

Petitions Committee

Oral evidence: The movement of goods between Great Britain and Northern Ireland, HC 1232

Monday 22 February 2021

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Members present: Catherine McKinnell (Chair); Tonia Antoniazzi; and Elliot Colburn.

Other Members present: Stephanie Peacock; Simon Hoare; Sir Jeffrey Donaldson; Mr Laurence Robertson; Colum Eastwood; Mr David Jones; Stephen Farry; Mr Mark Francois; Andrew Gwynne; Richard Drax; Jim Shannon; Virginia Crosbie; Sammy Wilson; Chris Loder; Alistair Carmichael; Carla Lockhart; Catherine West; Claire Hanna; Ian Paisley; Richard Thomson; Louise Haigh; and the Minister of State, Northern Ireland Office, Robin Walker.

Questions 1-22



Q1 **Chair:** Thank you, everyone, for joining us. Today's e-petition session has been scheduled to give Members from across the House an opportunity to discuss the movement of goods between Great Britain and Northern Ireland. Sessions like this would normally take place in Westminster Hall, but due to the suspension of sittings there, the Petitions Committee started holding these sessions as an alternative way of ensuring that these issues could be considered and these views could be presented to the Government. We received more requests to take part than could be accommodated in the 90 minutes we were able to schedule, even with a very short time limit on Back-Bencher contributions. That shows just how important this issue is to Members of Parliament from across the House.

I am very pleased that we are holding today's session virtually, which means that Members who are shielding or self-isolating are able to take part. I am also pleased that Opposition parties have fielded Front-Bench speakers, and that we have a Minister attending who can respond to the points raised, as would happen in Westminster Hall. I call Elliot Colburn.

Elliot Colburn: Good afternoon, colleagues. On behalf of the Petitions Committee, I begin by reminding colleagues that we are discussing e-petition 573209, entitled "Trigger Article 16. We Want Unfettered GB-NI Trade". This petition was started by the First Minister of Northern Ireland, Arlene Foster, and states: "Her Majesty's Government must immediately remove any impediment or barrier to unfettered trade within the United Kingdom. After just one month, Northern Ireland is suffering real economic and societal difficulties as a consequence of the Northern Ireland Protocol operating and creating new barriers to unfettered trade within the United Kingdom and disrupting supply lines of goods to Northern Ireland. The Government should use all the powers it has to move urgently to protect UK trade and to ensure all UK goods and produce can freely flow to and from every part of the United Kingdom."

To date, more than 142,000 people have signed this petition, including 97 from my own Carshalton and Wallington constituency. However, it is important to highlight that, unlike other petitions, this has received a fairly regional response: more than 50% of all signatories to it have come from the 18 Northern Irish constituencies alone. The petitions website has also received a number of related petitions on the movement of goods between GB and NI, predominantly relating to the movement of pets and animals, such as petitions about guide dogs, and about the movement of poultry, including rare and traditional breeds. I should declare that my fiancé used to be on the board of the Poultry Club of Great Britain and is editor of *Fancy Fowl* magazine, both of which have campaigned on this issue.

Given how many colleagues, particularly from Northern Ireland, wish to speak in this debate, I will not go on for very long, to ensure that we have the time to hear as many contributions as possible. In my short contribution, I will open by setting the scene, discussing what article 16 is, the issues that led to this petition being triggered, and the potential solutions and the various asks of Government.



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According to the House of Commons Library, article 16 is an emergency brake that allows either party to suspend parts of the Northern Ireland protocol in the withdrawal agreement in order to deal with serious difficulties. The text of the protocol provides more precise details of how that can occur. Article 16(1) states: "If the application of this Protocol leads to serious economic, societal or environmental difficulties that are liable to persist, or to diversion of trade", either side can impose appropriate safeguard measures. However, these measures need to be targeted in scope and duration, to directly address the problems they are trying to fix.

Annex 7 of the protocol sets out a five-step process to trigger article 16: notifying the other side; consulting in the joint committee to find a solution; implementation if no solution is agreed; provision of information on the details of the measures being implemented; and an ongoing three-monthly consultation in the Joint Committee, aimed at ending or limiting the scope of the measures.

Article 16(2) gives the other side the right to implement rebalancing measures, and to go through the dispute resolution process if they feel the protocol is being misused or misapplied. In the article, there is an exemption from having to use the five-step process in exceptional circumstances that require immediate action and exclude prior examination. The proposing side can then implement these measures immediately. Of course, we already have an example of article 16 being triggered: the EU shamefully decided to trigger it to block vaccines being sent from the European Union to Northern Ireland and then on to Great Britain.

