




Post-Brexit Governance NI

Post-Brexit Clinic

Prof. Katy Hayward, Dr. Billy Melo Araujo,
Prof. David Phinnemore, Dr. Lisa Claire Whitten



29 June 2023

Governance for 'a place between': The multilevel dynamics of implementing the Protocol on Ireland/Northern Ireland

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From Protocol to Windsor Framework

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Post-Brexit Governance NI Testing the Temperature VIII

LucidTalk/QUB Poll, 9-12 June 2023

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2.6% at 95% confidence

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From Protocol to Windsor Framework



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Windsor Political Declaration – 27 February 2023



“Today’s political agreement in principle on **joint solutions** and **meaningful changes to the Protocol** constitutes a series of **practical and sustainable measures** that the Government of the United Kingdom and the European Commission consider necessary to address, in a **definitive way, unforeseen circumstances or deficiencies that have emerged since the start of the Protocol**. They respond to the **everyday issues faced by people and businesses in Northern Ireland**, supporting and protecting the Good Friday or Belfast Agreement in all its parts.”

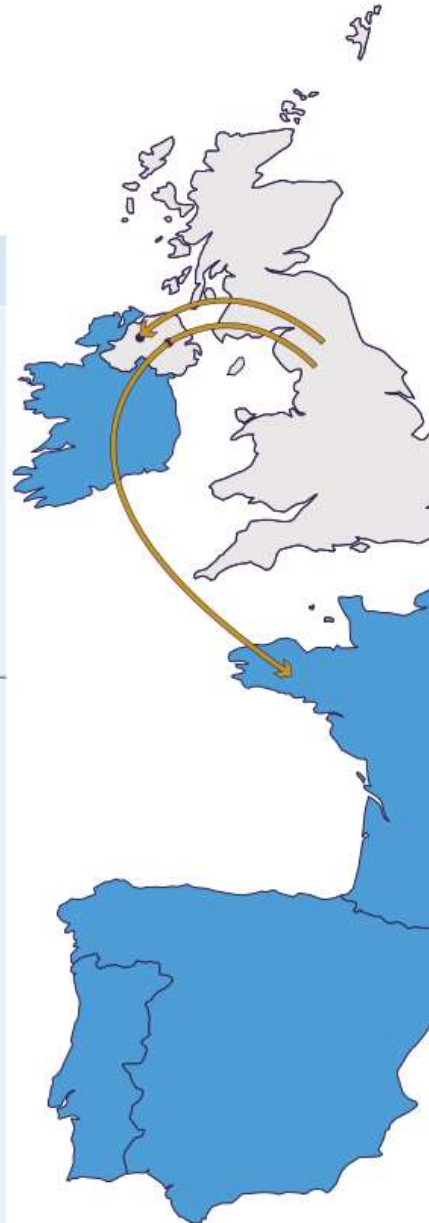
From 'Protocol' to 'Windsor Framework'



INTRODUCING DEFINITIVE SOLUTIONS

➔ Goods moved from Great Britain to Northern Ireland, for end use or consumption in Northern Ireland

	New arrangements	Safeguards for the EU Single Market
Customs/Movement of goods	<ul style="list-style-type: none"> ✓ Trusted Trader scheme extended to a wider number of operators. ✓ Drastically simpler requirements and processes. ✓ Super-reduced data (mainly commercial and transport) from trusted operators needed. ✓ Solutions for movement of freight and all types of parcels. 	<ul style="list-style-type: none"> ✓ EU real-time access to UK customs IT systems and databases to perform risk assessments. ✓ Robust authorisation and monitoring of Trusted Trader and Authorised Carrier schemes. ✓ Enhanced market surveillance and enforcement. ✓ Possibility to suspend or terminate schemes in certain circumstances.
Retail Agri-food	<ul style="list-style-type: none"> ✓ Same food available on supermarket shelves in Northern Ireland as in the rest of the UK. ✓ UK public health and consumer protection standards apply. ✓ Only a single general certificate for mixed loads needed per lorry. ✓ Identity checks eventually reduced to 5%, with physical checks following a risk-based approach. ✓ Seed potatoes allowed to move with easier procedures. ✓ Simplified procedures for plants for planting and agricultural machinery. 	<ul style="list-style-type: none"> ✓ EU animal and plant health rules apply. ✓ SPS Inspection Facilities. ✓ Labelling: "not for EU". ✓ Frequency of checks commensurate with the extent of individual labelling. ✓ Reinforced market surveillance, traceability and listing of authorised establishments. ✓ Possibility to suspend facilitations partly or fully.



➔ Goods destined for the EU or at risk of entering the EU Single Market

- ✓ Still subject to full checks and control.
- ✓ Full EU phytosanitary and customs rules apply.



EASIER PET TRAVEL

- ✓ Simple travel document and a microchip only.
- ✓ Declaration by the owner that the pet will remain in the UK.



SIMPLER PROCESSES FOR PARCELS

- ✓ Easier way for trusted traders to send or receive goods via business-to-business parcels.
- ✓ Simplifications for businesses-to-consumer parcels delivered by authorised carriers (e.g. a consumer ordering a product online).
- ✓ No requirements for private persons for consumer-to-consumer parcels (e.g. a grandmother sending a birthday present to her grandson).



VAT: MORE FLEXIBILITY AND ENHANCED COOPERATION

- ✓ Possibility to set UK VAT rates below EU VAT minima rates for immovable goods with no risk that these goods enter the EU Single Market (e.g., a heat pump for a house).
- ✓ UK SME VAT exemption scheme to apply for both goods and services if UK respects EU threshold for size of SMEs.
- ✓ UK able to tax all alcoholic beverages according to their alcoholic strength and to set reduced duty rates to alcoholic beverages served for immediate consumption in hospitality venues, as long as the applied rates are not below EU minima duty rates.
- ✓ Enhanced Coordination Mechanism to discuss VAT and excise issues in the future.
- ✓ Safeguards protect the EU from fraud risks or potential distortion of competition.

From 'Protocol' to 'Windsor Framework'



PERMANENT SOLUTION FOR ALL MEDICINES

- ✓ All medicines (generic and novel) will now be permanently available at the same time under the same conditions across the UK.
- ✓ Generic medicines: solution already found in April 2022.
- ✓ Novel medicines: UK rules for the authorisation and placing on the market now to apply.
- ✓ No need for prescription medicines to bear EU safety features.
- ✓ Safeguards: "UK only" labelling, monitoring and enforcement, possibility to suspend the new rules in case of risk/abuse.



GOVERNANCE AND STAKEHOLDER OUTREACH: VOICES OF NORTHERN IRELAND PEOPLE BETTER HEARD

- ✓ Regular engagement with Northern Ireland stakeholders, including on the Commission's Work Programme.
- ✓ Dedicated Northern Ireland section in impact assessments and workshops for Northern Ireland stakeholders on Protocol-related matters.
- ✓ Emergency mechanism / "Stormont" brake to allow the UK Government at the request of 30 Members of the Legislative Assembly in Northern Ireland to stop the application in Northern Ireland of amended or replacing EU legal provisions that may have a significant and lasting impact specific to the everyday lives of communities there. This mechanism can only be triggered under the most exceptional circumstances, as a matter of last resort, in a very well-defined process set out in a Unilateral Declaration by the UK.
- ✓ Special Body on Goods: a new way to assess – within the Specialised Committee on the Protocol – the potential impact of future UK legislation on goods for Northern Ireland.
- ✓ EU-UK commitment to regular dialogue across areas to resolve any issues with the operation of the Protocol.
- ✓ New structured sub-groups within the Joint Consultative Working Group.



SOLUTIONS ON TARIFF RATE QUOTAS

- ✓ Solution found for the movement of the most sensitive categories of steel subject to EU tariff rate quotas (TRQs) from Great Britain to Northern Ireland.
- ✓ Northern Ireland companies able to use the EU's tariff rate quotas for steel, to access UK-origin steel in these categories.
- ✓ Commitment to work together on finding a solution for other goods subject to TRQs.



