



# HOUSE OF LORDS

European Union Committee

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11 March 2021

Dear David

## **The Protocol on Ireland/Northern Ireland**

1. Since the referendum on EU membership in June 2016, the House of Lords EU Select Committee has taken a close interest in the implications of Brexit for Northern Ireland and Ireland, including a number of visits to Belfast, Dublin and the border region. In December 2016, we published our report on *Brexit: UK-Irish relations*; we conducted a follow-up inquiry in early 2018; and we set out our analysis of successive iterations of the Protocol in our December 2018 and January 2020 reports on the original and revised Withdrawal Agreement and Political Declaration. In June 2020 we published a detailed report on *The Protocol on Ireland/Northern Ireland*, followed by continued dialogue with the Chancellor of the Duchy of Lancaster, Rt Hon Michael Gove MP, and Northern Ireland stakeholders, ahead of the Protocol becoming operational on 1 January 2021.
2. On 13 January 2021, the House of Lords agreed to the recommendation of its Liaison Committee that a new European Affairs Committee should be established after 31 March 2021 in succession to the EU Select Committee and its sub-committees. In recognition of the importance of the Protocol and its implications for Northern Ireland and its relationship with the rest of the UK, the House also agreed to the appointment of a dedicated European Affairs Sub-Committee on the Protocol on Ireland/Northern Ireland.
3. The EU Select Committee has engaged in substantial scrutiny of the operation of the Protocol since 1 January, and, in view of your new ministerial responsibilities for the UK's institutional and strategic relationship with the EU, we are writing to you to set out our findings. In so doing, we take account, inter alia, of your own evidence to the Committee, alongside Mr Gove, on 9 February, our continued dialogue with the Northern Ireland business community, and recent political developments.
4. As we were drawing our findings together, the Government made an announcement on 3 March of various unilateral "temporary operational steps" in relation to the operation of the Protocol. While providing important context for a number of issues contained in this letter as set out below, we have written to you separately today in relation to the specific issues arising from that announcement, and our two letters should be read in conjunction with each other.

5. We set out our findings, and invite your response to the questions that follow, under the following key headings:
  - Problems with the operation of the Protocol, including a) initial practical and implementation issues; b) wider or unanticipated issues where mitigations have been agreed or requested; and c) underlying structural issues;
  - Political and community tensions in Northern Ireland;
  - The Commission's abortive attempt to trigger Article 16;
  - Inter-institutional dialogue, including a) UK-EU dialogue; b) engagement with Northern Ireland stakeholders; and c) engagement with the Irish Government; and
  - Parliamentary scrutiny of the Protocol.

### **Problems with the operation of the Protocol**

6. We have sought to break down the problems that have arisen in relation to the operation of the Protocol into three broad categories.

#### ***Initial practical and implementation issues***

7. Business representatives told us that they faced a perfect storm in the first days of the Protocol's operation: new ways of working and systems under the Protocol; a COVID lockdown in Northern Ireland; disruption to the flow of goods from the EU mainland to Great Britain because of the more infectious Kent variant of COVID; and a lack of time to prepare after the mid/late December conclusion of the parallel negotiations on the Protocol and the TCA. This meant, for example, that businesses were only informed of the new processes for movement of parcels 18 hours before they came into effect. We were told that, while the Government had sought to ensure that Great Britain-based businesses were prepared for new arrangements for trading with mainland Europe, and that Northern Ireland businesses were prepared for trading under the Protocol, there was insufficient engagement with Great Britain-based businesses about the new requirements for trading with Northern Ireland. This led to immediate problems after 1 January due to a lack of knowledge and understanding of the Protocol's requirements.
8. Business leaders said that this perfect storm led to disruption in the transport of some goods to Northern Ireland, and therefore to the supply of goods to supermarket shelves. However, the issues with supermarket supply, unsatisfactory as they were, only affected a few hundred product lines out of 45-50,000, and resulted in a lack of consumer choice rather than a shortage of food. We were also told that these problems have since been alleviated to a marked extent, as the COVID-related disruption to the flow of goods from mainland Europe has eased, and as businesses in Great Britain have familiarised themselves with the new processes required for the movement of goods to Northern Ireland. Nevertheless, the rhythm of supply chains is still adjusting to the new arrangements.
9. Business representatives were also concerned about the quality and accuracy of advice received from the Government's new Trader Support Service. While they welcomed the speed with which the TSS had been established, the sheer complexity of the issues that they were dealing with inevitably led to delays or inconsistent advice being offered.

