

European Scrutiny Committee

House of Commons London SW1A 0AA

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From: Sir William Cash MP

24 June 2020

Rt Hon. Michael Gove MP
Chancellor of the Duchy of Lancaster
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Scrutiny during the transition period

I am writing to invite you to give oral evidence to the European Scrutiny Committee on matters related to parliamentary scrutiny of the Joint Committee, implementation of the Withdrawal Agreement and the Northern Ireland Protocol and parliamentary scrutiny of related matters both during the Transition Period and beyond.

To date, the Joint Committee has met twice. It is regrettable that the information provided to the Committee, and indeed to Parliament, before and after each meeting has been insufficient to achieve an adequate level of parliamentary scrutiny. As I set out in my letters to you of 11 and 18 June, this is exemplified by the provision of a minimalist Explanatory Memorandum on a proposed Council Decision setting out the EU's position on possible changes to the Withdrawal Agreement and Northern Ireland Protocol and an incomplete explanation after the Joint Committee meeting of what exactly was agreed. This is not a time-limited issue confined to the transition period. Looking beyond 31 December 2020, under Article 13(4) of the Northern Ireland Protocol, for example, the Joint Committee will decide whether new EU law which falls within the scope of the Protocol applies in Northern Ireland. This process will need proper parliamentary scrutiny. The Northern Ireland Protocol also raises principled issues relating to national sovereignty (through for instance, the ways in which state aid rules are applied and the jurisdiction of the European Court of Justice) where my Committee has enduring concerns.

I understand that the next meeting of the Joint Committee is not until September. This presents a timely opportunity to review and improve the

process for scrutinising the work of the Joint Committee, in particular in relation to certain aspects of the Northern Ireland Protocol, both during the transition period and beyond, and to examine the Government's preparations for and position ahead of that meeting. The Committee would also take the opportunity to ask you about the related matters of the interpretation, application and enforcement of the Northern Ireland Protocol. Accordingly, I invite you to appear before the European Scrutiny Committee during the afternoon of 20 July, accompanied by the Government lawyer who most closely advises you and the Government on the application of the Northern Ireland Protocol.

I am copying this letter to Lord Kinnoull, Chair of the House of Lords EU Select Committee, and to Chris Johnson, that Committee's Clerk; and to Les Saunders in the Cabinet Office.

CHAIR