

European Scrutiny Committee

House of Commons London SW1A 0AA

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From: Sir William Cash MP

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Rt Hon. James Cleverly MP
Foreign Secretary
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New EUR-Lex database on the Northern Ireland Protocol

Dear James

On behalf of the Committee, I would like to welcome you to your new role.

As I am sure you are aware, at the end of July, the EU updated its ‘EUR-Lex’ website to include a new page on the Protocol on Ireland/Northern Ireland to the UK/EU Withdrawal Agreement (‘the Protocol’).¹ This page hosts a searchable database that purports to list all legislation applicable in Northern Ireland under the terms of the Protocol, including EU legislation adopted after the entry into force of the Withdrawal Agreement.

The EU’s database appears, at first glance, to be authoritative, but makes no reference to the UK Government or its acceptance that the EU acts listed are, indeed, applicable in Northern Ireland under the Protocol. Does the Government consider the EU’s new website to be an authoritative source of EU acts applicable in Northern Ireland? Did the Government have advanced notice of the EU’s intention to update EUR-Lex in this way? If the EU’s new database is not a joint initiative, is the Government working on its own version that will be made available to the public?

The EU’s database also highlights an issue we have repeatedly raised with Government: that unless the Protocol is fundamentally reformed, its practical effect as an avenue for the application of new and amended EU laws in Northern Ireland will continue to grow. Subject to your views on its accuracy, the EU’s database shows that, as of 5 September, 361 EU ‘legal acts’ have

¹ <https://eur-lex.europa.eu/content/news/IENI.html#2.NavTree>

been adopted this year that apply in Northern Ireland under the Protocol.²
This situation cannot continue and must be dealt with as a matter of priority.

I look forward to your response within 10 working days.

With every best wish

CHAIR

² This total includes a considerable number of delegated and implementing acts.