



Queen's Policy Engagement: Post-Brexit Clinic

03 March 2022

Organized in cooperation with the ESRC-funded project on *Governance for 'a place between': the multilevel dynamics of implementing the Protocol on Ireland/Northern Ireland*.

What's been happening with the Protocol?

Trade: Negotiations recap

EU Proposals



Customs

- Reduce scope of concept of “goods at risk”
- Reduce associated customs formalities
- Full implementation of EU customs rules



SPS

- Simplify paperwork + reduce checks
- Product subject to import prohibition/restrictions => compliance with basic EU production requirements
- Increased labelling requirements and monitoring



Medicines

- Product compliance checks occur in GB
- Compliance with EU law
- Labelling requirements
- Increased EU oversight

Progress?

Brexit: Progress made on Northern Ireland Protocol medicines issue

By Alex Campbell
BBC News | Economics & Business Editor


12 days ago | Comments




Bloomberg @business · 13h

The **U.K** and **EU** are **set to** extend their negotiations over Northern Ireland into next year





**Where are we and
what's to come?**



What's been happening with the Protocol?

2021 – December

17 Frost-Šefčovič talks

18 Frost resigns

19 Liz Truss (Foreign Secretary) replaces Frost as UK co-chair of EU-UK Joint Committee

29 European Commission guidelines on application of EU law relating to supply of medicines

2022 – January

8 Truss states willingness to trigger Article 16... but 'deal to be done'

13-14 Truss and Šefčovič hold first 'in-person' meeting

UK politics & policy [Add to myFT](#)

Truss replaces Frost in overseeing UK's Brexit talks with EU

Move follows resignation of Lord Frost over government's 'direction of travel'



Liz Truss has replaced Ben Truss as UK Foreign Secretary. Laura Hughes and I

COMMENT

I will trigger Article 16 if the EU does not cooperate

It is my absolute priority to fix the many flaws in the Protocol and safeguard peace in Northern Ireland



LIZ TRUSS

8 January 2022 - 9:20pm

The union between Great Britain and Northern Ireland has proved itself time and time again. But so much of the progress we have seen in Northern Ireland rests upon the Belfast (Good Friday) Agreement, which secured peace and stability. I have seen how people's lives improved in Northern Ireland and Great Britain through sustained peace and prosperity.

This is why, having taken on EU negotiations, my absolute priority is to deal with the

in spite of
commitment to
rying a
putting



What's been happening with the Protocol?

2022 – January

24 Truss and Šefčovič hold second 'in-person' meeting

26 UK government announces UK delegation to UK-EU Parliamentary Partnership Committee

2022 – February

2 Minister for Agriculture, Edwin Poots, instructs cessation of certain checks and controls at NI ports

3 First Minister, Paul Givan, resigns

4 Belfast High Court suspends the implementation of Poots' instruction pending further order

21 EU-UK Joint Committee holds ninth meeting – first meeting since 9 June 2021



Joint Committee... and a Joint Statement

Joint Statement by Vice-President Maroš Šefčovič and the Foreign Secretary of the United Kingdom, the Rt Hon Elizabeth Truss MP, co-Chairs of the Joint Committee of the Withdrawal Agreement

Brussels, 21 February 2022

In relation to the Protocol, Vice-President **Šefčovič** and Foreign Secretary Truss underlined that the UK and EU share an overriding commitment to protect the Good Friday or Belfast Agreement of 10 April 1998 in all its dimensions. Vice-President **Šefčovič** and Foreign Secretary Truss took stock of the intensified and constructive talks that have taken place between them over the last months. They underlined the ongoing determination of both parties to ensure that the outstanding issues in the context of the Protocol are addressed, and durable solutions found for the benefit of citizens, businesses and stability in Northern Ireland. In addition, Vice-President **Šefčovič** and Foreign Secretary Truss reiterated the importance of further engagement, including with the Northern Ireland Assembly and Executive, and wider Northern Ireland civic society and business.

