



Foreign, Commonwealth
& Development Office

Rt Hon James Cleverly MP
Secretary of State for Foreign,
Commonwealth and Development Affairs

King Charles Street
London
SW1A 2AH
Tel: 0207 008 5000

Email: fcdo.correspondence@fcdo.gov.uk

Sir William Cash MP
Chair, European Scrutiny Committee
House of Commons
London
SW1A 0AA

13 October 2022

Dear Sir Bill,

EUR-Lex database on the Northern Ireland Protocol

Thank you for your letter of 7 September about the EUR-Lex database.

The database appears to follow the European Commission's October 2021 non-paper¹, which suggested making available a list of the legislation it considers to be applicable in Northern Ireland. We were not, however, notified specifically of its launch date in advance. The database (and by extension the webpage on the Northern Ireland Protocol) is unilaterally operated by the Commission and so we have not endorsed its contents. Additionally, we understand that the Commission continues to develop and improve the page in any event. The Government's position remains that we reserve our right to consider and, if necessary, set out our view as to which pieces of legislation apply within Northern Ireland, and under what legal basis. Where there are any differences of view, we will set those out and discuss with the EU in the usual way, including through the Joint Consultative Working Group. As such, the webpage will continue to reflect the EU's view of applicability, rather than a joint position.

More broadly, the Government is focused on resolving the issues caused by the Northern Ireland Protocol, which has created trade and regulatory barriers within the UK internal market and has damaged the balance of the institutions of the Belfast (Good Friday) Agreement. This includes addressing the democratic deficit created by the current implementation of EU law in Northern Ireland that you highlight in your letter. In light of this context, the Government is therefore not currently working on its own version of the Commission's website.

Yours Sincerely,

Rt Hon James Cleverly MP
Foreign, Commonwealth and Development Secretary

¹*Engagement with Northern Ireland Stakeholders and Authorities*,
https://ec.europa.eu/info/publications/protocol-ireland-and-northern-ireland-non-paper-engagement-northern-ireland-stakeholders-and-authorities_en