



# 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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18 September 2020

Dear Michael,

On Tuesday 15 September the European Union Select Committee had a preliminary discussion of Part 5 of the United Kingdom Internal Market Bill. The provisions of the Bill raise various issues falling within our remit, particularly their inter-relationship with the terms of the UK-EU Withdrawal Agreement and the Protocol on Ireland/Northern Ireland, both of which we have examined in detail in published reports. We therefore plan to publish a report on the Bill in advance of the House of Lords second reading debate.

Before we finalise that report we would like to give the Government the opportunity to set out its views on a number of questions that have arisen with regard to the Bill. We would be grateful to receive your answers in writing no later than Friday 25 September, so that we can reflect them in our draft report.

Our questions are as follows:

1. Does it remain the Government's view that the Bill "does break international law in a very specific and limited way"? If so, in what ways does it do so?
2. What are the Government's principal concerns as regards the EU's interpretation of the Protocol? What are the Government's specific concerns in relation to a) the definition of 'goods at risk, b) the requirement for exit summary declarations, and c) the implications of Article 10 for UK State aid policy?
3. In addressing these concerns, what consideration has the Government given to the relevance and effect of a) Article 5 of the Withdrawal Agreement, b) the recitals of the Protocol on Ireland/Northern Ireland and c) Article 16 of that Protocol?
4. What discussion of the Government's concerns has taken place in the Withdrawal Agreement Joint Committee and the Ireland/Northern Ireland Specialised Committee? What are the current UK and EU positions on these matters, and how do you propose to reconcile any differences?
5. In view of the Prime Minister's stated intention to resolve these issues through the Joint Committee structure, what further discussions through that structure are planned?
6. During Second Reading of the Bill in the House of Commons on 14 September, the Prime Minister stated that the EU had indicated its willingness to "go to extreme and unreasonable lengths", including "refusing to list the UK's food and agricultural products for sale anywhere in the EU", leading to "an instant and automatic

prohibition on the transfer of our animal products from Great Britain to Northern Ireland”, thereby “holding out the possibility of blockading food and agricultural transports within our own country.” When did the Government first become aware of the EU’s intentions? Could you provide evidence to support this claim?

7. Given the Prime Minister’s concerns over a potential blockade, why doesn’t the Bill address the issue of goods at risk? When and how will it be addressed’?
8. The Prime Minister has told the Commons Liaison Committee that he does not believe that the EU has acted in good faith. Can you provide the evidence on which this belief is based?
9. Given the Prime Minister’s belief that the EU has acted unreasonably, why has the Government introduced domestic legislation, rather than invoking the formal arbitration and dispute resolution mechanisms set out in the Withdrawal Agreement?

We would be grateful for a response to these questions by Friday 25 September 2020.

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