Vice-President **Šefčovič** and Foreign Secretary Truss noted that the joint bodies established by the Withdrawal Agreement should meet regularly, and agreed to discuss any point raised by the EU or the UK that is of relevance to the Withdrawal Agreement in general.

What next with the Protocol?

- Regularization of meetings of joint EU-UK bodies responsible for the Protocol
- Ongoing EU-UK talks/negotiations... focused on technical level
- Supply of medicines to Northern Ireland: Council/European Parliament approve changes to relevant EU legislation (and Cyprus, Ireland and Malta)?
- EU-UK deal on 'outstanding issues'
- NI Assembly Election...
- New NI Executive...

Ireland/Northern Ireland Protocol & UK FTAs

UK and Canada seal rollover trade deal

London hopes the terms of current EU-Canada agreement can be expanded in future



Boris Johnson welcomes Justin Trudeau to a Nato leaders meeting in 2019. The two leaders have agreed to continue trading on EU terms. © AP

UK and New Zealand sign free trade deal

Government claims it will boost bilateral trade by 60% but critics call its benefits 'economically marginal'



New Zealand's prime minister, Jacinda Ardern, speaks to Boris Johnson by video conference as they seal the trade deal in October 2021. Photograph: Office of the Prime Minister of/Reuters

UK and Australia agree post-Brexit trade deal

Pact marks first big bilateral agreement negotiated by Britain since leaving the EU



UK prime minister Boris Johnson, right, with Scott Morrison, Australia's PM, in the garden of Number 10 Downing Street in London on Tuesday © Luke MacGregor/Bloomberg

UK trade minister insists 'everything on table' in India talks

Trevelyan says both countries want deal signed and sealed before 2024 elections



Anne-Marie Trevelyan, UK international trade secretary: 'I will take back to cabinet a deal which I think is great for UK businesses and provides opportunities for them to see trade and investment growth going forward' © Charlie Bibby/FT

What the Protocol says?

Article 4

Customs territory of the United Kingdom

Northern Ireland is part of the customs territory of the United Kingdom.

Accordingly, nothing in this Protocol shall prevent the United Kingdom from including Northern Ireland in the territorial scope of any agreements it may conclude with third countries, provided that those agreements do not prejudice the application of this Protocol.

In particular, nothing in this Protocol shall prevent the United Kingdom from concluding agreements with a third country that grant goods produced in Northern Ireland preferential access to that country's market on the same terms as goods produced in other parts of the United Kingdom.

Nothing in this Protocol shall prevent the United Kingdom from including Northern Ireland in the territorial scope of its Schedules of Concessions annexed to the General Agreement on Tariffs and Trade 1994.

- NI covered by UK Trade agreements
- NI-originating goods benefit from preferential access under UK FTAs
- And vice versa

What UK FTAs say?

UK-AUS/UK-NZ FTAs

Article 1.2 Relation to Other Agreements

1. Each Party affirms its existing rights and obligations with respect to each other under existing bilateral and multilateral agreements to which both Parties are party, including the WTO Agreement.
2. Unless otherwise provided in this Agreement, in the event of any inconsistency between this Agreement and other agreements to which both Parties are party, the Parties shall immediately consult with each other with a view to finding a mutually satisfactory solution.
3. For as long as the Protocol on Ireland/Northern Ireland to the *Agreement on the Withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community*, signed in London and Brussels on 24 January 2020 (“Protocol”) is in force,¹ nothing in this Agreement shall preclude the United Kingdom from adopting or maintaining measures, or refraining from doing so, further to the Protocol, and amendments thereto and subsequent agreements replacing parts thereof, provided that such measures, or the absence of such measures, are not used as a means of arbitrary or unjustified discrimination against the other Party or as a disguised restriction on trade.
4. On request of either Party, the Parties shall hold consultations, in relation to the effects of a measure described in paragraph 3 the United Kingdom has adopted, or absence thereof,² on this Agreement and seek a mutually acceptable solution.³

UK – Singapore FTA/UK-Japan CEPA

4. (a) In the event of an inconsistency between this Agreement and the Protocol on Ireland/Northern Ireland to the Agreement on the Withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community, signed in London and Brussels on 24 January 2020, this Agreement shall not prevent a Party from taking a particular measure not consistent with the obligations under this Agreement and relating to the inconsistency between this Agreement and that Protocol, provided that such a measure is not applied in a manner that would constitute a means of arbitrary or unjustified discrimination against the other Party or a disguised restriction on trade.

