

European Scrutiny Committee

House of Commons London SW1A 0AA

Tel (020) 7219 3292 Email escom@parliament.uk Website www.parliament.uk/escom

From: Sir William Cash MP

16 March 2022

James Cleverly MP
Minister for Europe
Foreign, Commonwealth & Development Office
King Charles St
London SW1A 2AH

COM(2021) 706: Proposal for a Regulation of the European Parliament and of the Council on the making available on the Union market as well as export from the Union of certain commodities and products associated with deforestation and forest degradation and repealing Regulation (EU) No 995/201

We write in respect of the above draft Regulation proposed by the European Commission four months ago, on 17 November 2021.

This is an important draft Regulation covering an area of public policy regarding which the Government has powers under the Environment Act 2021. The Government is also clearly committed to depositing draft EU legislative acts applicable to Northern Ireland under the terms of the Northern Ireland Protocol.

Considering the content of the draft Regulation, our view is that it clearly falls within the scope of the Northern Ireland Protocol and we therefore request deposit of the document within five working days.

We ask that your Explanatory Memorandum include material on the following points:

- whether, within the Joint Consultative Working Group, the EU has informed the UK of the draft Regulation as a planned EU act within the scope of the Protocol;
- whether the Government considers the draft Regulation to fall — in full or in part — within the scope the Protocol;

- whether the Government considers that the draft Regulation replaces the EU Timber Regulation (Regulation (EU) No 995/2010) or whether it would be a new EU law to be added to the Protocol through a decision of the Withdrawal Agreement Joint Committee;
- how the Government is working to resolve any uncertainty over the interaction of this draft Regulation with the Protocol; and
- the degree to which Northern Ireland's application of the draft Regulation in full or in part would affect the UK's preparation of regulations under the Environment Act.

We look forward to receiving confirmation of deposit within five working days.

CHAIR