10. There was particular concern, which Mr Gove acknowledged in his evidence to us on 9 February, that the lack of understanding of the Protocol among British-based business, if not corrected, would have a permanent effect on trade flows. There are warning signs already that some British-based businesses are choosing to discontinue operations in or with Northern Ireland, often based on an inadequate understanding of the Protocol's requirements. In the words of one business leader, this was creating "a real sense that Northern Ireland is drifting away from the UK internal market".
11. **What update can you give on the problems with supply of goods to supermarkets in Northern Ireland? To what extent have the issues encountered in January been alleviated?**
12. **How will the Government address concerns about the Trader Support Service's capacity to offer swift and accurate advice to businesses based in or trading with Northern Ireland?**
13. **What steps is the Government taking to improve the understanding of Great Britain-based businesses of the requirements of trade with Northern Ireland under the Protocol? How will the Government support and incentivise continued trade and engagement by businesses in Great Britain with the Northern Ireland market, in order to correct the perception that "Northern Ireland is drifting away from the UK internal market"?**

***Wider or unanticipated issues where mitigations have been agreed or requested***

14. A second category relates to wider or unanticipated issues that require the agreement of mitigations or 'fixes' by the UK and the EU. We welcome the series of joint decisions and unilateral declarations agreed in the Withdrawal Agreement Joint Committee in December 2020, including the various 'grace periods' in relation to the supply of agri-food products to supermarkets (until 1 April 2021), chilled meats (until 1 July 2021) and medicinal products (until 1 January 2022), and the temporary arrangements subsequently announced for the movement of parcels (until 1 April 2021).
15. Nevertheless, these grace periods have only delayed, rather than eliminated, the imposition of new frictions under the Protocol, and Northern Ireland business representatives made clear to us their serious concern at the potential 'cliff-edge' effect at their expiry, if they are not extended and/or replaced with permanent solutions. We note that, prior to the Government's unilateral announcement on 3 March, Mr Gove had written on 2 February to Commission Vice-President Šefčovič, requesting the extension of these grace periods until 1 January 2023, and other mitigating steps. However, in his 10 February reply, Vice-President Šefčovič wrote that "blanket derogations from provisions of Union law made applicable in respect of Northern Ireland cannot be agreed beyond what the Protocol foresees already".
16. Mr Gove's letter acknowledged a number of other issues brought to our attention by Northern Ireland businesses, where problems were either unanticipated in advance or have come into sharper focus since the Protocol (and the TCA) came into effect, some of which are also addressed in the Government's 3 March announcement. These include requests to:

- Alleviate disruption to the movement of parcels from Great Britain to Northern Ireland;
- Address the risk of anomalies in relation to EU Tariff Rate Quotas (TRQs), in particular affecting the movement of steel into Northern Ireland;
- Eliminate barriers to pet travel between Great Britain, Northern Ireland and Ireland;
- Ensure the unhindered movement of seed potatoes and other plants and plant products from Great Britain to Northern Ireland; and
- Address the mutual recognition of professional qualifications on the island of Ireland.

17. Northern Ireland business representatives brought a number of other issues to our attention, some of which have been partially resolved, but which still require full or permanent resolution, including:

- The application of VAT on second-hand vehicles moving from Great Britain to Northern Ireland;
- The imposition of tariffs on non-processed goods such as Spanish tomatoes that are imported to Great Britain and then transported on to Northern Ireland or Ireland;
- The rigid enforcement of 24-hour notification periods at Irish ports such as Dublin for the movement of goods from Great Britain via Ireland on to Northern Ireland;
- The impact of the Protocol upon the traditional groupage model between Great Britain and Northern Ireland for movement of multiple consignments of goods destined for different end points in a single load.