Potential conflicts

- Differential tariff regime
 - Licensed importer; and
 - Tariff differential not exceeding 3%
- EU trade remedies
- Regulatory issues
 - No access to goods that do not comply with EU rules
 - Exclusion of regulatory equivalence (rare)
- Section 46 of the Internal Market Act

PART 5

NORTHERN IRELAND PROTOCOL

Northern Ireland's place in the UK internal market and customs territory

46 Northern Ireland's place in the UK internal market and customs territory

- (1) An appropriate authority must have special regard to the following matters when exercising any function for a relevant purpose—
- (a) the need to maintain Northern Ireland's integral place in the United Kingdom's internal market;
 - (b) the need to respect Northern Ireland's place as part of the customs territory of the United Kingdom; and
 - (c) the need to facilitate the free flow of goods between Great Britain and Northern Ireland with the aim of—
 - (i) streamlining trade between Great Britain and Northern Ireland, and
 - (ii) maintaining and strengthening the integrity and smooth operation of the internal market in the United Kingdom.



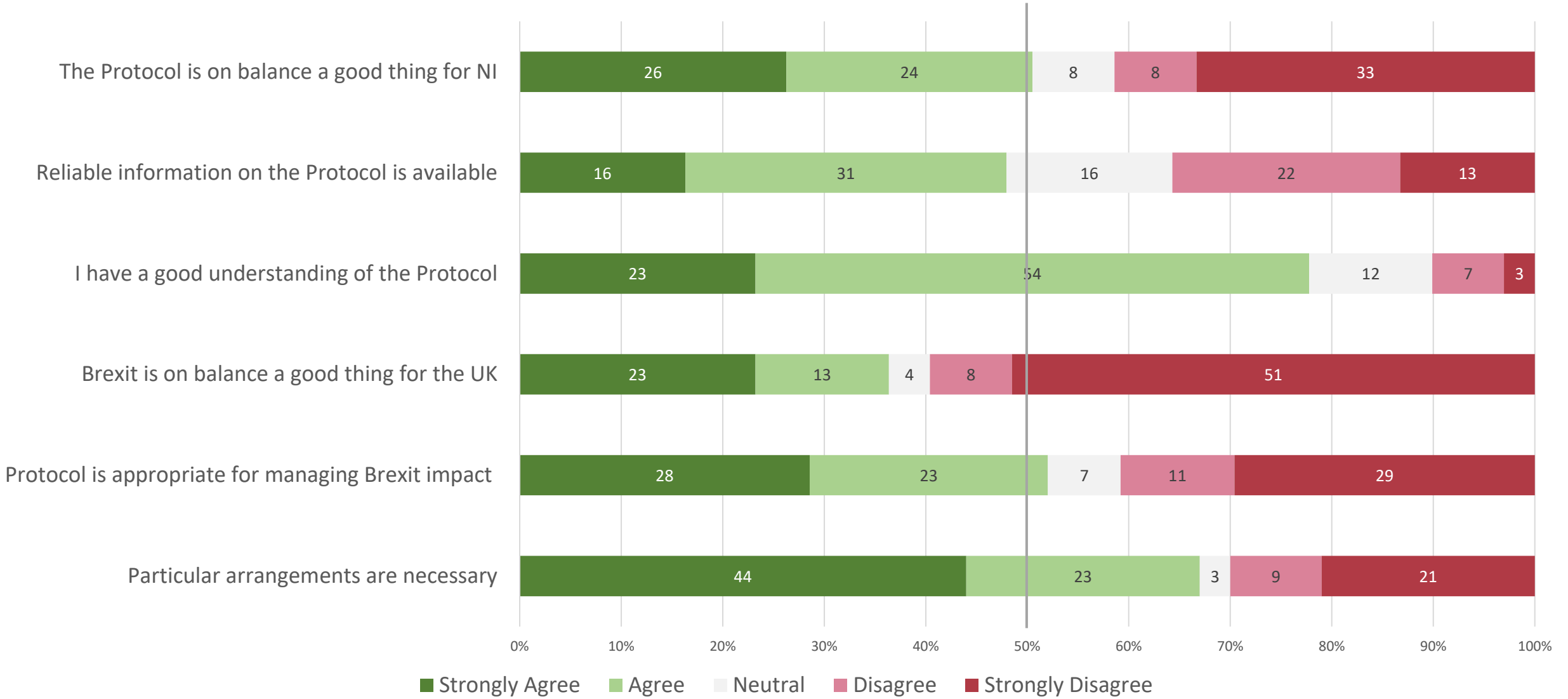
Post-Brexit Governance NI – Testing the Temperature poll

