

European Scrutiny Committee

House of Commons London SW1A 0AA

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From: Sir William Cash CH MP

25 October 2023

Rt Hon. James Cleverly MP

Foreign Secretary

Foreign, Commonwealth & Development Office

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Dear James

Thank you for letting me know this morning that you are no longer available to give evidence on the UK's new relationship with the EU. It is disappointing that you did not notify us sooner. Cancelling an appearance on the day is disruptive for Members and staff, and those who have made preparations to attend and follow a session live from home. I know that the situation in Israel and Gaza is urgent and taking up a considerable amount of your time. During times of crisis, parliamentary scrutiny remains of the utmost importance. Regional security and UK/EU/NATO/UN defence cooperation was one of the vitally important issues we planned to discuss with you this afternoon.

At today's session we intended to cover: the Windsor Framework; the post-Brexit trade deal; PESCO and UK/EU defence cooperation; the EU's Entry/Exit system; UK/EU negotiations on a trade and border deal for Gibraltar; and the UK's association to the Horizon and Copernicus programmes. Of these topics, recent developments concerning the Windsor Framework and its implementation are arguably the most pressing. As such, I have annexed a list of the questions we planned to ask you today to this letter. I request a response from you within 5 days.

I note your letter of apology of this afternoon and your offer to explore alternative dates for your appearance. It is important that you appear as soon as possible when the House returns in November. The Committee has good availability w/b 13 November and w/b 20 November. I will leave it to your officials to find a date and time, over that two-week period, which works for you.

With every best wish

CHAIR

Annex

1. The beginning of the month saw the start of green and red lane checks for goods entering Northern Ireland from Great Britain.

- i. What is your assessment of how the green and red lane system is currently operating?
- ii. The Road Haulage Association recently said that ‘groupage’ was “forgotten about in the original NI Protocol – and hasn’t really been remembered in the Windsor Framework”. Is it currently the case that a lorry with a single pallet of goods destined for the Republic of Ireland—and the remainder for Northern Ireland—must go through the more onerous red lane checks?

2. As of the start of the month, green lane agri-food products have been required to display a ‘not for EU’ label. The Northern Ireland Retail Consortium recently suggested that there will be “a lot of shelves in smaller stores that are not compliant”.

- i. Three weeks in, what is your assessment of compliance with ‘not for EU’ food labelling?
- ii. How have the UK Government been supporting smaller producers and retailers with these changes?

3. We have longstanding concerns about the continued application of EU law in Northern Ireland. The Windsor Framework was sold to us, the public and businesses as ‘ensuring’ the sovereignty of Northern Ireland and reducing the amount of EU law that applies there. Before the summer recess, we learned that a new EU law—the Batteries Regulation—will apply in Northern Ireland once it is adopted in Brussels. This is one of many examples we see week in, week out, through our document scrutiny work.

- i. Why does Northern Ireland need new EU batteries rules?
- ii. What further steps—beyond the agreement of the Windsor Framework—are you taking to reduce the application of EU laws in Northern Ireland?

4. During the original Northern Ireland Protocol negotiations, this Government had ‘red lines’ concerning issues of sovereignty and control. In June, the EU adopted ‘Regulation (EU) 2023/1231 of the European Parliament and of the Council of 14 June 2023 on specific rules relating to the entry into Northern Ireland from other parts of the United Kingdom of certain consignments of retail goods, plants for planting, seed potatoes, machinery and certain vehicles operated for agricultural or forestry purposes, as well as

non-commercial movements of certain pet animals into Northern Ireland' [our own emphasis added].

- Why is the EU making legislation that affects other parts of the UK beyond Northern Ireland?

5. The UK is a cofounder of the PEACE PLUS programme, which is focussed on Ireland and Northern Ireland and the peace process. The programme's branding refers to it as an 'EU programme', despite the majority of funding coming from the UK. Why is that?