18. We note that in his reply to Mr Gove, Vice-President Šefčovič indicated some openness to addressing these issues, although he stressed that in some cases “any flexibility would entail the United Kingdom committing to align with the relevant EU rules”, and that the UK in turn needed to address “a number of current shortcomings ... preventing the Protocol and our practical arrangements from delivering on the ground”. These include:

- Border Control Posts/Entry Posts are not yet fully operational;
- Packaging is not labelled and consignments not monitored at destination;
- The UK has yet to provide EU representatives with the required real-time access to all its IT systems, including its import clearance system;
- A complaint that the UK Government has unilaterally issued official guidance suggesting that traders moving goods from Northern Ireland to Great Britain outside standard procedures do not have to submit ‘equivalent information’ to customs authorities.

19. We welcome the suggestion in the Joint Statement by Mr Gove and Vice-President Šefčovič after the Joint Committee meeting on 24 February that some progress was being made in resolving these issues, when it stated that the UK “would provide a new operational plan with respect to supermarkets and their suppliers, alongside additional investment in digital solutions for traders in accordance with the Protocol”. Yet on 26 February, the Northern Ireland Executive Minister for Agriculture, Gordon Lyons MLA, ordered officials to stop work on new permanent Border Control Posts. We note the Government’s argument that its 3 March unilateral announcement formed “part of the operational plan the UK committed to at the UK-EU Joint Committee on 24 February”, and was “to allow time for constructive discussions in the Joint Committee to continue”. However, there is a risk, given the Commission’s robust response, that it will have the opposite effect.

20. **We acknowledge the concerns of Northern Ireland business and consumers about the impact of a number of wider or unanticipated issues where mitigations under the Protocol have been requested, including:**
- **Avoiding a damaging cliff edge effect at the end of the grace periods for supply of agri-food goods to supermarkets, the movement of chilled products, and the supply of medicinal products;**
  - **Ensuring the free movement of parcels from Great Britain to Northern Ireland;**
  - **Ensuring tariff-free movements of steel into Northern Ireland;**
  - **Removing barriers to pet travel between Great Britain, Northern Ireland and Ireland;**
  - **Ensuring the free movements of seed potatoes and other plants and plant products between Great Britain and Northern Ireland;**
  - **Providing for mutual recognition of professional qualifications on the island of Ireland;**
  - **Removing the application of VAT on second-hand vehicles moving from Great Britain to Northern Ireland;**
  - **Ensuring the tariff-free movement of non-processed goods such as Spanish tomatoes via Great Britain into Northern Ireland and Ireland, to enable centres in Great Britain to continue to act as regional distribution hubs;**
  - **Easing the requirements at Irish ports on the transportation of goods from Great Britain to Northern Ireland via Ireland; and**
  - **Addressing the impact of the Protocol upon the groupage model between Great Britain and Northern Ireland for movement of multiple consignments of goods destined for different end points in a single load.**
21. **We welcome the Government’s engagement with Northern Ireland stakeholders in relation to these issues, and its constructive dialogue with the Commission prior to the Government’s 3 March unilateral announcement, which had led to the consequential partial or temporary resolution of some of the issues. Following the 3 March announcement, what update can you provide on the status of discussions with the EU in identifying permanent solutions to each of these issues, and in particular the extension of the various grace periods? To what extent will it be possible to agree mitigations within the Joint Committee that are compatible with the TCA? Can you provide more details of the Government’s operational plan with respect to supermarkets and their suppliers, and its proposal for additional investment in digital solutions for traders?**
22. **How is the Government responding to Vice-President Šefčovič’s calls for UK action to implement the agreements of December 2020 in relation to Border Control Posts/Entry Posts, labelling of packaging and monitoring of consignments, providing EU representatives with real-time access to UK IT systems, and the submission of ‘equivalent information’ to customs authorities? By when will the Government have satisfied its obligations arising out of the agreements of December 2020? What is the Government’s response to the Northern Ireland Executive Minister for Agriculture’s**