CLARIFICATIONS ON STATE AID

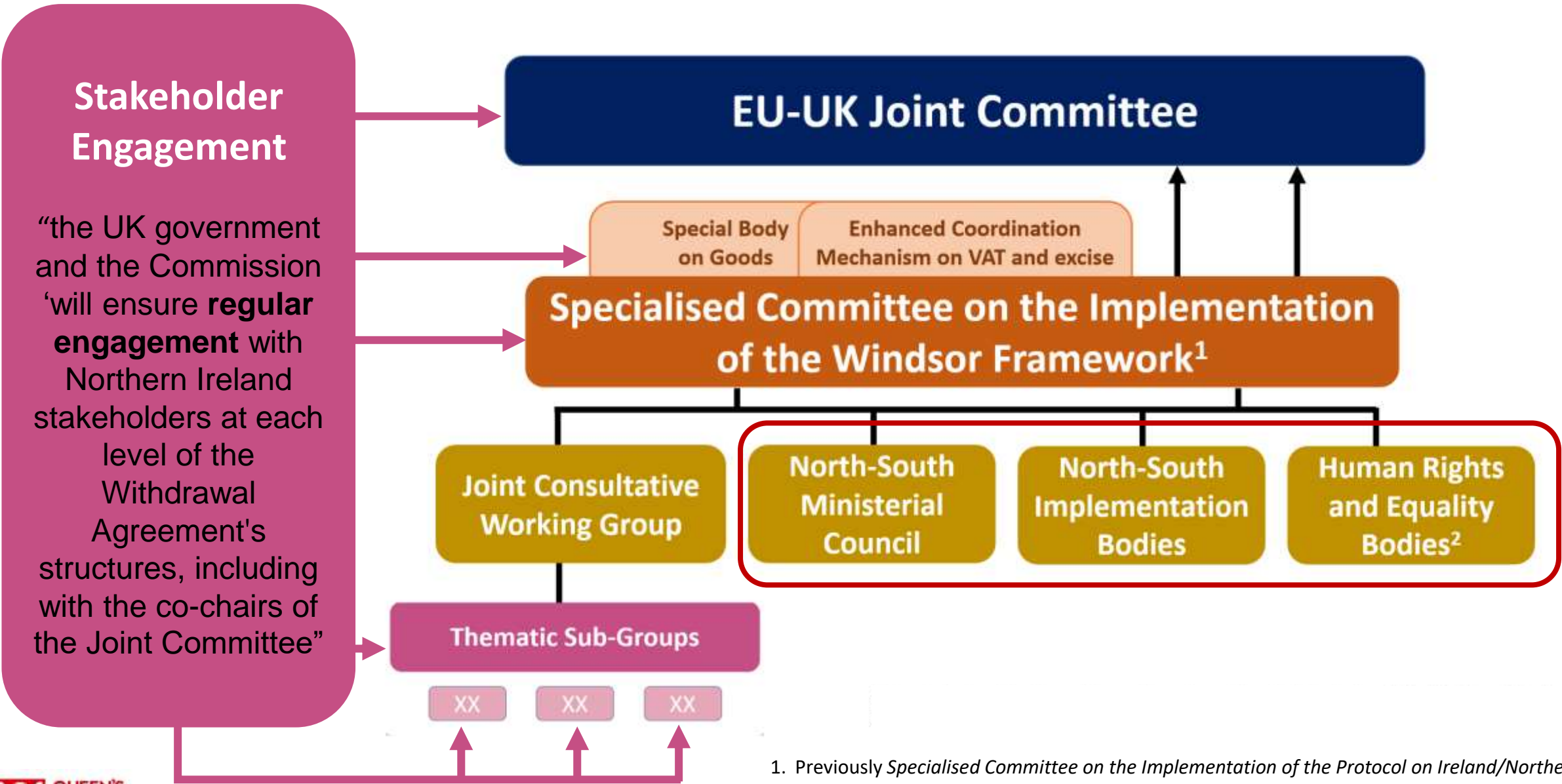
- ✓ Clarification on the conditions under which UK measures do not affect trade between Northern Ireland and the EU. This provides certainty as to how and whom EU State aid rules apply.

https://ec.europa.eu/commission/presscorner/detail/en/fs_23_1272

EU AND UK ARE JOINTLY COMMITTING TO:

- ✓ Implement all solutions expeditiously and in good faith
- ✓ Exploit the potential of the Trade and Cooperation Agreement to continue building a positive EU-UK relationship

The Windsor Agreement: Revised Institutional Framework



1. Previously *Specialised Committee on the Implementation of the Protocol on Ireland/Northern Ireland*
2. Northern Ireland Human Rights Commission; Equality Commission for Northern Ireland; Joint Committee of representatives of the Human Rights Commissions of Northern Ireland and Ireland

Implementing the Windsor Framework

27 February	Windsor Framework announced
08 March	Specialised Committee on Implementation of the Windsor Framework meets
22 March	House of Commons approve Windsor Framework (Democratic Scrutiny) Regulations 2023 (515 v 29)
23 March	European Council welcomes adoption of Windsor Framework
24 March	EU-UK Joint Committee meets; decisions, recommendations and declarations adopted
29 March	House of Lords approve Windsor Framework (Democratic Scrutiny) Regulations 2023
30 May	EU adopts legislation implementing Windsor Framework commitments (TRQs, Medicines, Agri-Food/Pets/Plants)
09 June	Additional UK Government guidance on implementation of Windsor Framework
15 June	Specialised Committee (Enhanced Coordination Mechanism on VAT and excise) meets
23 June	Specialised Committee on Implementation of the Windsor Framework meets
29 June	Commission Delegated Regulation for Simplified Customs Procedures (Trusted Traders/Parcels) effective
3 July	EU-UK Joint Committee meets
Autumn 2023	Introduction of new 'trusted trader' scheme, new arrangements for movements of agri-food products (including SPS facilities and labelling)
Autumn 2024	Introduction of new arrangements for parcel movements; extension of agri-food labelling requirements

The Protocol as a framework... and more than the 'Windsor Framework'



Protocol on Ireland/Northern Ireland

Article 1 – Objectives

1. This Protocol is without prejudice to the provisions of the 1998 Agreement in respect of the constitutional status of Northern Ireland and the principle of consent, which provides that any change in that status can only be made with the consent of a majority of its people.
2. This Protocol respects the essential State functions and territorial integrity of the United Kingdom.
3. This Protocol sets out arrangements necessary to address the unique circumstances on the island of Ireland, to maintain the necessary conditions for continued North-South cooperation, to avoid a hard border and to protect the 1998 Agreement in all its dimensions.



