



HOUSE OF LORDS

European Union Committee

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Rt Hon Michael Gove MP
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12 February 2021

Dear Michael,

Thank you, Lord Frost and your team for appearing once again before the EU Select Committee on Tuesday, and for your helpful answers to our questions.

During the meeting you were asked when the Government would confirm the identity of the UK co-Chair of the Partnership Council, in accordance with Article INST.1(2) of the TCA. You replied that this would be a matter for the Prime Minister.

Also during the meeting, Lord Frost told us that the EU was likely to seek the UK's agreement to extend provisional application of the Trade and Cooperation. Such a possibility is foreseen by Article FINPROV.11 of the TCA, which states that provisional application shall cease on "28 February 2021 or another date as decided by the Partnership Council".

The following day Lord Frost's evidence was borne out by the publication of a Council Decision on the position to be taken by the EU in the Partnership Council regarding the date on which provisional application of the Trade and Cooperation Agreement shall cease (Document COM(2021) 64 final). This seeks an extension of provisional application until 30 April 2021.

These linked developments prompt a number of questions:

1. What is the Government's position on the EU's request for an extension of provisional application? What factors will you consider in coming to a decision?
2. Can the Partnership Council meet if the United Kingdom has not appointed its co-Chair? If it cannot meet, is there another legal mechanism by which provisional application of the TCA can be extended?
3. Can you confirm that the Government will nominate the UK co-Chair of the Partnership Council in time to allow that body to consider the EU's request to extend provisional application before it comes to an end on 28 February?

These questions are particularly pressing, but there are also some longer-term issues of process. There can be no doubt that though the draft Council Decision itself is a unilateral EU instrument, it raises issues of considerable significance to the United Kingdom. Once put to the Partnership Council, it will demand a UK response, either to accept or reject the EU's request. What steps are you taking to ensure that Ministers engage with and are properly accountable to Parliament in formulating such a response? How do you propose that parliamentary committees should engage in scrutiny either of such EU documents, or of

the process whereby the Government formulates the position it will take in the Partnership Council? And can you confirm that the UK co-Chair of the Partnership Council will both be directly accountable to Parliament, and, in line with your assurances at the evidence session, available to appear before scrutiny committees of both Houses?

Given their urgency, I would be grateful to receive your response to the numbered questions above **no later than Friday 19 February**. I would be grateful to receive your answers to the other questions raised in this letter within the normal 10 working days.

I am copying this letter to Sir William Cash MP, Chair of the House of Commons European Scrutiny Committee.

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