



Rt Hon Michael Gove MP
Chancellor of the Duchy of Lancaster
Cabinet Office 70 Whitehall London
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The Earl of Kinnoull
Chair, Lords EU Committee
House of Lords
SW1A 0PQ

Our reference: MC2020/21702

MG January 2021

Dear Sir,

Thank you for your letter of 18 December, and for your time on 17 December.

Regarding parliamentary scrutiny, any new system of scrutiny will be implemented across both Houses and the detail of future arrangements will need to reflect the interests of, and be agreed in conjunction with, parliamentarians in the Commons as well as the Lords. It is important that relevant colleagues across both Houses have an opportunity to input as arrangements are formulated. As such, I believe that it is important to wait until clarity on the final shape of Committees in the House of Commons is available before these discussions take place.

I recognise your concerns about scrutiny of the Northern Ireland Protocol in the period before these discussions take place. I can confirm that, until such time that new permanent arrangements for future scrutiny are agreed, the Government will continue to deposit any new proposals for EU legislation that fall within the scope of the Protocol. Ministers will continue to provide accompanying Explanatory Memoranda on these documents as per existing arrangements.

The EU has formally granted third country listing status to the UK for a number of commodities, permitting GB businesses to continue to trade with both Northern Ireland and the EU now that the Transition Period has ended. These include live animals and animal products, breeding bodies, marketing standards, and, with exceptions, seeds equivalence and plant health derogations.

Whilst the EU has also granted Part 2 listed status for non-commercial pet travel, I am disappointed that we did not receive Part 1 listing, because the UK meets all the requirements for this and has one of the most rigorous pet checking regimes in Europe to protect biosecurity. Our disease risk will also not change now that the transition period has ended, and so we will continue to press the EU Commission on securing Part 1 listed status. We also did not receive listing for a number of other commodities, including freshwater eels, seed potatoes, certain tree and shrub species, and cooperation on plant varieties lab testing. Where appropriate, the UK plans to challenge these decisions with the EU. For agricultural seed and forest reproductive material listing, the EU has formally confirmed that it will grant equivalence via a Council decision, however it has not given a timeline.

On natural mineral waters, we are still waiting for a response from the EU on our proposal to recognise unilaterally all existing EU traders. Unlike other commodities requiring listing, GB natural mineral water businesses would otherwise need to seek recognition from individual EU Member States. We hope the EU will adopt a reciprocal approach to allow GB businesses to market their products as natural mineral water in the EU.

On these outstanding third country listing applications, and on those we have already received formal rejection, the Government will update your Committee following future discussions with the EU.

I hope you find this information helpful.

With every good wish,

A handwritten signature in black ink, appearing to read 'M-Gove', with a checkmark above the first letter 'M'.

**Rt Hon Michael Gove MP
Chancellor of the Duchy of Lancaster
and Minister for the Cabinet Office**