The Windsor Framework and the Movement of Goods



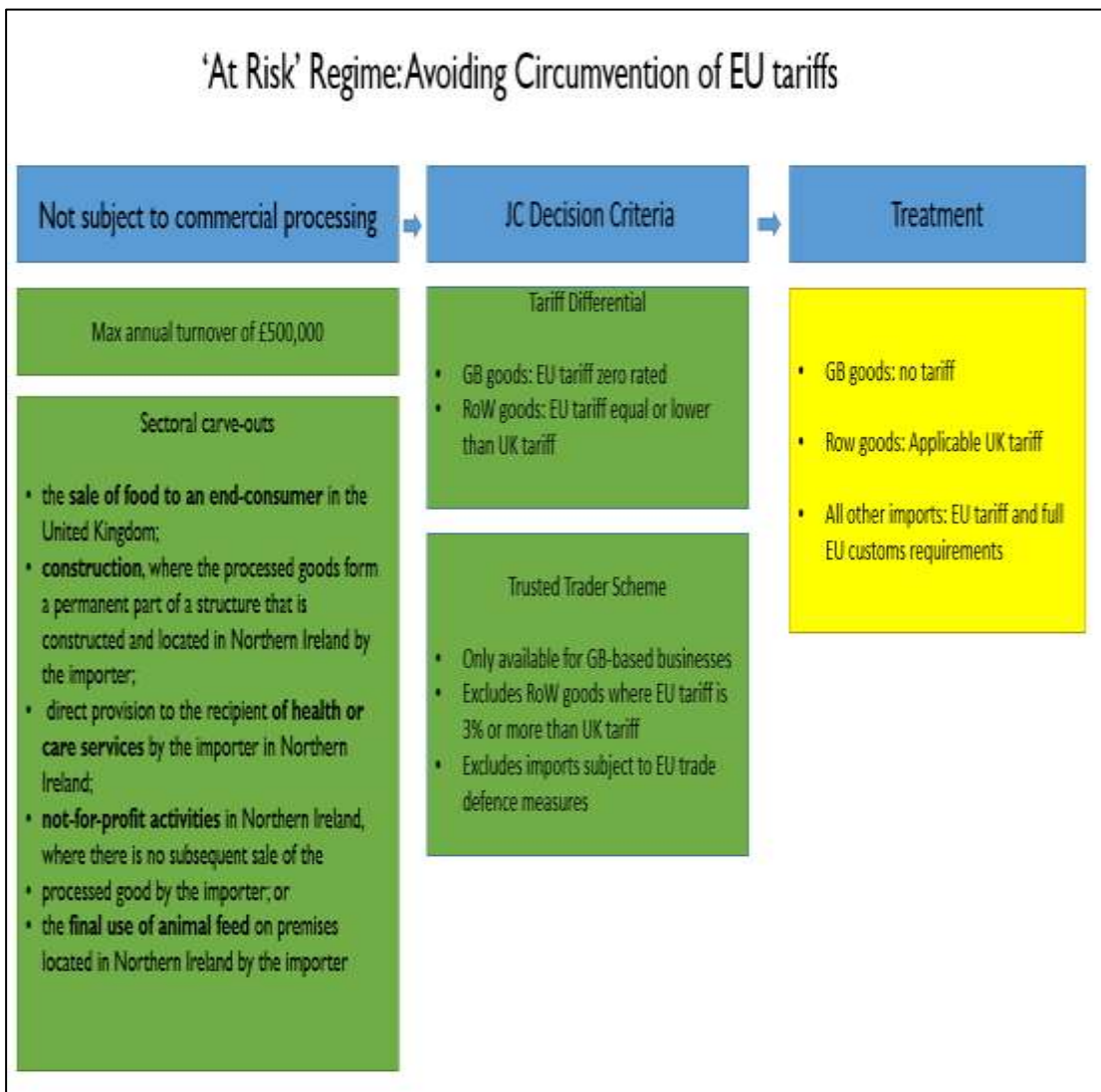
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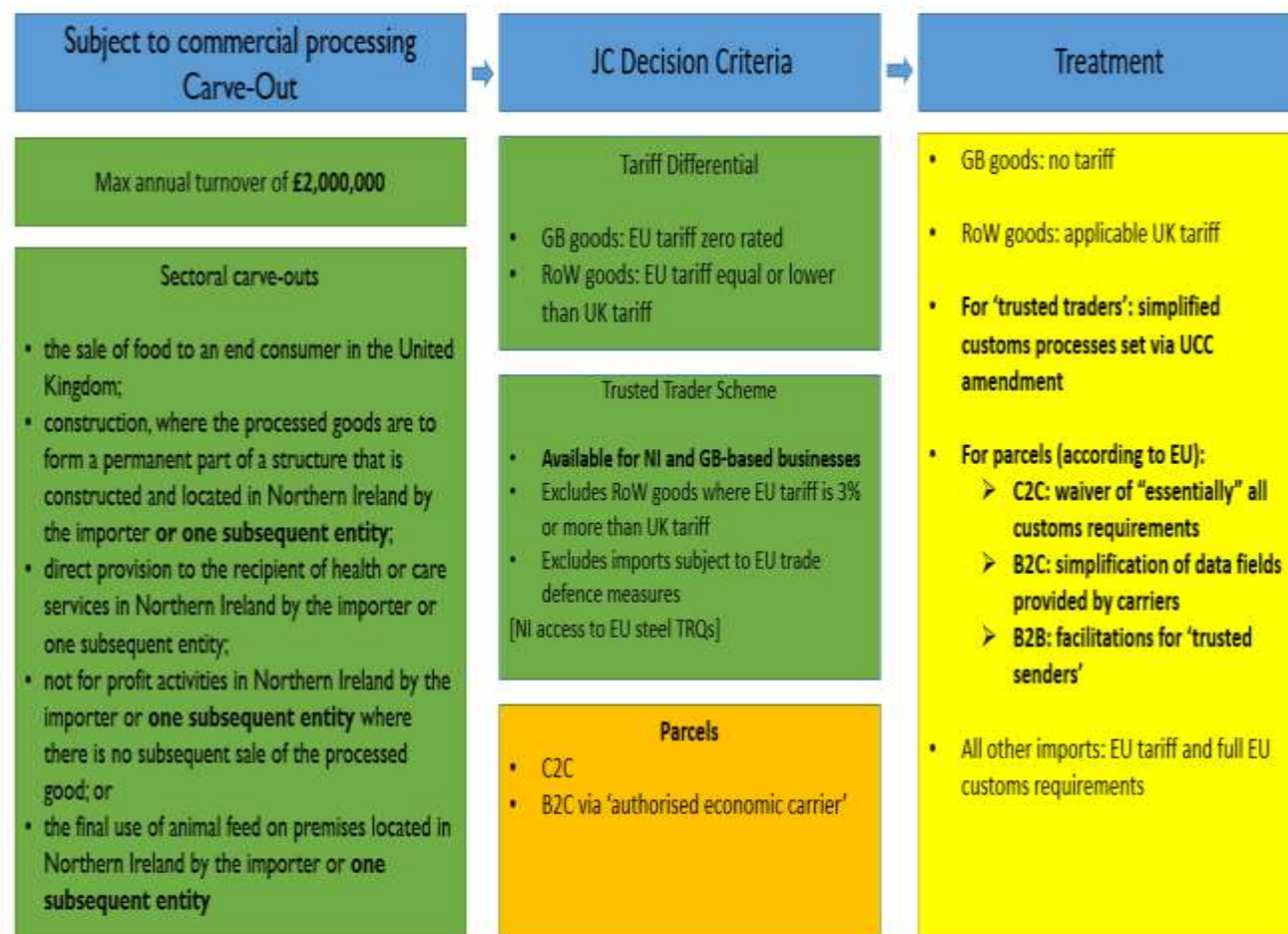
TARIFFS AND CUSTOMS REQUIREMENTS

Protocol regime



Windsor Framework Proposal

Windsor Framework 'At Risk'-Regime Proposals



SPS Checks on Retail Agri-Food Goods

EU Regulation relating to the entry into Northern Ireland from other parts of the United Kingdom of certain consignments of retail goods ...

POAO, composite products, contact materials

- GB goods moved to NI no longer subject to subset of EU law listed in Annex 2 of Protocol
- Consignments only require a general certificate for mixed loads
- Identity checks progressively reduced (5% target by 2025)

Conditions:

- Presented for official controls at SPS inspection facilities
- Strict labelling requirements
- Goods can only be placed in NI
- EU can unilaterally modify regime following consultation

Formalisation of Grace Periods with Safeguards

Irish Sea Border remains

New problems:

- Lower standards/competitive disadvantage
- Regulatory border

Trade in Medicines

Windsor Framework?

