



HOUSE OF LORDS

European Union Committee

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Rt Hon Michael Gove MP
Chancellor of the Duchy of Lancaster
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9 September 2020

Dear Michael,

I am writing following receipt of the Government response to the House of Lords European Union Committee's report on *The Protocol on Ireland/Northern Ireland*, dated 13 August 2020, and your letters of 7 August, notifying the Committee of newly published guidance to businesses moving goods into or out of Northern Ireland, and of 14 August, in relation to parliamentary scrutiny of the Protocol. The Committee considered these documents at its meeting on 8 September 2020.

Government response to the Committee's report on the Protocol on Ireland/Northern Ireland

We note that the Government response does not respond directly to a number of our conclusions and recommendations. Instead it states that "some details of the applicable regime for traders will need to take account of Joint Committee discussions. In others, the position is the subject of ongoing consultation or consideration. Where that is the case, the Government recognises that further guidance will need to be provided in due course." We would be grateful for further updates on all these issues as and when they are available.

The three key issues that remain outstanding, which were all covered in detail in our report, are the Withdrawal Agreement Joint Committee's decision as to the definition of goods 'at risk'; the implications of the Protocol's State aid provisions for the UK's domestic approach; and the question of exit summary declarations. What update can you give us on the Joint Committee's discussions on these points, and when will these matters be resolved?

We are of course aware of the potential significance of the United Kingdom Internal Market Bill for all these outstanding issues. We will be considering the relevant provisions of the Bill in the near future, and may write a follow-up letter in due course.

The analysis and conclusions set out in the Committee's report reflect the views put to us by Northern Ireland stakeholders, and their urgent need for clarity on how the Protocol will operate in practice, with less than four months now before the Protocol becomes operational. While the response refers to it only in passing, we note and welcome the publication of further guidance for businesses moving goods into or out of Northern Ireland, including the new Trader Support Service. However, we note that this, too, frequently

states that further guidance will be provided in due course. We will analyse this guidance in the coming weeks, seeking the views of Northern Ireland stakeholders. We would be grateful to be kept informed of further and updated guidance as it is released.

We are in separate correspondence with Robin Walker MP regarding the Northern Ireland Office's departmental responsibilities in relation to the Protocol, including business engagement and the operation of Article 2 on the rights of individuals. We would, however, be grateful for a response from you in relation to one issue that arose during Mr Walker's appearance before the Committee on 28 July, but which falls within the Cabinet Office's remit. When was the contract put out for the IT system for the goods vehicle movement service, will the system be trialled, and when will it be ready?

Parliamentary scrutiny of the Protocol

The Government response, and your separate letter of 14 August, also address the issue of parliamentary scrutiny of the Protocol. It is clear that important issues surrounding the transparency of the operation of the Protocol, including the work of the Withdrawal Agreement Joint Committee, Ireland/Northern Ireland Specialised Committee, and Joint Consultative Working Group, remain to be resolved. That said, we welcome your commitment to work with us and colleagues in the House of Commons and Northern Ireland Assembly to ensure that "as robust a scrutiny process as feasible is in place for after the transition period". We therefore invite you to authorise preliminary discussions between Government and parliamentary officials with a view to us agreeing an effective mechanism of parliamentary scrutiny before the Protocol comes into operation on 1 January 2021.

We welcome your commitment for Brendan Threlfall and other Cabinet Office officials to provide background briefing to Committee officials. We request that such a meeting with House of Lords officials be arranged as soon as possible, to mirror that which took place with House of Commons officials on 22 July.

Finally, we are grateful for your commitment to appear before the Committee again in September. We would like to invite you to appear before the Committee at its meeting on Tuesday 15 September, or as soon as possible thereafter. We would be grateful for a response to the other matters raised in this letter by Wednesday 23 September.

I have copied this letter to Robin Walker MP, Minister of State, Northern Ireland Office.

Yours sincerely



Lord Kinnoull
Chair of the European Union Committee