

European Scrutiny Committee

House of Commons London SW1A 0AA

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From: Sir William Cash MP

15 April 2020

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

Subsidiary legislation applying under Annex 2 of the Northern Ireland Protocol

It has come to our attention through the course of legislative scrutiny that there is at least one instance where legislation identified in Annex 2 of the Withdrawal Agreement's Protocol on Ireland/Northern Ireland requires compliance with legislation not included in Annex 2.

The specific example that we have identified concerns Regulation (EC) No 1107/2009 on plant protection products, which requires (at Article 55) compliance with Directive 2009/128/EC on the sustainable use of pesticides.

We are concerned that the requirements on Northern Ireland to apply EU law may be more extensive than it would at first appear and therefore ask you:

- if the Government has undertaken an audit of the legislation set out in Annex 2 of the Protocol to check for requirements to comply with EU legislation not otherwise included in the Protocol;
- if so, what the outcome was; or
- if not, we ask that you commission such an analysis to be completed within four weeks and communicated to us.

I am copying this letter to Simon Hoare MP, Chair of the Northern Ireland Affairs Committee, and Lord Kinnoull and Christopher Johnson in the Lords.

CHAIR