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Earl Kinnoull
Chair
House of Lords European Affairs Committee
House of Lords
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Sir William Cash MP
Chair
House of Commons European Scrutiny Committee
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Dear Charles, Dear Bill

EU RELATED SCRUTINY ARRANGEMENTS

1. I am writing to conclude recent discussions between our officials and seek your agreement on future scrutiny arrangements in light of our new relationship with the European Union. I am grateful to the officials involved in these discussions for getting us to this point.
2. As you know, my position is that we should be as open as possible in how we work with your committees, whilst noting that a new relationship with the EU requires a new approach to scrutiny and a move towards a more flexible approach, and of course in a way that is consistent with the Government's overall approach to Select Committees.
3. The scrutiny offer enclosed in the Annex seeks to reflect this and takes into account the clear representations made by your officials over the past few months.
4. I see these arrangements as part of an evolving process and commit to keeping them under review to ensure the process remains relevant and manageable for both sides.
5. I trust that the offer enclosed is acceptable to you, and I look forward to implementing it when Parliament returns from conference recess. I am grateful to you both for your continued engagement and for the valuable role that your Committees play.

Rt Hon Lord Frost CMG

Annex

Final Government Offer On Scrutiny Of EU-related Business By The EU Scrutiny Committees

1. Scrutiny of the Withdrawal Agreement (excluding the Northern Ireland Protocol)

We are committed to:

- Issuing WMSs before and after WA Joint Committee (WAJC) meetings.
- Providing EMs on European Council Decisions that establish the EU position for the WAJC, before meetings wherever possible.
- Providing official-level briefings to the Committee teams in advance of all Joint Committee meetings, setting out a more in-depth UK position on agenda items and our approach to the discussion. We can also provide a post-WAJC meeting read-out.
- Ministerial appearances before the Committee and ad hoc official-level briefing as required.
- Sharing provisional agendas of WA SC meetings in advance (on a confidential basis, unless co-chairs agree to publish them).
- Sharing the WA Annual Report before publication, subject to co-chairs agreeing to publish. The first report was shared with both Committees on 18 June.
- Consulting with Committee Clerks on submission of EMs on new or amended EU law that has a direct effect on the UK under the WA.
- A Ministerial oral statement following publication of the two reports by the Commission and the Independent Monitoring Authority on the implementation of the citizens' rights chapter of the WA in early 2022.
- Reporting on the UK's outstanding financial liabilities under the financial settlement and on payments to the EU each year through the annual European Union Finances Statement.
- Writing to the chairs in advance of requesting the establishment of an arbitration panel under the Agreement.
- Issuing WMSs following the establishment of an arbitration panel and after any CJEU rulings made under the WA, and issuing an annual report on disputes raised at the WAJC.

2. Scrutiny of the Northern Ireland Protocol

We are committed to:

- Continuing the submission of EMs on EU proposals which amend or replace existing proposals that fall under scope of the NI Protocol (including tertiary legislation) and new EU proposals falling under the scope of Protocol when agreed by the Joint Committee.
- Consulting with the Clerks of the Committee on whether an EM should be provided when the UK is informed of any draft EU legislation through the JCWG which the EU have indicated they would like to add to the NIP Annexes under the Article 13(4) processes. Any agreement to share an EM is on the understanding that we would not be able to share anything that might reveal our negotiating position ahead of the relevant Joint Committee meeting.

- Officials will work with the Committees' Clerks on tailoring our EM guidance and template used by Departments to better reflect the information the Committees would find helpful to receive.
- We will share Ireland/ Northern Ireland Specialised Committee (INISC) agendas, on the same basis as the approach to sharing provisional agendas of WA SC meetings in advance (on a confidential basis, unless co-chairs agree to publish them).

3. Scrutiny of the Trade and Cooperation Agreement

We are committed to:

- Issuing WMSs before and after TCA PC meetings, using best endeavours to do so seven days in advance for pre-meeting WMSs.
- Providing EMs on European Council Decisions that establish the EU position for the PC, before meetings where possible.
- Providing official-level briefings to your Clerks in advance of all TCA PC meetings and offer post-meeting readouts.
- Sharing provisional agendas of TCA Specialised Committee meetings in advance.
- I will write to the Committees periodically a summary of activity in the Specialised and other Committees established under the TCA.
- Writing to the chairs before requesting the establishment of an arbitration panel or if it is likely that the EU will initiate dispute settlement, adopt a remedial, safeguard, or other unilateral measure, or operate the TCA "rebalancing" clause.
- Ad hoc Ministerial appearances as appropriate.

5. Ad-hoc requests for information

We are committed to:

- Sending EMs on the EU's annual Work Programme as we recognise that the EU Select Committees retain an interest in the wider EU policy direction and potential implications on both agreements.
- Continuing the practice of writing to the EU Committees about incoming EU Presidency priorities every six months.

6. Ministerial appearance before the Committee

- I am happy to continue to appear before the Lords European Affairs Committee and Commons European Scrutiny Committee on a quarterly basis. In respect of appearances before the Lords Committee and its sub-committee I am happy for my officials to work with the Clerks to determine how my quarterly meetings will best meet the needs of the main Committee and sub-committee according to the issues prevailing at the time.