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Opinion of the Protocol/Windsor Framework

The Protocol with the Windsor Framework is on balance a good thing for NI

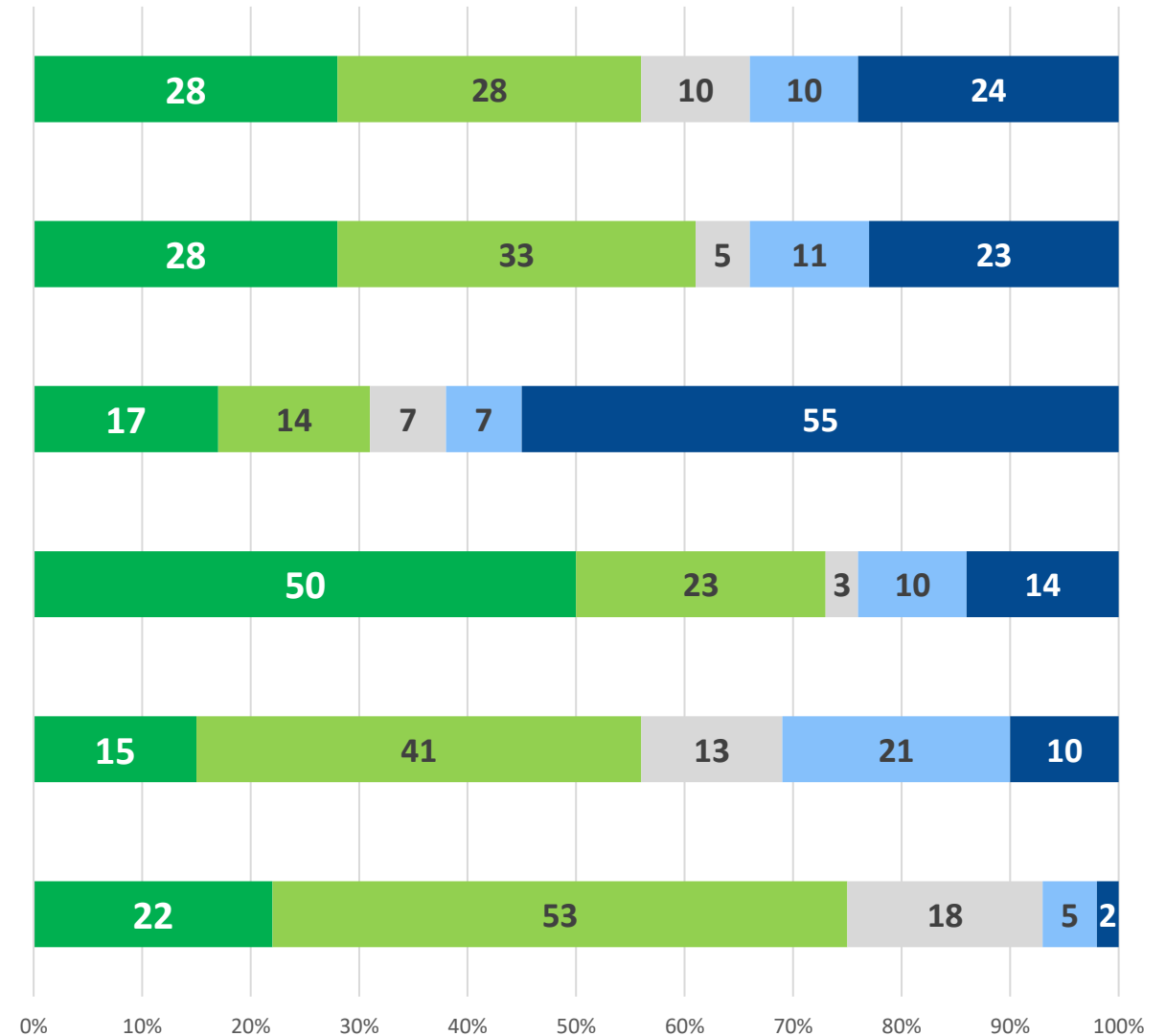
With the Windsor Framework, the Protocol provides appropriate means for managing the effects of...

Brexit is on balance a good thing for the UK

Particular arrangements are necessary

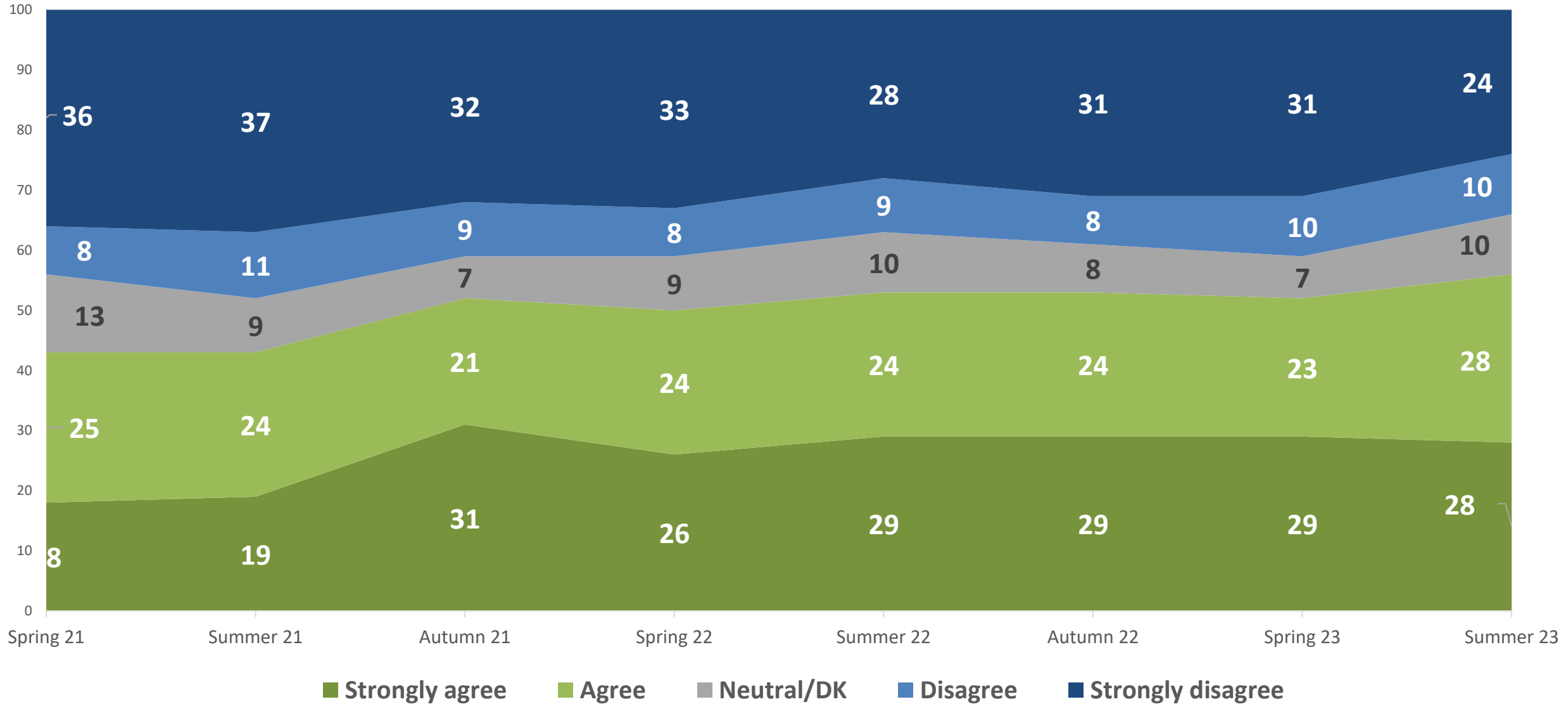
Reliable information on the Protocol & Windsor Framework is available

