



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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21 January 2021

Dear Michael,

Thank you for your letter, dated 14 January 2021, regarding parliamentary scrutiny of the Protocol on Ireland/Northern Ireland. The European Union Select Committee considered this document at its meeting on 19 January 2021.

On 13 January, the House of Lords agreed the Liaison Committee's *Review of investigative and scrutiny committees*, including its recommendation that a European Affairs Committee, with a Sub-Committee on the Protocol on Ireland/Northern Ireland, be appointed with effect from 1 April 2021, in succession to the EU Select Committee and its sub-committees. The Liaison Committee report makes clear that scrutiny of EU legislation within the scope of the Protocol will be a key component of the new Sub-Committee's work.

In that context, we welcome your commitment that the Government will continue to deposit any new proposals for EU legislation that fall within the scope of the Protocol, and that Ministers will continue to provide accompanying Explanatory Memoranda on these documents.

We would, though, be grateful for clarification on some points. Your letter states that this commitment is "until such time that new permanent arrangements for future scrutiny are agreed". Given that the House of Lords has already decided to appoint a dedicated Protocol Sub-Committee, I would invite you to agree that the Government should, regardless of the outcome of wider discussions on a new system of EU scrutiny, at the very least continue to deposit and provide Explanatory Memoranda on any proposals for EU legislation that fall within the scope of the Protocol. I would also be grateful for confirmation that these documents will be deposited and EMs produced on the same timetable as under existing arrangements.

Finally, we are in close contact with the Northern Ireland Assembly regarding scrutiny of the Protocol, and I wrote to the Speaker of the Assembly on 18 December asking for his support in facilitating engagement between our committees, and their officials, in designing the most effective mechanisms for cooperation in our essential shared task of scrutiny. The work of Westminster and Stormont committees should be complementary, reflecting the overlap between the UK Government's obligations as a Party to the Withdrawal Agreement, and those of the Northern Ireland institutions in respect of devolved matters. In considering future scrutiny arrangements, I urge you also to reflect on this complementarity, and to facilitate scrutiny of Protocol-related legislation by Committees both in Westminster and in the Northern Ireland Assembly.

I would be grateful for a response to this letter by 4 February 2021.

I have copied this letter to Colin McGrath MLA, Chair of the Northern Ireland Assembly Committee for the Executive Office.

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