## **subsequent order to officials to stop work on new permanent Border Control Posts?**

### ***Underlying structural issues with the Protocol***

23. The third set of issues arise as a direct result of the interaction between the provisions of the Protocol, whereby Northern Ireland remains, in effect, part of the EU Single Market for goods, and the terms of the post-Brexit UK-EU relationship as set out in the TCA, whereby the UK has gained the freedom, at least in the case of Great Britain, to diverge from EU regulatory rules and standards. This dichotomy creates friction between Great Britain and Northern Ireland in the form of:
- Customs checks and controls on goods moving from Great Britain to Northern Ireland, including entry summary declarations and customs declarations;
  - Regulatory checks (in particular agri-food/sanitary and phytosanitary checks) on goods moving from Great Britain to Northern Ireland;
  - The application in Northern Ireland of EU VAT rules for goods and UK VAT rules for services; and
  - The retained power of EU institutions, including the CJEU, to enforce the application of EU rules in Northern Ireland.
24. In addition, as Mr Gove's reference to mutual recognition of professional qualifications demonstrates, the minimal provision for cooperation in services, either in the Protocol or the TCA, creates friction in the cross-border provision of services on the island of Ireland, as well as between Great Britain and Ireland.
25. Our June 2020 report noted the apparent contradiction at the heart of the Protocol, between its provisions affirming Northern Ireland's place in the UK customs territory and internal market, and the continuing application in Northern Ireland of the EU Customs Code and other regulations underpinning the EU Single Market for goods. While increased friction in trade between Great Britain and Northern Ireland is the inevitable outcome of the terms of the Protocol, Northern Ireland business representatives told us that the continued rhetoric from some Government Ministers around there being "no border in the Irish Sea" was undermining their efforts to educate businesses in Great Britain on the changes and new processes required for trade with Northern Ireland.
26. In his letter of 2 February, Mr Gove stressed the "pressing need to restore confidence among people in Northern Ireland that the Belfast 'Good Friday' Agreement is being respected in all its dimensions", through an "urgent reset to put the Belfast 'Good Friday' Agreement, the people of Northern Ireland, and indeed the island of Ireland, first." Yet, as we have already noted, in his reply Vice-President Šefčovič stressed that in certain cases "any flexibility would entail the United Kingdom committing to align with the relevant EU rules." This has led to subsequent speculation that a bilateral UK/EU veterinary agreement could mitigate some of the most burdensome requirements of the Protocol.
- 27. In view of the Government's call for an "urgent reset" of the Protocol, how can the fundamental tensions at its heart be satisfactorily resolved so as to alleviate the friction in trade between Great Britain and Northern Ireland**

**and the consequent disruption to communities and businesses in Northern Ireland, while not jeopardising the open land border on the island of Ireland or the integrity of the EU Single Market? What is the Government's response to the proposal for a bilateral UK/EU veterinary agreement in order to mitigate some of the most burdensome requirements of the Protocol?**

