

European Scrutiny Committee

House of Commons, London, SW1A 0AA

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From: Sir William Cash MP

23 April 2020

Rt Hon Conor Burns MP
Minister for Trade Policy
Department for International Trade
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Market Access for Goods from African, Caribbean and Pacific (“ACP”) countries (Council document 5253/20) (41031)

We have considered your Explanatory Memorandum on the [report](#) by the European Commission examining how it has exercised powers conferred on it by a [2016 Regulation](#) setting out the market access arrangements for goods originating in countries which form part of the African, Caribbean and Pacific (“ACP”) group of States and which have concluded negotiations with the EU on an Economic Partnership Agreement (“EPA”).

We note that the Regulation and acts adopted under it will continue to apply to the UK during the post-exit transition period provided for in the EU/UK Withdrawal Agreement, as will any Economic Partnership Agreements entered into by the EU and ACP countries which are currently in force or enter into force during the transition period. There will, therefore, be no change to existing market access arrangements for goods traded between the UK and ACP countries at least until the end of 2020. Thereafter, you indicate that the Government “aims to bring into force UK EPAs that will replicate the effects of the EU EPAs”.¹

After transition, the 2016 Regulation and acts adopted under it will cease to apply to the UK, with the exception of goods originating in ACP countries covered by the Regulation which enter Northern Ireland from the UK or from other non-EU third countries and are considered to be “at risk” of subsequently

¹ Paragraph 21 of the Minister’s Explanatory Memorandum.

moving into the EU. EU customs laws will apply to these “at risk” goods under the provisions of the Protocol on Ireland/Northern Ireland which forms part of the EU/UK Withdrawal Agreement.² The Protocol also provides that Northern Ireland is part of the UK’s customs territory and may therefore be covered by any trade agreements which the UK concludes with third countries, “provided that those agreements do not prejudice the application of this Protocol”.³

To assist us in understanding how the customs provisions of the Protocol on Ireland/Northern Ireland will apply in practice once the post-exit transition period has ended, we ask you to explain what customs duties and/or regulatory checks would apply to “at risk goods” brought into Northern Ireland from elsewhere in the UK or from a non-EU third country in the following circumstances:

- the UK has concluded agreements with ACP countries which “replicate the effects of the EU EPAs”;
- the UK has concluded agreements with ACP countries which differ from the EU’s EPAs or from the 2016 Regulation in their treatment of goods originating in the relevant ACP countries; and
- no bilateral agreements between the UK and the relevant ACP countries are in place at the end of transition.

Similarly, for goods exported from Northern Ireland to the relevant ACP countries, we ask you to explain:

- whether they would continue to be governed by the rules set out in the 2016 Regulation and EU EPAs, or by any new arrangements and agreements negotiated by the UK after transition; and
- what regulatory and other customs checks or duties would apply to these exports.

We would welcome further information on any assessment made (or planned) by the Government to quantify trade flows (imports and exports) between the ACP countries covered by the 2016 Regulation and/or EU EPAs on the one hand, and (i) the UK as whole and (ii) Northern Ireland separately, on the other. Does the Government consider that safeguard measures similar to those set out in the 2016 Regulation will be needed in any new trade arrangements put in

² Article 5 of the Protocol on Ireland/Northern Ireland.

³ Article 4 of the Protocol on Ireland/Northern Ireland.

place by the UK after transition and to what extent could these measures depart from those established by the EU without prejudicing the application of the Protocol on Ireland/Northern Ireland?

Finally, we ask you to update us on the process for negotiating new bilateral agreements with the ACP countries covered by the 2016 Regulation, the progress being made in negotiations, and how soon you expect the agreements to be made available to Parliament for scrutiny.

We look forward to receiving your response within 10 working days.

We are copying this letter to Simon Hoare, Chair of the Northern Ireland Affairs and Nick Beech, Clerk of the Northern Ireland Affairs Committee; Angus MacNeil, Chair of the International Trade Committee and Joanna Welham, Clerk of the International Trade Committee; Hilary Benn, Chair of the Exiting the European Union Committee and Gordon Clarke, Clerk of the Exiting the European Union Committee; the Earl of Kinnoull, Chair of the EU Select Committee in the House of Lords and Christopher Johnson, Clerk of the Lords EU Select Committee; Edwina Osborne and Stephen Booth, your Departmental Scrutiny Coordinators; and Les Saunders and Donald Harris in the Cabinet Office.

CHAIR