4-7 February 2022

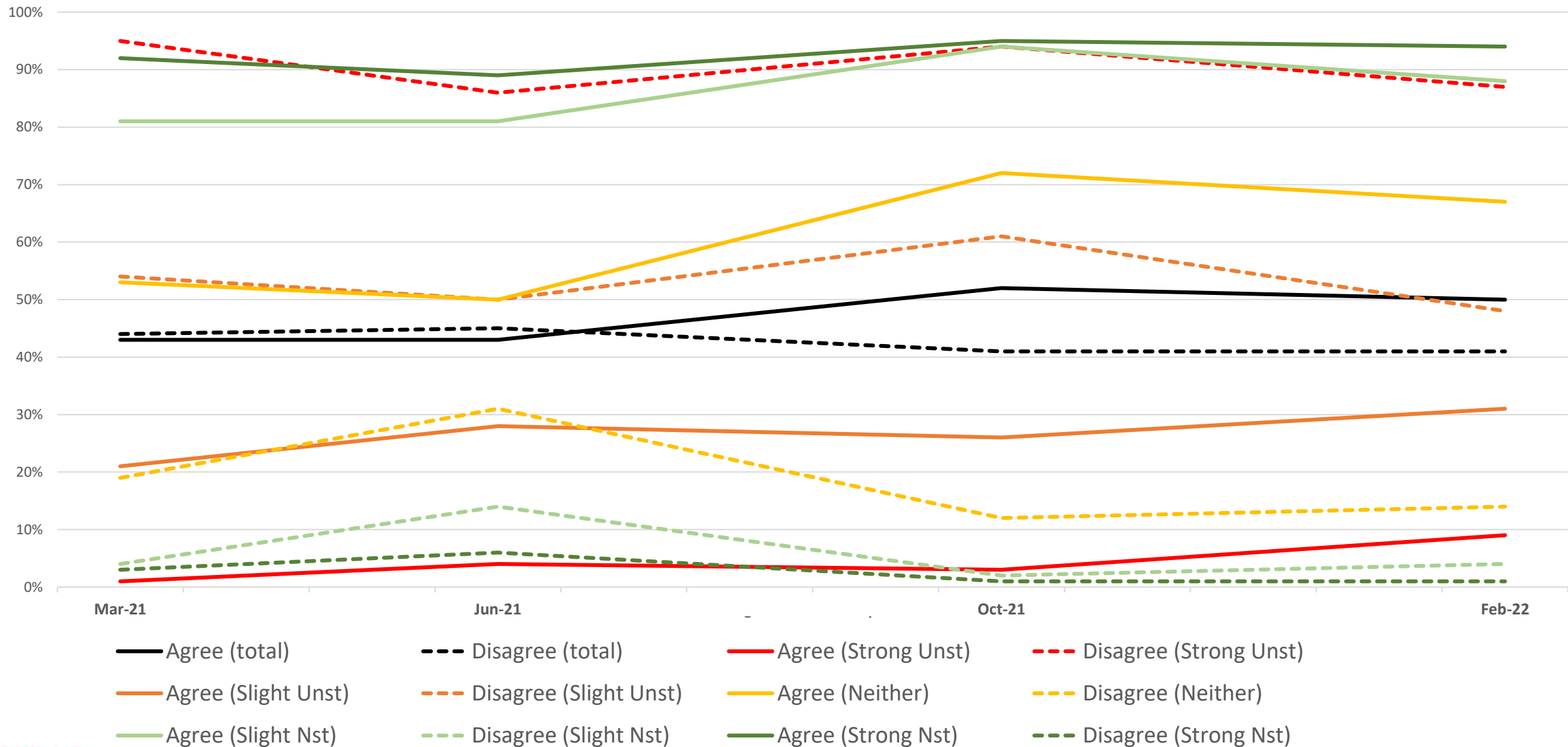
1,516 weighted sample

Margin of error +/- 2.3%

Opinion of the Protocol



Is the Protocol on balance good?—time series, political affiliation



Assessments of the Current Impact of the Protocol – 2021/2

Total 'positive' *minus* total 'negative' impact

	2021			2022	Difference Mar'21- Feb'22
	March	June	October	February	
Politics/Political stability in Northern Ireland	-65	-51	-35	-42	+23
The economy of Northern Ireland	-15	-7	11	5	+20
Maintaining Northern Ireland's place in the UK internal market	-50	-41	-29	-27	+23
Maintaining Northern Ireland's constitutional position in the UK	-56	-48	-43	-37	+19
Protecting the 1998 Belfast Good Friday Agreement	-16	-7	5	4	+20
Northern Ireland's position in the world	-3	-8	7	1	+4
Maintaining the conditions for North South cooperation	-15	-8	5	7	+22
British-Irish relations	-46	-51	-46	-40	+6
UK-EU relations	-53	-56	-46	-41	+12
Ensuring no diminution of individual rights as per 1998 Agreement	-	-4	5	3	+7

Issues concerning the Protocol

	Agree	Disagree	Neutral	No Opinion
There should be formalised structures for the UK-EU bodies overseeing the Protocol to hear directly from business/civil society orgs. in NI	78	11	10	1
Now that there is a UK-EU Parliamentary Partnership Assembly, it should have a sub-committee dedicated to NI that includes MLAs.	64	15	15	6
A failure by the UK & EU to agree soon a solution to the outstanding issues regarding the Protocol would undermine peace & stability in NI	64	24	9	3
The Protocol provides NI with a unique set of post-Brexit economic opportunities compared to the rest of the UK which, if exploited, could benefit NI	63	26	7	4
The UK government must prioritise upholding its international treaty obligations (including under the Protocol) in all circumstances.	56	34	7	3

Issues concerning the Protocol

	Agree	Disagree	Neutral	No Opinion
Measures proposed/adopted by the EU Commission to maintain the security of supply of medicines to NI are 'too little, too late'.	43	41	11	5
The UK government would be justified if it were to trigger Article 16 of the Protocol now.	39	53	4	4
Minister Poots is right to insist that officials cease border checks on agri-food products entering NI from GB	37	59	3	1
The resignation of Paul Givan as First Minister will strengthen the hand of the UK government in its talks with the EU over the Protocol	26	60	10	4
The print & broadcast media in NI can generally be relied on to provide balanced coverage of political & economic developments re: the Protocol.	21	63	15	1