I have a good understanding of the Protocol

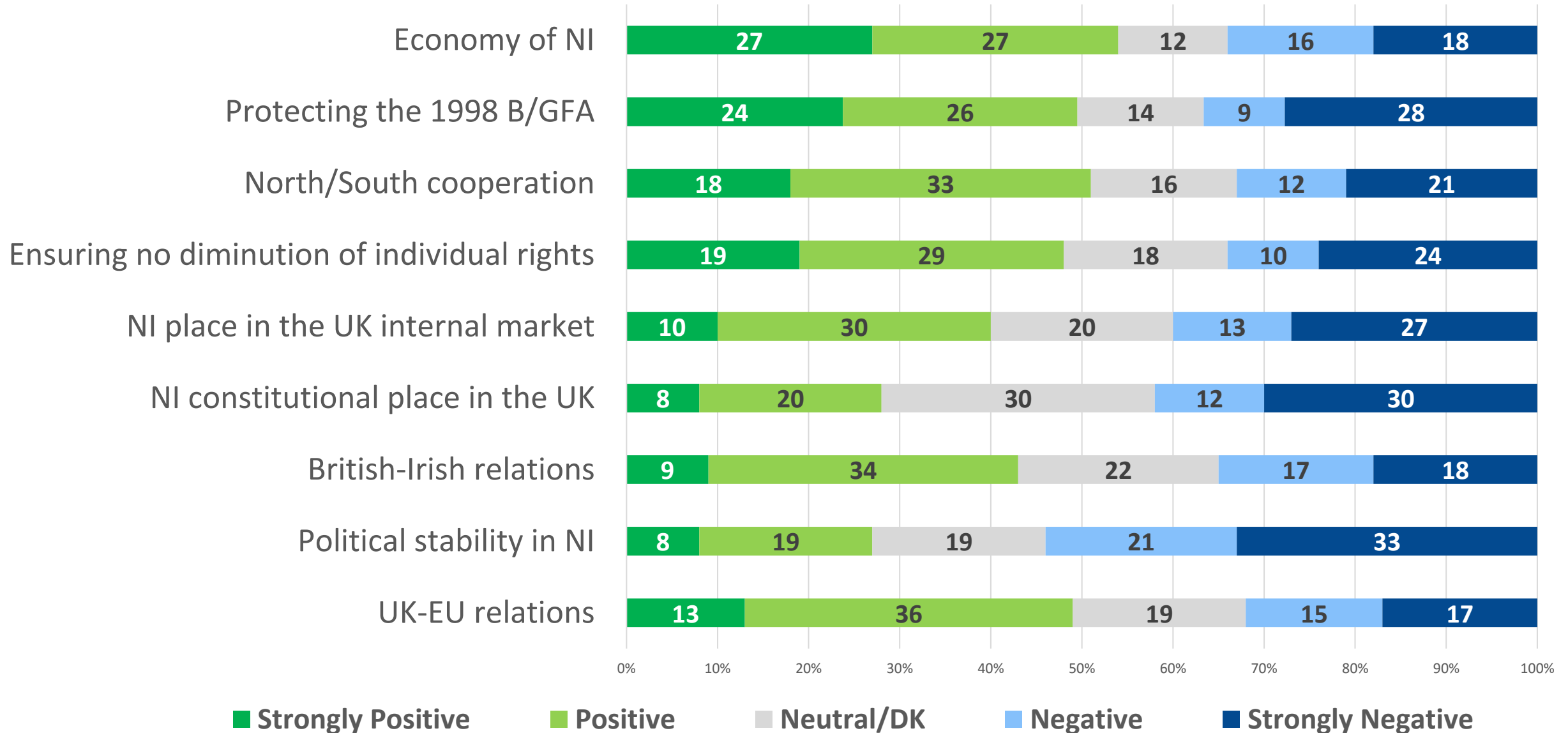


■ Strongly Agree ■ Agree ■ Neutral/DK ■ Disagree ■ Strongly Disagree

'The Protocol is on balance a good thing for Northern Ireland' (March 2021-June 2023)



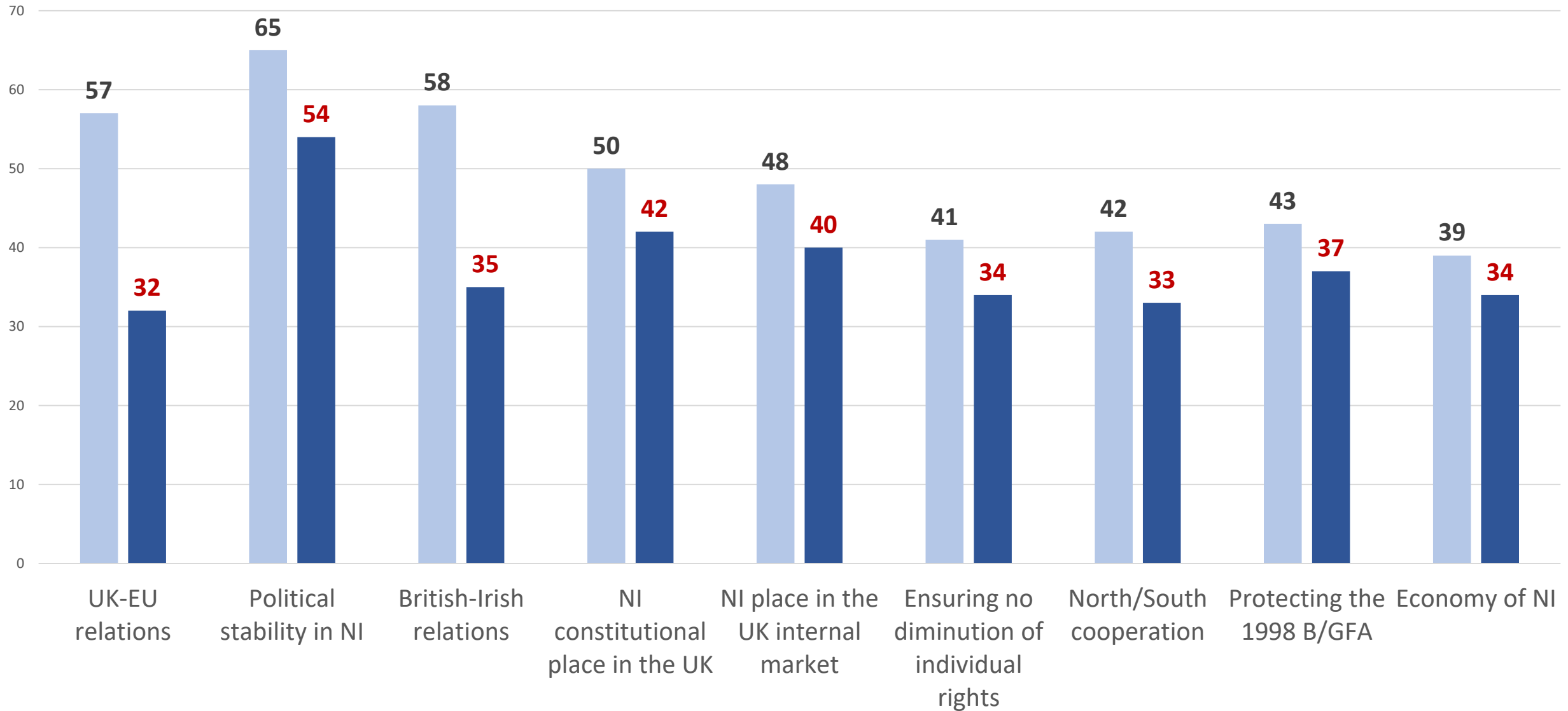
Perceived Impact of the Protocol/Windsor Framework



Testing the Temperature VIII - What do NI Voters Think about the Protocol/Windsor Framework, 9-12 June 2023. Weighted Sample: 1,169

(<https://www.qub.ac.uk/sites/post-brexit-governance-ni/ProjectPublications/OpinionPolling/>)