### **Political and community tensions in Northern Ireland**

28. The difficulties experienced in the first weeks of the Protocol's operation have exacerbated existing political and community tensions, and have given rise to fears in particular within the Unionist community that the Protocol is undermining Northern Ireland's position within the UK internal market. This has led to calls for the safeguarding mechanisms in Article 16 to be triggered, or even for the Protocol itself to be scrapped. On 2 February, the DUP published a five point plan of action to "free Northern Ireland from the Protocol and its problems", including opposing in the Northern Ireland Assembly any negative measures, laws or bills that continue to flow from the Protocol and which undermine Northern Ireland's place in the UK internal market, and making clear to the Irish Government that "North-South relationships are also impacted by the implementation of a Protocol which they supported". As we have already noted, the DUP Minister for Agriculture, Gordon Lyons MLA, subsequently ordered officials to stop work on new permanent Border Control Posts.
29. The DUP's announcement was made in the context of reports of threats to the security of officials at Northern Ireland ports that led to the temporary withdrawal of staff and suspension of checks. On 3 February, Michael Gove and Vice-President Šefčovič made a joint statement setting out their "full commitment to the Belfast (Good Friday) Agreement, and to the proper implementation of the Protocol—protecting the gains of the peace process, maintaining stability, and avoiding disruption to the everyday lives of the people of Northern Ireland and a hard border on the island of Ireland", as well as condemning "unreservedly any threats or intimidation, noting that the safety and welfare of the people of Northern Ireland and that of our staff would always be the utmost priority". We also note your own reiteration, following your discussion with Vice-President Šefčovič on 3 March, of the Government's "intention to discharge our obligations under the Protocol in good faith".
30. **The Preamble to the Protocol reaffirms that "the achievements, benefits and commitments of the peace process will remain of paramount importance to peace, stability and reconciliation" on the island of Ireland, and states that "the application of this Protocol should impact as little as possible on the everyday life of communities in both Ireland and Northern Ireland". We therefore regret that the first weeks of the Protocol's operation have led to a rise in political and community tensions. As its co-signatories, the UK and the EU have a joint responsibility to take ownership of the Protocol and its effects, to engage with all sides in Northern Ireland in order to calm tensions, and to work together to ensure that the Protocol's negative impact on communities in Northern Ireland is kept to an absolute minimum.**

**31. With that in mind, what practical steps is the Government, working with the Northern Ireland Executive, taking to alleviate political and community tensions? How will the Government engage with all communities in Northern Ireland to ensure that their views and concerns are taken into account? In particular, how will you seek to calm tensions ahead of the 2022 Northern Ireland Assembly elections?**

### **The Commission's abortive attempt to trigger Article 16**

32. Although there had already been some calls in the Unionist community, and on the UK side more generally, for the safeguarding mechanism in Article 16 of the Protocol to be invoked, the Commission's own abortive attempt on 29 January to invoke Article 16 in the context of its Implementing Regulation on COVID vaccine provisions undermined mutual trust and confidence still further, and was criticised on all sides. We share Mr Gove's concern in his letter of 2 February, at the flawed and rushed manner in which the Commission announced its intention to invoke Article 16, its lack of regard for the formal processes set out in Article 16 and Annex 7 to the Protocol, and its failure to inform either the UK or Irish Governments in advance. At the same time, we acknowledge the Commission's swift reversal of its position following dialogue with the Prime Minister and the Taoiseach, and Vice President Šefčovič's subsequent statement that the Commission's COVID measures "will never entail a hard border on the island of Ireland."
33. As we set out in our October 2020 report on Part 5 of the United Kingdom Internal Market Bill, the UK Government was equally guilty of failing to observe the proper safeguarding process when it brought forward clauses of that Bill in breach of the Protocol. We welcome the subsequent removal of these clauses, and Mr Gove's evidence to us on 9 February that the Government was "absolutely committed" to respecting the formal processes set out in Article 16 and Annex 7. Yet the Government's unilateral announcement of 3 March has led to renewed accusations by the EU that the UK is violating the substantive provisions of the Protocol and the good faith obligation under the Withdrawal Agreement, and that it is "the second time that the UK Government is set to breach international law".
- 34. The Article 16 mechanism is an important and necessary safeguard, but it is designed as a last resort, both sides having exhausted all other options to resolve difficulties under the Protocol. Given the acute political sensitivities in Northern Ireland, both sides therefore have a responsibility to ensure that Article 16 is not misused, and that due process is followed at all times. In order to rebuild the trust and confidence of all communities in Northern Ireland, the UK and the EU must resist the urge to weaponise Article 16 through their rhetoric, but rather work together to resolve the problems that have emerged through dialogue in the Withdrawal Agreement Joint Committee and the bodies that report to it. Following the various disputes over the unilateral actions taken by both sides in the context of the United Kingdom Internal Market Bill, the Commission Implementing Regulation on COVID vaccine supply, and the measures announced on 3 March, what steps is the Government taking in dialogue with the EU to ensure that the actions of both sides do not in the future give rise to further similar tensions?**