Distrust/Trust to handle NI's interests with respect to the Protocol

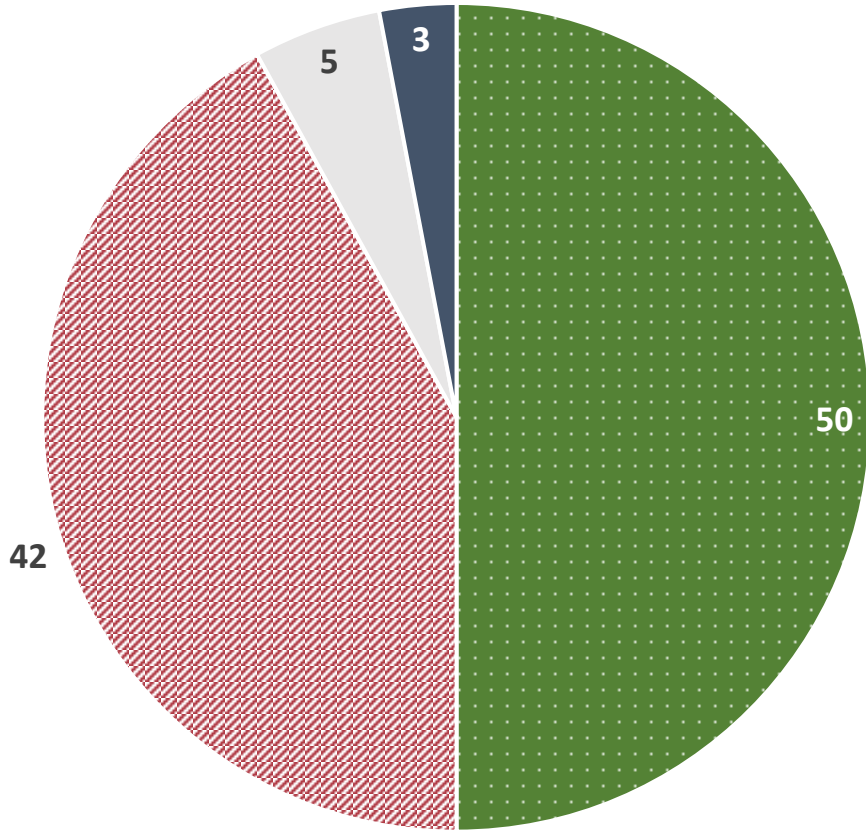
	Distrust				Trust			
	Distrust a lot	Distrust	Total Feb 2022	June 2021	Trust	Trust a lot	Total Feb 2022	June 2021
UK Government	51	33	84	86	3	1	4	6
NI Executive	21	31	52	52	15	1	16	17
Irish Government	35	11	46	48	28	14	42	38
European Commission/EU	37	8	45	48	29	16	45	40
Alliance	31	12	43	43	30	15	45	43
DUP	58	14	72	78	14	7	21	13
Sinn Féin	45	10	55	56	17	17	34	31
SDLP	31	12	43	42	29	14	43	42
UUP	15	25	40	39	23	5	28	32
NI Business Representatives	4	10	14	18	40	19	59	56

LucidTalk, February 2022

Concerns about Current Issues

	1	2	3	4	5	6	7	8	9	10
	Most Important					Least Important				
The state of the economy in NI	9	21	22	17	10	6	6	5	3	1
Managing socio-economic impact of COVID-19 pandemic	4	9	11	12	13	14	13	11	8	5
Welfare reform in NI	2	8	8	13	13	15	16	12	9	4
Protection of individual rights in NI	5	6	11	13	12	13	15	12	9	4
Managing environmental challenges facing NI	2	4	6	8	9	13	15	17	14	12
Future of the NHS in NI	32	18	17	13	10	5	2	1	1	1
Future/effectiveness of the NI Executive and Assembly	5	5	5	7	13	15	12	14	17	7
North/south cooperation on the island	4	5	4	6	7	11	9	11	14	29
The effects of the Protocol on NI	9	14	9	7	7	3	7	8	16	20
The constitutional future of NI	26	10	7	7	5	5	5	8	9	18