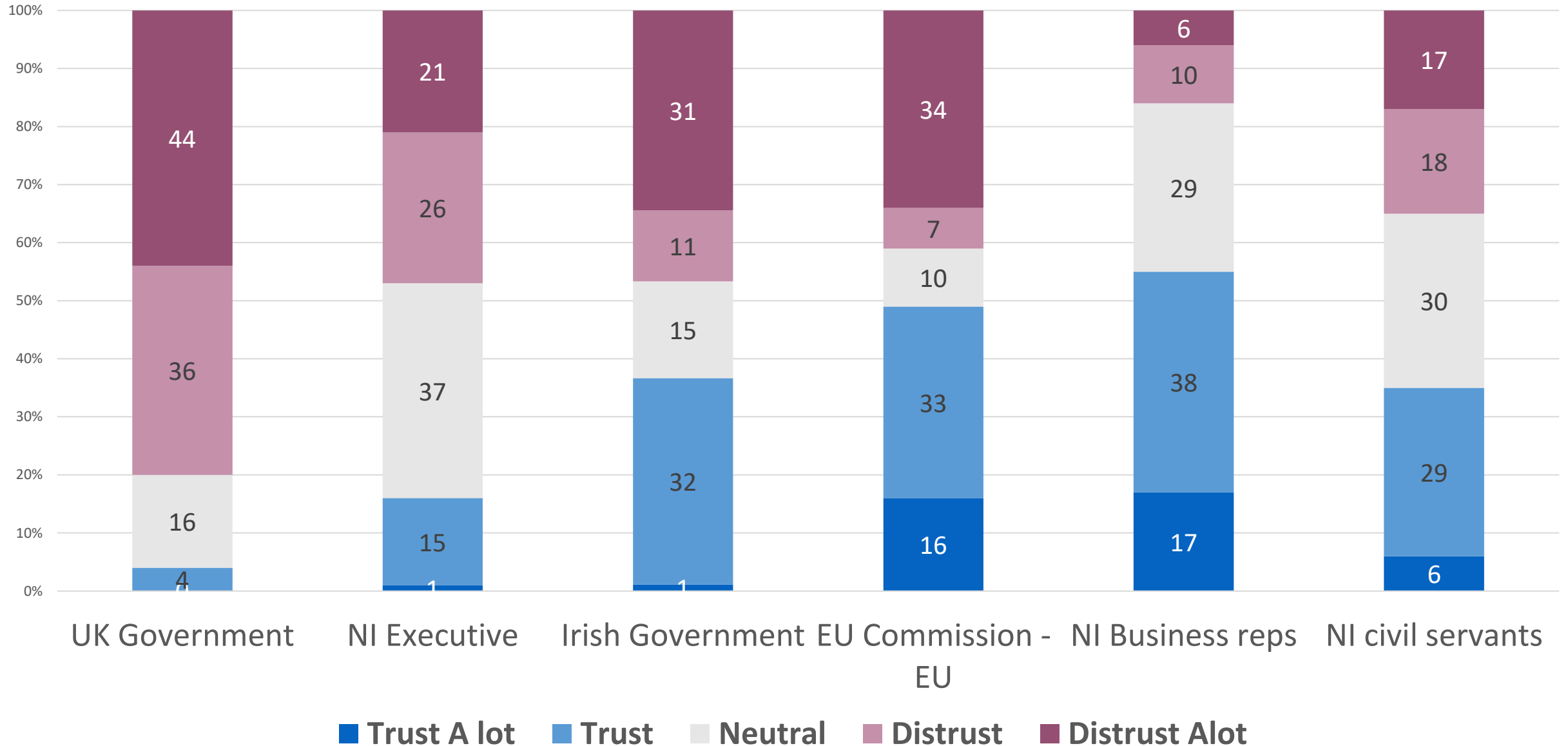
Views on the Protocol having a negative effect (pre- v post-WF)



■ Negative pre-WF ■ Negative Post-WF

Testing the Temperature VII & VIII (<https://www.qub.ac.uk/sites/post-brexit-governance-ni/ProjectPublications/OpinionPolling/>)

Trust in Managing NI Interests in Relation to the Protocol/Windsor Framework (%)