## Inter-institutional dialogue

### *UK/EU dialogue*

35. The recent tensions over Article 16 and the 3 March unilateral measures emphasise the need for open and effective channels of communication between the UK and the EU, both within the formal governance mechanisms of the Withdrawal Agreement Joint Committee, the Ireland/Northern Ireland Specialised Committee and the Joint Consultative Working Group, and through regular informal dialogue. We welcome Mr Gove's emphasis on his productive working relationship with Vice-President Šefčovič, and we therefore regret Mr Šefčovič's statement that he was not informed by you as Joint Committee Co-Chair in advance of the unilateral measures announced on 3 March. Notwithstanding this shaky start, we trust that you will be able to build good bilateral relations in your new ministerial responsibilities as UK Co-Chair of the Withdrawal Agreement Joint Committee and Partnership Council.
36. However, strong interpersonal relationships, important as they are, are not sufficient in and of themselves to ensure effective UK/EU dialogue. The governance structures themselves also need to be utilised effectively, to ensure that they are able to anticipate problems before they occur as well as react to them when they do.
- 37. What steps will you take to strengthen and underpin bilateral dialogue with the EU, and in particular with Vice-President Šefčovič, in relation to the Protocol? Can you confirm reports that a UK-EU 'hotline' will be established to deal with issues of difficulty as they arise? Will you seek to ensure that the Withdrawal Agreement Joint Committee, and the governance bodies that report to it, have a regular rhythm of meetings to ensure that they are able to anticipate problems before they occur, as well as react to them when they do?**

### *Engaging with Northern Ireland stakeholders*

38. It is vital that the UK and EU's bilateral engagement on the Protocol extends to include key stakeholders representing all communities in Northern Ireland, including the Northern Ireland Executive and Assembly (and the political parties represented in them), and business and civil society representatives. We welcome the participation of the First and deputy First Minister in meetings of the Withdrawal Agreement Joint Committee, and the commitment by Mr Gove and Vice-President Šefčovič in their statement following the Joint Committee meeting on 24 February to further joint engagement with business groups and other stakeholders in Northern Ireland. We stress the importance of engagement with Northern Ireland stakeholders not only through informal dialogue but also in formal consultation through the Joint Committee, the Ireland/Northern Ireland Specialised Committee and the Joint Consultative Working Group.
- 39. What update can you provide on the engagement by the UK and the EU with Northern Ireland stakeholders, including the Northern Ireland Executive and Assembly, political parties, and business and civil society representatives? What formal consultation mechanisms will be established to ensure their full**

## **participation in and engagement with the work of the Withdrawal Agreement Joint Committee, the Ireland/Northern Ireland Specialised Committee and the Joint Consultative Working Group?**

### ***Engagement with the Irish Government***

40. As the resolution of the Commission's abortive attempt to invoke Article 16 demonstrated, engagement with the Irish Government, both by the UK and the EU, is another vital component. There is also potential for the Irish Government to take proactive steps, without prejudice to its obligations as an EU Member State, to ensure that the Protocol operates as smoothly as possible. We note, for example, that in his 2 February letter, Mr Gove called on the EU to allow for a bilateral UK-Irish agreement on pet travel between Great Britain, Northern Ireland and Ireland, and for the mutual recognition of professional qualifications on the island of Ireland to be addressed. We also note the Irish Government's commitment to undertake a review of its bilateral relations with the UK, which may present opportunities to make enhanced use of the existing East-West intergovernmental machinery established under Strand Three of the Belfast/Good Friday Agreement, to act as a mechanism for dialogue on Protocol-related issues.
41. Another key element of this dialogue is North-South engagement between the Northern Ireland Executive and the Irish Government, and the North-South institutions established under Strand Two of the Belfast/Good Friday Agreement can also be used as a means for dialogue. We therefore regret the pressure that the Protocol is placing on the successful maintenance of these relationships.
42. **What practical steps would you wish the Irish Government to take to ensure that the Protocol operates as smoothly as possible?**
43. **In the context of the Irish Government's review of the bilateral relationship with the UK, what steps is the Government taking to enhance its bilateral engagement with the Irish Government?**
44. **Do you see any scope for enhanced use of the North-South and East-West intergovernmental machinery established under Strands Two and Three of the Belfast/Good Friday Agreement, including the North-South Ministerial Council, the British-Irish Council and the British-Irish Intergovernmental Conference, as a means for dialogue on Protocol-related matters?**
45. **What steps will the Government take to support continuing North-South dialogue between the Northern Ireland Executive and the Irish Government in the context of rising tensions over the Protocol?**

