



HOUSE OF LORDS

European Affairs Sub-Committee on the Protocol
on Ireland/Northern Ireland

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Rt Hon Elizabeth Truss MP
Secretary of State for Foreign,
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Foreign, Commonwealth and
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King Charles Street
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17 January 2022

Dear Foreign Secretary

Further to my introductory letter of 7 January (to which I look forward to your response), I am writing to you today specifically about one of the six core tasks within the remit of the House of Lords Sub-Committee on the Protocol on Ireland/Northern Ireland, namely document-based scrutiny of new or amended EU legislation within the scope of the Protocol.

Given the continued application of significant aspects of EU law to Northern Ireland under the Protocol, scrutiny of new or amended EU legislation within the scope of the Protocol is a core aspect of the Committee's work. Since the Committee was established in April 2022, we have written over 80 letters to Government Ministers, and received over 50 replies, on 40 separate EU legislative proposals applying (or potentially applying) to Northern Ireland under the Protocol. This correspondence is published [here](#). This work has added significance in the post-Brexit context, given that such legislation applies to Northern Ireland without UK participation in the EU institutions, or the prior consent either of the UK Government or the Northern Ireland Executive.

In July and August 2021, I exchanged correspondence with Lord Frost about the variable quality of Government EMs and ministerial correspondence on EU legislation applying to Northern Ireland under the Protocol. I noted that, while there had been some examples of good quality EMs and correspondence, others had failed adequately to summarise the effect of EU legislative proposals and their ramifications for Northern Ireland in the context of the Protocol. In his reply, Lord Frost reiterated the Government's commitment to ensure high standards of information provision to Parliament.

Notwithstanding this reassurance, the quality of Governments EMs and correspondence has remained highly variable and, in some cases, extremely poor. There has in particular been a tendency to use the ongoing UK-EU discussions on the future of the Protocol as a justification for a failure to provide full information on the implications of EU legislation for Northern Ireland, or to answer the Committee's specific questions. As we have pointed out in correspondence with departmental Ministers, notwithstanding the ongoing discussions with the EU, the Government has an obligation in the meantime to set out fully the full implications of EU legislation applying to Northern Ireland under the Protocol as it currently operates.

In view of this, I would be grateful for your reassurance that you and your officials will remind ministerial colleagues and Government departments of the importance of full and detailed EMs, and high-quality responses to the Committee's specific questions.

I have copied this letter to Chris Heaton-Harris MP, Minister for Europe.

Yours sincerely,

Michael Jay

Lord Jay of Ewelme

Chair of the Protocol on Ireland/Northern Ireland Sub-Committee

