



HOUSE OF LORDS

European Union Committee

House of Lords
London
SW1A 0PW

Tel: 020 7219 5864
Fax: 020 7219 6715
euclords@parliament.uk
www.parliament.uk/lords

Rt Hon Michael Gove MP
Chancellor of the Duchy of Lancaster
Cabinet Office
70 Whitehall
London
SW1A 2AS

22 July 2020

Dear Michael,

Thank you for your letter dated 13 July 2020, in answer to our letter of 17 June, which was considered by the EU Select Committee at its meeting on 21 July.

We are disappointed and concerned by your response, particularly by your refusal to answer many of the legitimate questions posed in our earlier letter. We endorse the comments of the Chair of the House of Commons, Sir William Cash MP, in his letter dated 20 July, which accurately describes the implications of your approach for parliamentary scrutiny.

We also note your assertion that “your Committee will in no way be ‘left in the dark’”. Yet your letter fails to address the question to which those words related, which was about the steps the Government is taking to facilitate parliamentary scrutiny, in Westminster and Stormont, of the post-transition work of the Joint Committee and Specialised Committee. We remind you that, as stated in our previous letter, Article 13(4) of the Protocol sets out a procedure whereby the EU will be able to propose to add new EU legislative acts that fall within the scope of the Protocol to its Annexes, and for those proposals to be adopted by the Joint Committee. In the absence of effective parliamentary scrutiny of the work of the Joint Committee, Article 13(4) appears to confer upon the UK Government a wide power to impose new legislation upon Northern Ireland, without any public consultation or democratic oversight. How will you ensure that the Government is held accountable for its use of the extraordinary power contained in Article 13(4)?

So far as the EU’s current proposals to amend the Protocol are concerned, you imply that they will be considered by the Specialised Committee on the Protocol. In evidence to us on 5 May you said that “we will do everything we can to update” Parliament on the work of the Specialised Committee, so that it can “interrogate the approach that we and the EU are taking”. We also asked whether Mr Brendan Threlfall, who represents the Government on the Specialised Committee, could brief us, and you said that you saw “no impediment in my heart to such a briefing taking place”. Our clerks have since repeatedly sought Mr Threlfall’s appearance before the Committee, to no avail.

Instead, your latest letter states only that you would be “happy for SC and WAJC officials to meet with Committee clerks on an ad hoc basis to brief on the background of their respective areas”. A meeting at official level, however informative for staff, is no substitute

for evidence given to a Select Committee, or even for a private briefing given to Committee members.

Given the fundamental importance of ensuring appropriate parliamentary scrutiny of the work of the bodies established under the Withdrawal Agreement, particularly in respect of Northern Ireland, we therefore restate formally our invitation to Mr Threlfall to appear before us in the first half of September, either publicly or in private, so that we can explore the work of the Specialised Committee, particularly in respect of proposed amendments to the Protocol.

We would be grateful for a response to this letter before the House returns in September.

I am copying this letter to Sir William Cash MP, Chair of the House of Commons European Scrutiny Committee.

Yours sincerely

A handwritten signature in black ink, appearing to read 'L Kinnoull', with a horizontal line underneath.

Lord Kinnoull
Chair of the European Union Committee