### **Parliamentary scrutiny of the Protocol**

46. The complex issues set out in this letter demonstrate the importance of effective mechanisms for parliamentary scrutiny of the Protocol, including by Committees in Westminster and the Northern Ireland Assembly, underpinned by effective inter-parliamentary dialogue between them (as well as with the Irish Oireachtas and European

Parliament). While we welcome Mr Gove's confirmation that the Government will continue to deposit for scrutiny Explanatory Memoranda on EU legislation applying to Northern Ireland under the Protocol, we are disappointed, in spite of our repeated requests since the publication of our report on the Protocol last June, that the Government has yet to facilitate detailed official-level discussions on the precise scope of this commitment. Nor has the Government provided a substantive response to our request that it should facilitate enhanced scrutiny of the Protocol-related decisions and deliberations of the Withdrawal Agreement Joint Committee, Ireland/Northern Ireland Specialised Committee and Joint Consultative Working Group (including providing sight of meeting schedules, agendas and summary minutes), and that it should establish formal mechanisms for prompt communication to Parliament of information received from the EU in the Joint Consultative Working Group on planned or adopted EU legislation falling within the scope of the Protocol.

- 47. When will the Government facilitate the commencement of official-level dialogue on the scope of its commitment to deposit for scrutiny Explanatory Memoranda on EU legislation applying to Northern Ireland under the Protocol?**
- 48. What steps will the Government take to facilitate enhanced parliamentary scrutiny of the Protocol-related decisions and deliberations of the Withdrawal Agreement Joint Committee, Ireland/Northern Ireland Specialised Committee and Joint Consultative Working Group, including providing sight of meeting schedules, agendas and summary minutes?**
- 49. Will the Government establish formal mechanisms for prompt communication to Parliament of information received from the EU in the Joint Consultative Working Group on planned or adopted EU legislation falling within the scope of the Protocol?**
- 50. Will you commit to appearing regularly before the relevant new Lords Committees, to discuss the issues related to the Protocol and other matters within your ministerial remit?**

## **Conclusion**

51. We would be grateful for a response to this letter by 10 April. In the meantime, we are pleased to clear from scrutiny EMs 13910/20, 13912/20, 13914/20 and 13917/20 on the Council Decisions on the position to be taken by the EU in the Withdrawal Agreement Joint Committee, in relation to the Joint Committee's December 2020 Decisions, respectively, on agricultural subsidies; the determination of goods not at risk and commercial processing; amending the Protocol to correct omissions or other deficiencies; and on the practical working arrangement relating to the exercise of the rights of Union representatives.
52. I have copied this letter to Northern Ireland Assembly colleagues Dr Steve Aiken MLA, Chairperson, Committee for Finance; Dr Caoimhe Archibald MLA, Chairperson, Committee for the Economy; Declan McAleer MLA, Chairperson, Committee for Agriculture, Environment and Rural Affairs; Colin McGrath MLA, Chairperson,

Committee for the Executive Office; and Michelle McIlveen MLA, Chairperson,  
Committee for Infrastructure.

Yours sincerely

A handwritten signature in black ink, appearing to read 'L. Kinnoull', with a horizontal line underneath the name.

Lord Kinnoull DL  
Chair of the European Union Committee