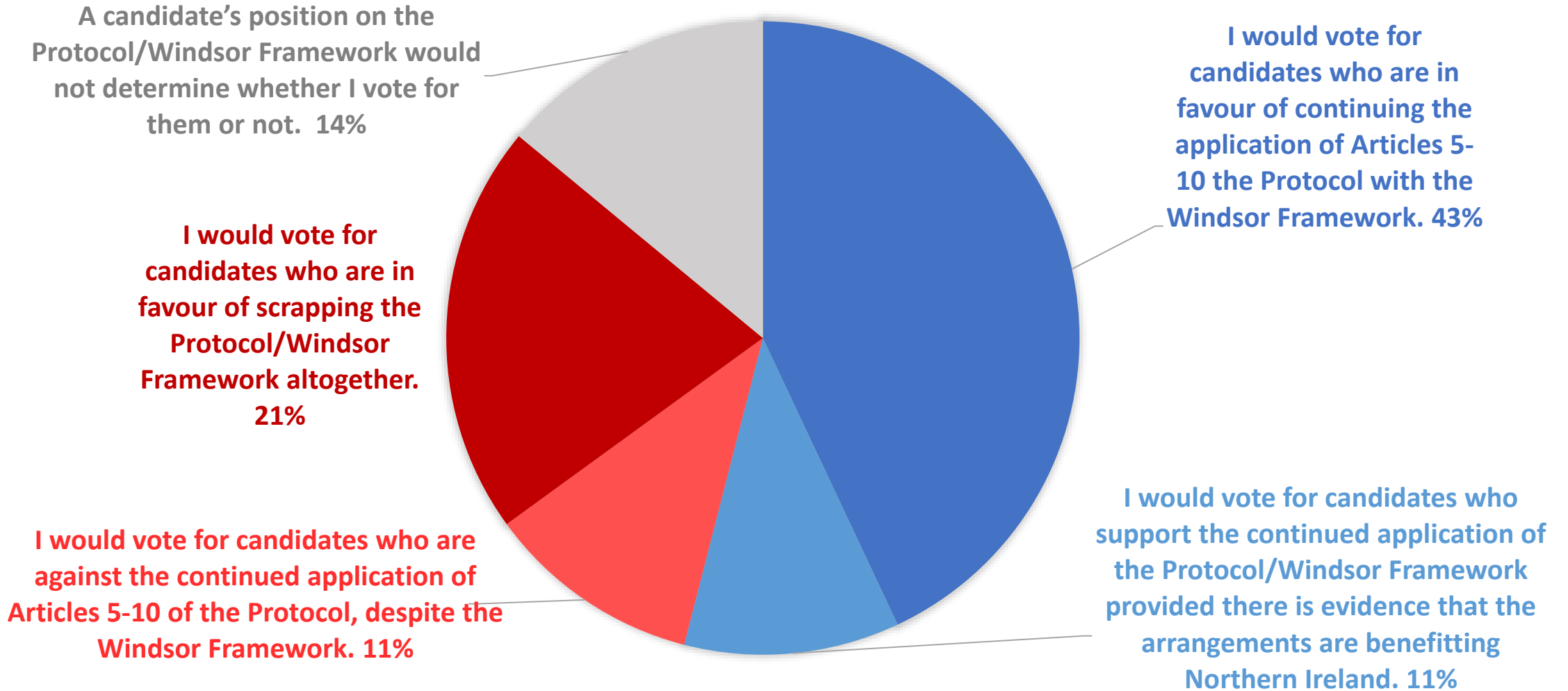


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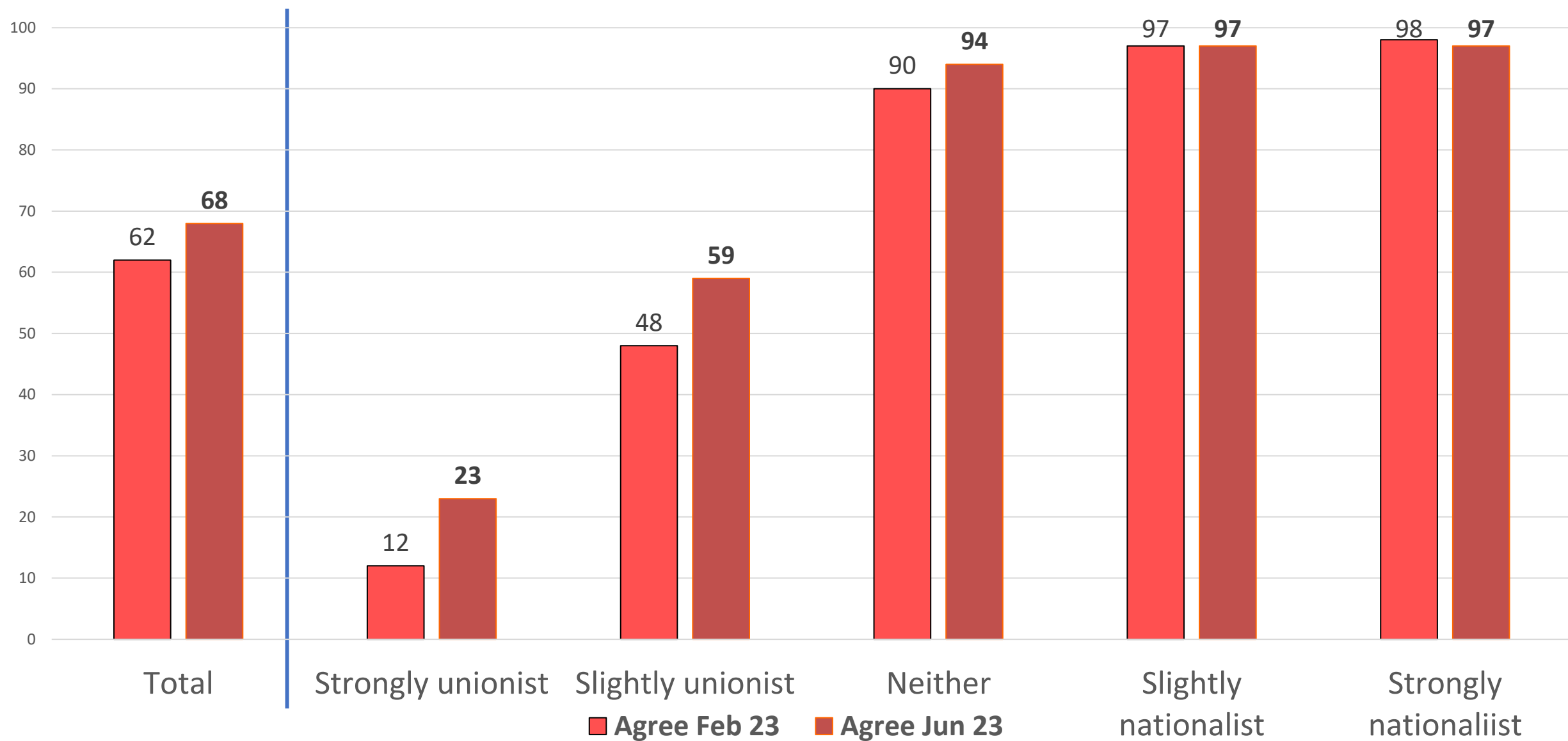
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Democratic Consent in 2024... and an NI Assembly Election

If an election to the NI Assembly were held in the next twelve months, how important do you think a candidate's position on the Protocol would be for your vote? [%]

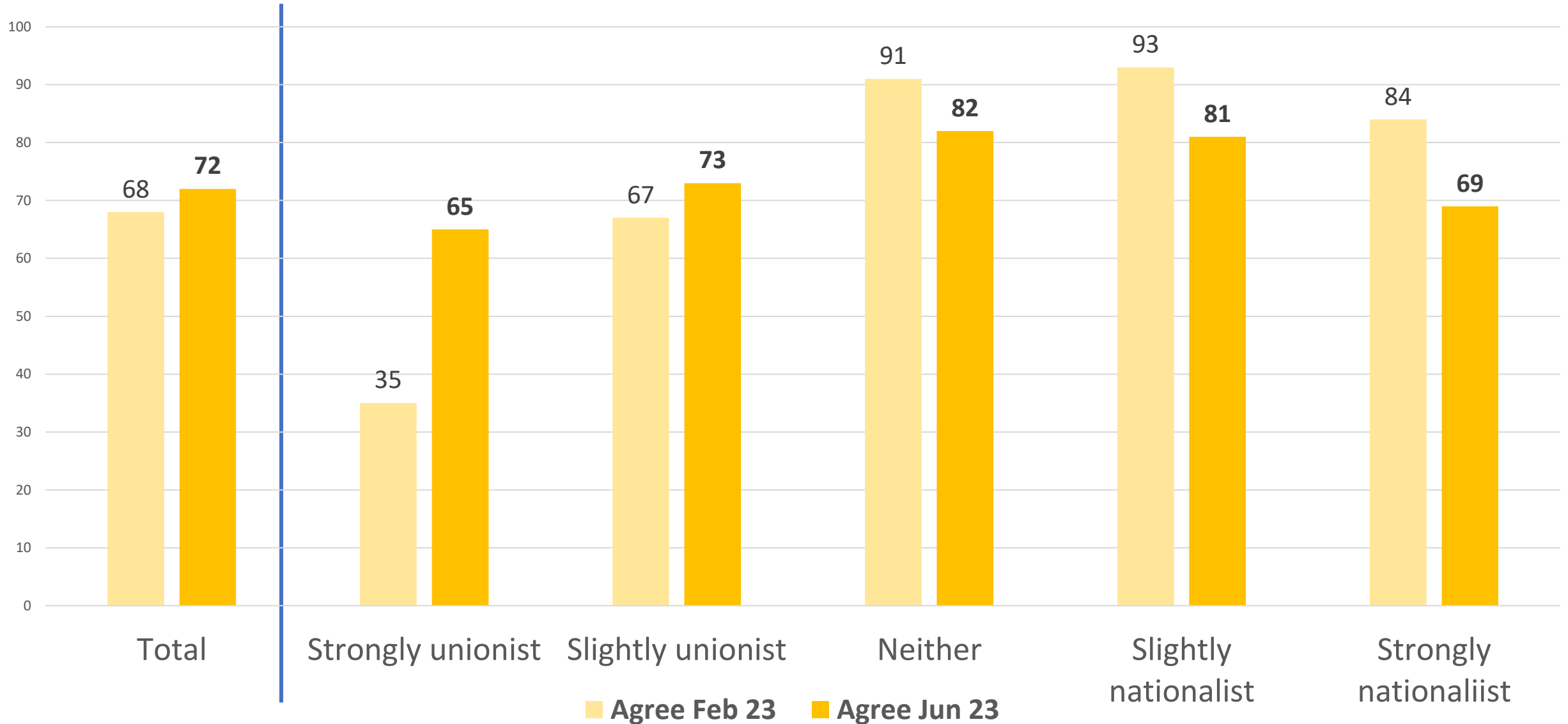


The Protocol/Windsor Framework brings unique economic opportunities that could benefit Northern Ireland (pre- and post-Windsor Framework) (%)

