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Rt Hon Dominic Raab MP
Secretary of State for Exiting the European Union
9 Downing Street
London, SW1A 2AS

24 July 2018

Dear Dominic

Scrutiny of EU documents during a post-exit transition or implementation period

As Chairs of the Committees responsible for scrutiny of EU documents in the House of Commons and House of Lords, we are writing to express our resolve to maintain a strong and effective scrutiny system during any post-exit transition or implementation period agreed as part of the withdrawal negotiations.

Since the referendum, both our Committees have continued to fulfil their obligations to scrutinise EU documents. The Government, in turn, has made a commitment to continue to fulfil its obligation fully to support parliamentary scrutiny for as long as the UK remains a Member State. We would be grateful for your confirmation that this commitment remains in force.

Under the draft EU/UK Withdrawal Agreement, most EU laws which take effect during a post-exit transition/implementation period will apply to the UK as if it were a Member State until the end of December 2020. We welcome the commitment made by the Government in its response to the House of Commons European Scrutiny Committee's March 2018 report on *EU Withdrawal: Transitional provisions and dispute resolution* to "continue to support and facilitate" a strong scrutiny process "for as long as EU legislation will continue to affect the UK".

To achieve this, we ask you to confirm that the Government will:

- continue to provide extensive access to information and documentation, as at present, and draw up guidance for Departments accordingly; and
- produce Explanatory Memoranda (EM), on a similar timescale to now, on all new EU documents published during the transition or implementation period that affect the UK.

We recognise that the current EM template may need to be modified and are open to discussing any necessary changes with your officials. We would also be willing to consider proposals for reviewing the categories of EU document that should be deposited.

The scrutiny committees will also wish to scrutinise the implementation of the Withdrawal Agreement and the Government's input into the institutional structures established under it, including the Joint Committee and specialised committees. The Joint Committee provides a forum in which to raise concerns about the management and operation of the Withdrawal Agreement during the transition/implementation period. The possibility to raise concerns about the impact on the UK of specific new EU laws being negotiated or proposed during the transition/implementation period creates a direct link with the document scrutiny work of the European Scrutiny Committee in the Commons and the European Union Committee in the Lords. We therefore envisage establishing a new mechanism to enable either House (acting on a recommendation from the relevant scrutiny committee) to require the Government, in good time, to:

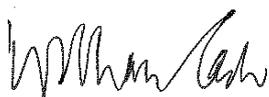
- raise concerns about specific EU legislative proposals which may have a detrimental impact on the UK; and
- place a particular issue on the agenda of the Joint Committee (or a specialised committee) for discussion.

To facilitate effective scrutiny, we also expect the Government to:

- ensure that meeting schedules and agendas are made available in sufficient time for Parliament to consider (and comment on) the items to be discussed;
- formally deposit draft decisions, recommendations or proposed changes by the Joint Committee to the Withdrawal Agreement; and
- undertake that a Minister will appear in person before the Scrutiny Committees in advance of Joint Committee meetings and report on the outcome afterwards.

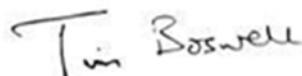
We would be grateful for your confirmation that the Government is willing to support this approach in outline, subject to further discussion at official level.

We will consider these issues further when Parliament returns in September. In order to inform our deliberations, we would be grateful for a response to this letter by 3 September 2018. We would also be very happy to speak to you, or your officials, to discuss these issues in more detail.



Sir William Cash MP
Chair, European Scrutiny Committee

Yours sincerely,



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Chair, European Union Committee