

European Scrutiny Committee

House of Commons, London, SW1A 0AA

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From: Sir William Cash MP

16 September 2020

Lord Goldsmith of Richmond Park
Minister of State
Department for Environment, Food and Rural Affairs
Seacole Building
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London SW1P 4DF

Northern Ireland Protocol: Illegal timber arrangements

COM (2020) 340/341: Proposals for Council Decisions on the conclusion, and the signing, of the Voluntary Partnership Agreement between the EU and Honduras on forest law enforcement, governance and trade in timber products to the EU (41439, 41440)

We have considered your Explanatory Memorandum (EM) on the above documents.

We wish to explore your position that Northern Ireland — which is required to maintain alignment with the EU's FLEGT Licencing Regulation — should be covered by UK Voluntary Partnership Agreements replicating those that the EU has agreed with partner countries. You note, in parentheses, that the EU has not expressly accepted your position. In fact, the European Commission appears to take the opposite view — that Northern Ireland should be covered by EU VPAs with partner countries.

We would welcome your view on the logic set out by the Commission in its Brexit preparedness notice on this matter — i.e. that imports into Northern Ireland will effectively be imports into the EU as the UK and EU have agreed that insofar as EU rules apply to and in Northern Ireland (as the FLEGT Licencing Regulation does), Northern Ireland is treated as if it were a Member State; and that consequently the products will have to be accompanied by FLEGT licences issued by that country under the VPA with the EU. We ask that

you explain clearly how the UK in respect of Northern Ireland could meet its obligations under the Protocol without applicable products being covered by EU VPAs.

From your EM, your argument appears to be based on the UK's intention to replicate the EU's VPAs with partner countries. Could you please spell out what form those commitments have taken and whether you would be willing to grant a legally-binding guarantee to replicate the EU's VPAs?

The over-arching logic of the Protocol is, of course, to avoid the need for border checks on goods crossing the land border between Northern Ireland and the Republic of Ireland and so this is an important matter to resolve as soon as possible.

We look forward to your response within ten working days.

We are copying this letter to Neil Parish MP, Chair of the Environment, Food and Rural Affairs Committee and Ian Bradshaw, Clerk of the Committee; Simon Hoare MP, Chair of the Northern Ireland Affairs Committee and Nicholas Beech, Clerk of the Committee; Rt Hon. Hilary Benn MP, Chair of the Future Relationship with the EU Committee and Gordon Clarke, Clerk of the Committee; the Earl of Kinnoull, Chair of the EU Select Committee in the House of Lords and Christopher Johnson, Clerk of the Committee; your Departmental EU Scrutiny team; and Les Saunders and Donald Harris in the Cabinet Office.

CHAIR