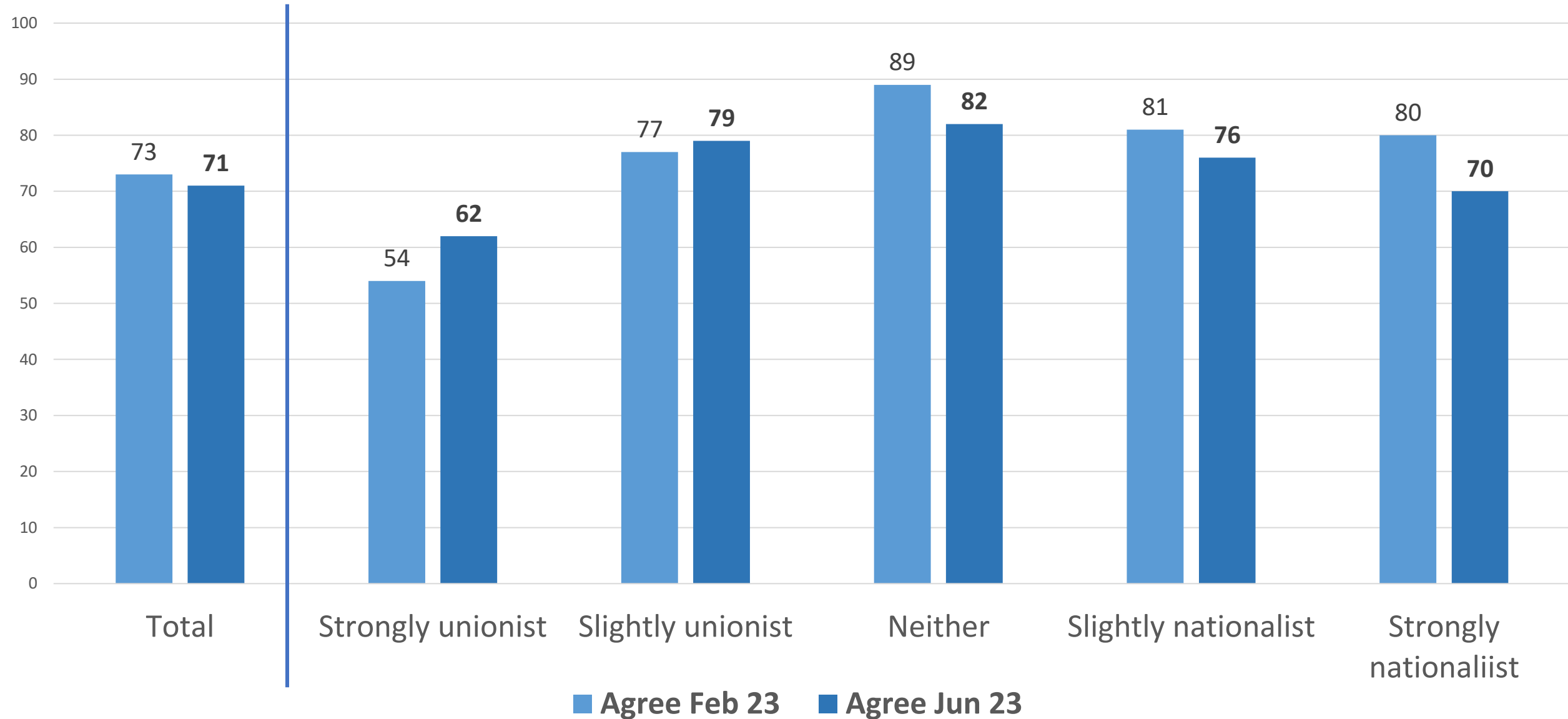


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The UK and EU should pursue closer relations under the TCA to reduce further the need for formalities, checks & controls on movement of goods from GB (%)

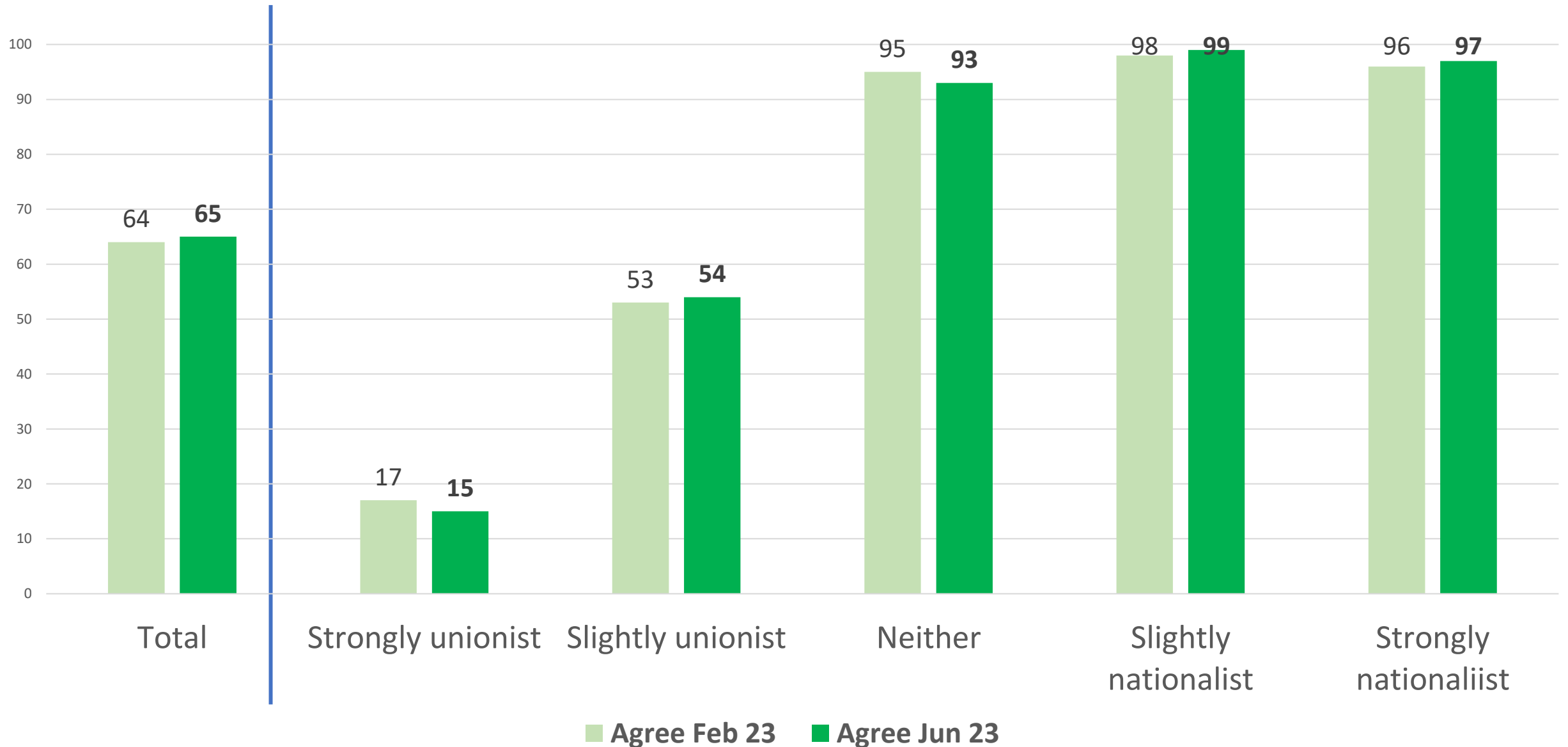


The UK and EU should increase engagement with stakeholders over the implementation of the Protocol/Windsor Framework (%)*



*Q in Feb '23: 'The UK and EU should commit to regular consultation with NI stakeholders & political representatives on how the Protocol is implemented'
Testing the Temperature VII & VIII (<https://www.qub.ac.uk/sites/post-brexit-governance-ni/ProjectPublications/OpinionPolling/>)

Now we have the Windsor Framework the NI Assembly and Executive should be restored and fully-functioning (%)*




*Q in Feb '23: 'The NIA and NIE should be fully functioning regardless of what happens on the Protocol'
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