



HOUSE OF LORDS

European Union Committee

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Rt Hon Michael Gove MP
Chancellor of the Duchy of Lancaster
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24 April 2020

Dear Michael,

Thank you for your letters, dated 31 March and 5 April 2020, on scrutiny of the UK-EU future relationship negotiations and Withdrawal Agreement Joint Committee, including an update on the first meeting of the Joint Committee on 30 March, and for your letter, dated 8 April 2020, on the Protocol on Ireland/Northern Ireland. The House of Lords European Union Select Committee considered these documents at its meeting on 23 April 2020.

We note and understand that the attention of Government ministers and officials is focused on the response to COVID-19 for the time being. In view of this, we understand why it was not possible for you to appear before the Committee on 24 March.

Notwithstanding this, we note that the UK's engagement with the EU has continued, including through the 30 March meeting of the Withdrawal Agreement Joint Committee, the forthcoming meeting of the Specialised Committee on Ireland/Northern Ireland, the 15 April videoconference meeting between the UK and EU negotiators, and the subsequent scheduling of week-long negotiating rounds in April, May and June. We also note that your letter of 8 April on the Protocol on Ireland/Northern Ireland reiterates that the transition period ends on 31 December 2020, as enshrined in UK law.

In that context, it is vital that Parliament should continue to conduct effective scrutiny of the future relationship negotiations, the work of the Withdrawal Agreement Joint Committee and Specialised Committees, and the implementation of the Protocol on Ireland/Northern Ireland. We therefore look forward to your remote appearance before the Committee on Tuesday 5 May, when we will discuss these issues, and the effects of the COVID-19 outbreak, with you.

Ahead of your appearance before the Committee, can you set out in more detail the impact that COVID-19 has had on the UK's discussions with the EU, on the ability of the Civil Service machinery to support these discussions, and on the prospect of negotiations on the future relationship being successfully concluded by December 2020? Against the backdrop of COVID-19, what reasonable criteria will be used to judge whether "real, tangible progress" has been made by June? If both sides judge that COVID-19 has prevented such progress from being achieved, what are the implications for the negotiations during the remainder of 2020, in view of the Government's position, set out in statute, that the transition period must not be extended? What are the implications of COVID-19 for the UK's negotiation of future trade deals with other countries?

Can you also set out how, against the backdrop of the disruption to parliamentary proceedings caused by the COVID-19 outbreak, the Government intends to engage with the Committee, and with Parliament more broadly, as the negotiations progress? Can you commit to providing a statement to both Houses after each of the negotiating rounds on the future relationship? Will you mandate Government officials to engage in confidence with the Committee about the future relationship negotiations and the work of the Joint Committee and Specialised Committees, to provide more detail on the rounds of negotiations and meetings of the Joint Committee than has been shared through Written Ministerial Statements hitherto, and to share confidential texts where appropriate?

You suggest in your letter to Chairs of House of Commons Committees that parliamentary oversight of the Specialised Committees is not appropriate as their work is undertaken by officials and they are not decision-making bodies. The term 'decision' is used in a limited and technical sense in the Withdrawal Agreement: it is clear that the Specialised Committees will discuss and make recommendations on important issues to do with the implementation and interpretation of the Withdrawal Agreement. In the case at least of the Specialised Committee and Joint Consultative Working Group on the Protocol on Ireland/Northern Ireland, there will be an intensive schedule of meetings and discussions in the coming weeks. Indeed, we note that the date and agenda for the first meeting of the Specialised Committee on Ireland/Northern Ireland on 30 April 2020 has been reported on social media, but has not been communicated to this Committee. Do you agree that it is undesirable for parliamentary committees to receive such information via social media? What steps will you take to rectify this, so that the Committee, and Parliament as a whole, receive information about and are able to engage effectively with the work of the Specialised Committees, as well as the Joint Committee?

The Commission statement on the first meeting of the Withdrawal Agreement Joint Committee includes the following:

“The parties agreed on the importance for the UK to set out its plans over the coming months with regard to the implementation of the Protocol on Ireland/Northern Ireland. The Commission committed to working with the UK to implement the Protocol. There is an urgent need to present a detailed timetable and proceed with the necessary measures, such as preparing for the introduction of customs procedures for goods entering Northern Ireland from Great Britain, and ensuring that all necessary sanitary and phytosanitary controls as well as other regulatory checks can be carried out in respect of goods entering Northern Ireland from outside the EU. Both parties agreed that clear, reliable answers are key to allowing businesses to prepare for change, to address the challenges, and to seize the opportunities, of the Protocol. Providing such answers to businesses cannot wait.”

Do you agree with this statement? If so, what steps is the Government taking to set out its plans and a detailed timetable for the implementation of the Protocol, including customs procedures, sanitary and phytosanitary controls and regulatory checks, and to implement these plans, so as to provide businesses already under strain due to COVID-19 with the certainty they need? In view of COVID-19, can these preparations be completed by the end of December 2020? What happens if they cannot?

We remain committed to constructive dialogue with the Government, and, where appropriate, with EU interlocutors, as the negotiations progress. In that spirit, we look forward to discussing these issues with you further on 5 May. In order to allow us to take your reply into account ahead of your appearance before the Committee, I would be grateful for a response to this letter by 4 May 2020.

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