



HOUSE OF LORDS

European Union Committee

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Lord Frost CMG
Minister of State
Cabinet Office
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2 March 2021

Dear Lord Frost

Joint Consultative Working Group

Congratulations on your appointment to the Cabinet with responsibility for such an important portfolio at this time. Our Committee wishes you well.

I am writing to you in relation to the Joint Consultative Working Group established under the Protocol on Ireland/Northern Ireland.

In our June 2020 report on *The Protocol on Ireland/Northern Ireland*, we concluded that the Joint Consultative Working Group “is a unique concept in EU external relations. While it does not have decision-making powers, it will play an important function as the means by which the UK and the EU will exchange information about the implementation of the Protocol, planned EU acts within the scope of the Protocol, and the fulfilment of mutual obligations. Given its less formal mandate, and given the requirement on it to meet at least once a month, it has the potential to act as a productive and intensive facilitator of dialogue, not only between the UK and the EU, but also with stakeholders in Northern Ireland. It will also be in a position to anticipate, and assist in avoiding, potential problems.”

We subsequently wrote on several occasions to the Chancellor of the Duchy of Lancaster and the Paymaster General (including a letter of 4 November 2020 on EM 11643/20 on the Joint Consultative Working Group’s Rules of Procedure), asking for further detail on the work of the JCWG and mechanisms for parliamentary scrutiny of and participation in its activities. In her reply dated 2 December 2020, the Paymaster General wrote that, as the JCWG had yet to meet, “the full detail of how [it] operates is yet to be determined. ... Following adoption of the Rules of Procedure and establishment, the JCWG will consider future governance process.”

In his letter of 23 February 2021, the Chancellor of the Duchy of Lancaster confirmed that the JCWG met for the first time on 29 January 2021 to formally adopt its Rules of Procedure, and stated that “this will now enable the group to begin its work and meet fully.”

In light of this, we invite you to provide an updated response to the questions put to the Paymaster General in our letter of 4 November, together with some additional points, as follows:

1. When do you expect the co-chairs of the JCWG to be appointed, and are you yet able to confirm the UK and EU nominees?
2. When will the JCWG next meet, and how often do you expect it to be meet in the future?
3. Will you agree to the recommendation of our June report that the Government should establish formal mechanisms for prompt communication to Parliament of information received from the EU in the JCWG on planned or adopted EU legislation falling within the scope of the Protocol?
4. How does the Government intend to seek through the JCWG to influence Commission views on which of the legislative proposals foreshadowed in the Commission Work Programme would under the Protocol apply to Northern Ireland?
5. How will stakeholders in Northern Ireland (and beyond), including businesses, communities and civil society, be able to participate in and contribute to the deliberations of the JCWG? What discussions are taking place with the EU to ensure that they are able to do so?
6. How does the Government propose that parliamentarians in Westminster and the Northern Ireland Assembly should engage with the deliberations of the JCWG? Will they have an opportunity to participate directly in its work?
7. What steps does the Government support to ensure transparency and visibility of the Working Group, and to allow parliamentary committees in Westminster and the Northern Ireland Assembly to scrutinise its work effectively?
8. Will you share with parliamentary committees regularly updated schedules of JCWG meetings, together with the agenda and summary minutes of each meeting?
9. Can you confirm that the JCWG's annual report will be published?
10. When do you expect the JCWG to hold a dedicated meeting, involving external stakeholders, on implementation of Article 2 of the Protocol, on the rights of individuals, as proposed in the Government White Paper on *The UK's approach to the Northern Ireland Protocol*?

In order to inform the new European Affairs Sub-Committee on the Protocol on Ireland/Northern Ireland, to begin its work after 1 April, we would be grateful for a reply to this letter by 30 March 2021. I will in the meantime write separately in relation to wider issues concerning the Protocol on Ireland/Northern Ireland.

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 DL
Chair of the European Union Committee