not want or expect a no deal outcome. However, a responsible government should assess and prepare for all potential outcomes, as is prudent

in such a significant period of transition, and this is exactly what the UK Government is doing across all departments. These preparations have been designed to provide the flexibility to respond to a negotiated agreement, as well as preparing us for other scenarios, including the unlikely scenario in which no mutually satisfactory agreement can be reached.

Accordingly, the Maritime and Coastguard Agency, as part of the Department for Transport, has well developed plans and preparations, formulated as part of an ongoing process and informed by detailed assessment of the potential outcomes and their impacts on the maritime sector. This includes work under the following two workstreams:

- The Marine Equipment Directive contingency planning;
- European Maritime Safety Agency information system contingency planning.

I can confirm that the Agency does hold some of the information requested. Unfortunately, I regret to inform you that I have decided not to disclose specific details of the relevant assessments that have been made. The information being withheld falls under the exemption of section 27(1: a-d) of the Act. This applies to information which if disclosed would likely prejudice: relations between the United Kingdom and any other state, relations between the United Kingdom and any other international organisation or international court, the interests of the United Kingdom abroad, or the promotion or protection by the United Kingdom of its interests abroad. In this instance, releasing the information could prejudice relations with the EU and its member states while we continue to negotiate the UK's exit from the EU.

In deciding to apply this exemption, we have to balance the public interest in withholding this information against the public interest in disclosure. We recognise that disclosing the information would improve public awareness of how the Agency is assessing the impact of the different outcomes for the UK's exit from the EU and would provide insight into the potential impacts of EU Exit on the UK. However, while we are committed to being as transparent as possible, releasing this information would likely compromise the UK's relations with the EU and, therefore, our negotiation of EU Exit. The UK's exit from the EU is a complex and evolving situation and, therefore, providing specific details of the assessments carried out into different outcomes would give insight into our priorities, our strategic position in the negotiations, and, in turn, could affect how the EU and particular member states engage with the UK on the future of these joint programmes and negotiated policy areas.

Additionally, the information is being withheld under the exemption of section 35(1: a) of the Act. This applies to information relating to: the formulation and development of government policy. In this instance, disclosure of specific information on the assessments carried out into the different, potential outcomes of EU Exit would disrupt the ongoing policy development process, which is informed by such assessments.

In deciding to apply this exemption, we have to balance the public interest in withholding this information against the public interest in disclosure. We recognise that disclosing the information would increase public knowledge of how the Government works and how preparations for EU Exit are being informed, which may lead to more effective public contributions to the policy making process. However, formulation and development of EU Exit policy is a live and highly sensitive process, as we continue with our negotiations to exit the EU, and will continue to be so well beyond the date of the UK's exit from the EU in March 2019, given the future trade deal negotiations that will follow. Good government relies on practical decisions being informed by the best advice available and requires the opportunity to make a full consideration of all the available options, without threat of premature disclosure during this process. The decisions involved will have wide implications for the UK, and it is absolutely vital that the process is able to proceed in a safe space, and that officials

and Ministers are able to have those discussions, and raise potential options and risks, necessary to fully inform the best possible policy decisions.

As is relevant to your request, and as the Prime Minister and Secretary of State set out in Parliament on 18th July, the Government will be publishing a set of technical notices, based on assessments carried out, to help businesses and citizens prepare for March 2019 in the event of a 'no deal' scenario. This includes technical notices relevant to the Agency. All such notices will be published at the following webpage, where some are already available:

<https://www.gov.uk/government/collections/how-to-prepare-if-the-uk-leaves-the-eu-with-no-deal>

Also relevant to your request is the Government published guidance document *Trading goods regulated under the 'New Approach' if there's no Brexit deal*, which is available on the link below:

<https://www.gov.uk/government/publications/trading-goods-regulated-under-the-new-approach-if-theres-no-brexit-deal>

If you are unhappy with the way the Agency has handled your request or with the decisions made in relation to your request, you may complain within two calendar months of the date of this letter by writing to the FOIA Unit at:

The FOIA Unit
Maritime & Coastguard Agency,
Bay 3/10, Spring Place,
105, Commercial Rd,
SOUTHAMPTON,
Hampshire.
SO15 1EG.
E-mail: InformationAssurance@mcga.gov.uk
Tel: 0203 81 72322

In the event that you are not satisfied with the decision resulting from our internal review you can apply to the Information Commissioner for a decision notice. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

If you wish to discuss any of the above, please contact me.

Please remember to quote the reference number above with the subject line FOIA Comment/Complaint in any future communications.

Yours sincerely,

Clare Hayles
Strategy, Innovation and Transformation Office
Maritime and Coastguard Agency