



Rt Hon Michael Gove MP
Chancellor of the Duchy of Lancaster
Cabinet Office 70 Whitehall London
SW1A 2AS

The Earl of Kinnoull
Chair, Lords EU Committee
House of Lords
SW1A 0PW

Our reference: MC2021/03019

23 February 2021

Dear Lord Kinnoull

Thank you for your time on 9 February, and for your letter of 12 February. I apologise for the delay in replying. I am now in a position to answer each of your questions.

Provisional application

Provisionally applying the Trade and Cooperation Agreement was not the UK's preferred outcome, given the uncertainty it creates for businesses, individuals and the Parties. Extending that provisional application prolongs that uncertainty, and it is disappointing that the EU has not completed its internal procedures in the timeframe it agreed to as recently as December. As you know, the UK has completed its internal procedures, including through the passing of the EU (Future Relationship) Act 2020.

I have now informed Vice President Maroš Šefčovič in my capacity as interim co-chair of the Partnership Council that we will agree to extend provisional application to 30 April 2021 through written procedure. We expect the EU to meet this timeline.

Partnership Council co-chair

Lord Frost will become the UK co-chair of both the Partnership Council and the Withdrawal Agreement Joint Committee on 1 March.

Given the uncertainty that arises as a result of the continued provisional application of the Trade and Cooperation Agreement referred to above, we do not consider that the Partnership Council and other bodies established under Title III of the Agreement should begin their work formally during the period of provisional application, except where there are essential decisions which cannot be deferred, as with the extension of provisional application.

Parliamentary scrutiny of UK relations with the EU

When I appeared before your Committee on 9 February, I said:

“We want to engage with the House of Lords and the House of Commons to make sure that parliamentarians feel that there is adequate scrutiny of all the aspects of our

relationship. I made the point to our friends in the European Scrutiny Committee yesterday that I am happy to appear, and whoever is doing this job I am sure will be happy to appear, regularly. It is important that departmental Ministers from other departments also do so....”

That continues to be the case.

Lord Frost, whose role you asked about separately, has since been appointed a Minister and will lead work on the UK's institutional and strategic relationship with Europe. He will be accountable to Parliament in this capacity. I know that he too will want to ensure that parliamentarians are able to exercise adequate scrutiny, including through correspondence and by appearing at your Committee, when he takes up his role.

Joint Consultative Working Group

Finally, you asked about the Joint Consultative Working Group (JCWG). I can confirm that the Working Group convened briefly for the first time on the morning of 29 January 2021 to formally adopt the Rules of Procedure, as required by Article 15(6) of the Northern Ireland Protocol. This will now enable the group to begin its work and meet fully. The Rules of Procedure adopted were those previously shared with you in line with the EU Council's decision of 23 October.

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

With every good wish,

A handwritten signature in black ink, appearing to read "Michael Gove". The signature is fluid and cursive, with the first name "Michael" written in a larger, more prominent script than the surname "Gove".

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