

European Scrutiny Committee

House of Commons London SW1A 0AA

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From: Sir William Cash MP

4 June 2020

Rt Hon. Michael Gove MP
Chancellor of the Duchy of Lancaster
Cabinet Office
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Supplementary legislation applying under Annex 2 of the Northern Ireland Protocol

We have considered your letters of 18 May and 28 April in response to our letter of 15 April on the above matter.

We welcome your informative response. We note your conclusion on the example that we cited and, while we appreciate the logic, we would note that the extent to which the provisions of the supplementary legislation would apply to Northern Ireland remain unclear. The Sustainable Use of Pesticides Directive does not specify which elements of the Directive serve to constitute “proper use”, even though Article 55 of the Plant Protection Products Regulation offers some guidance in that regard. This ultimately means that the extent of Union law applicable in Northern Ireland is unclear in this instance and would be unclear in other similar instances too.

While we accept your contention that efforts must now be focused on “time-critical implementation”, we are struck by the legal uncertainty highlighted by this issue and would urge the Government to ensure that, in due course, it has a clearer idea of how far the boundaries of Union law applicable to Northern Ireland extend.

We do not require a response to this letter.

I am copying this letter to Simon Hoare MP, Chair of the Northern Ireland Affairs Committee, Nicholas Beech, Clerk of the Northern Island Affairs

Committee; Lord Kinnoull, Chair of the House of Lords EU Committee and Christopher Johnson, Clerk of the House of Lords EU Committee.

CHAIR