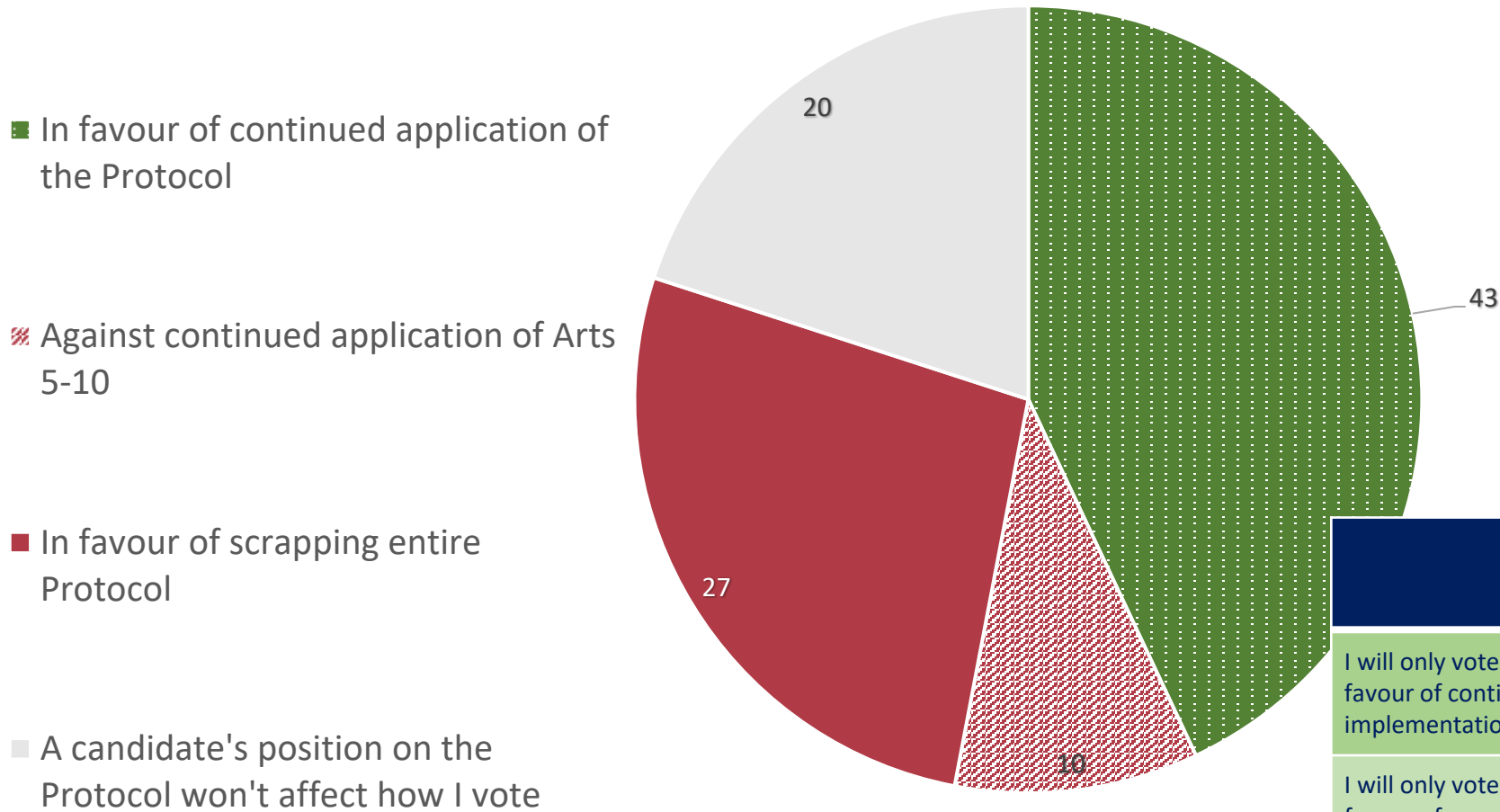
How would you like MLAs to vote on the Protocol in 2024?



- Full Application including Arts 5-10
- ▨ Against continued application of Arts 5-10
- No preference
- No interest in how they vote

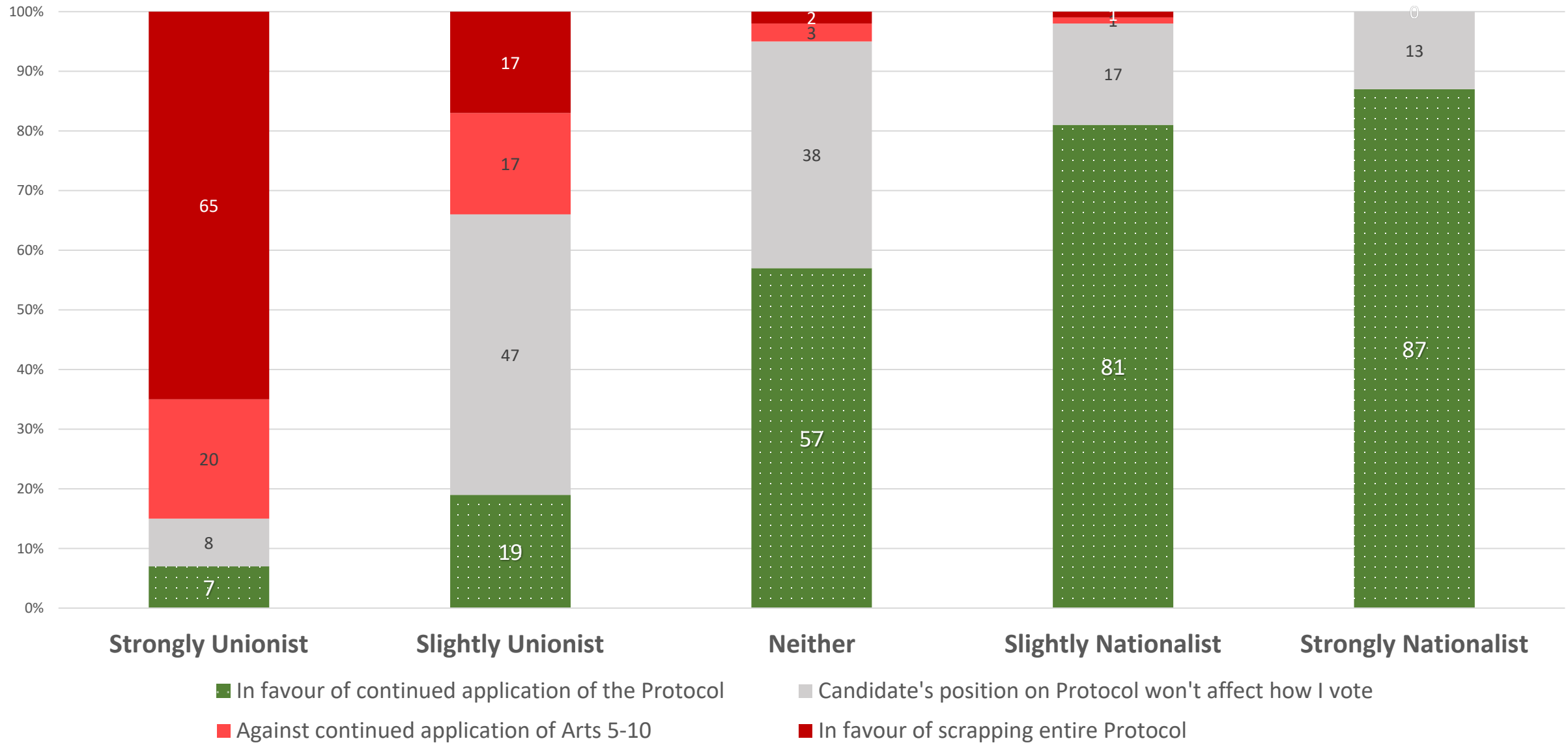
	February 2022	October 2021	June 2021	March 2021
Full application of the Protocol	50	51	45	47
Against continued application of Articles 5-10	42	41	46	42
No preference/no interest	5	8	9	11

I will only vote in 2022 for candidates who are:



	February 2022	October 2021	June 2021	March 2021
I will only vote for candidates who are in favour of continuing with the implementation of the Protocol	43	45	40	39
I will only vote for candidates who are in favour of scrapping the Protocol	27	23	26	27
I will only vote for candidates who are against the continued application of Articles 5-10 of the Protocol	10	12	12	11
A candidate's position on the Protocol will not determine whether I vote for them or not	20	20	22	23

I will only vote in 2022 for candidates who are:





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