What are the issues that triggered this petition? Evidence received by the Select Committee on Northern Ireland Affairs—the Chair of the Committee wishes to speak in this debate—the "Dear colleague" letter from the First Minister of Northern Ireland, and those who have contacted me and, I am sure, many other colleagues prior to today's debate have indicated that the problems facing trade between GB and NI include, but are not limited to, disruption to the supply line of goods; substantial, expensive and disproportionate paperwork and associated procedures; problems posting packages; Guide Dogs, the UK charity, having been forced to suspend its puppy walking scheme in Northern Ireland because of pet travel restrictions; poultry keepers now needing to organise a salmonella test, health checks and a 21-day quarantine in the host country if they want to move birds; GB suppliers and retailers removing consumer options for Northern Ireland-based businesses and domestic consumers; medicines and medical devices, including for personal and patient use, being restricted; groupage transportation and other serious haulage issues; and many others. I am sure that colleagues will expand on those issues, but before that, I want to quickly discuss potential solutions and asks of Government.

Of course, the petition calls for article 16 to be triggered to stop customs controls and checks on goods moving between GB and NI. The Prime Minister has confirmed that all options, including article 16, are on the



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table. However, I note that evidence received by the Northern Ireland Affairs Committee and the London School of Economics have not supported such a move and have offered other solutions. For example, the director of the Northern Ireland Retail Consortium has called for the Joint Committee to find simplified processes, and there have been calls to negotiate a veterinary agreement similar to the ones that the EU has with Switzerland and New Zealand to remove most of the checks on animals and agrifood products.

Either way, I appreciate that my right hon. Friend the Chancellor of the Duchy of Lancaster, in his capacity as joint chair of the Joint Committee, is working with his counterpart to find solutions, and I hope that my hon. Friend the can update us on the progress of those talks in his reply to this debate. I am conscious of time and of the number of colleagues who want to speak, so I will bring my remarks to a close. I hope that I have set the scene for the debate.

Q2 **Chair:** Thank you, Elliot. I call Stephanie Peacock.

Stephanie Peacock: The Commission's actions over article 16 were a clear misjudgment; friends and partners from across these islands have said so, but that mistake demonstrated that partnership and co-operation are essential to ensure that the protocol works. It exists to preserve the peace process, and to manage the consequences of Brexit for Northern Ireland's delicate constitutional settlement. It therefore requires real care. But let us be clear: the mishandling of the protocol did not begin in Brussels on the Friday night when the Commission briefly threatened to deploy article 16. The Prime Minister has failed to properly prepare Northern Ireland for the consequences of the decisions that he took. Repeated reckless actions have contributed to the instability that we now see. The threat to tear up the withdrawal agreement, and break the law in the process, through what was then the United Kingdom Internal Market Bill was extraordinary, as was his outright refusal to acknowledge that his deal inevitably meant checks across the Irish sea.

That was compounded by a serious failure of preparation that has had real consequences. Critical guidance was not released until literally 12 hours before the end of the transition. Key systems needed to manage the flow of trade did not come online until late December, and there was a lack of properly trained customs agents. The major Brexit preparation adverts designed to prepare British businesses for huge changes did not mention Northern Ireland at all. All along, the Prime Minister denied that his deal meant any checks; he was unable or unwilling to face the consequences of his decisions. It is little wonder that businesses and communities were not prepared.

Brexit posed profound challenges to the delicate constitutional settlement in Northern Ireland. The protocol exists to manage those challenges. That is why it is essential that the EU and the UK now work together on solutions to ensure that the protocol works in future. The Government must provide businesses in Northern Ireland, Barnsley and across Great Britain with the support that they need need. Without a concerted effort



and an information campaign from the Government, many businesses that we represent will simply cease trading with Northern Ireland, and that cannot be acceptable from anyone's perspective. The Government have a duty to protect trade across our United Kingdom.

Q3 **Chair:** Thank you. I call Simon Hoare.

Simon Hoare: The Good Friday agreement is probably the most precious prize of our political lifetime. We are right to celebrate it, and we need to secure it. As others have said and will doubtless go on to say, it is of course sometimes a difficult tightrope act—a fine balancing of competing and often conflicting views. The Good Friday agreement and the peace and prosperity of Northern Ireland work best and maximise themselves when both sides—if I can use that term—are happy, or at least reasonably content.

The protocol needs to work out its creases. It has not been in operation for that long. Evidence that we have heard suggests that after the covid and pre-Christmas stockpiling issues, trade is returning to the volumes expected at this time of year. The capacity in the ports is there. We need to see an increased campaign to heighten GB businesses' awareness of what they need to do. It is tempting—though I am not tempted by this—to dismiss the concerns that we will hear from the Unionist community in this debate. The Good Friday agreement can work only when nationalists and Unionists are broadly on the same page on many of the big issues. We cannot just dismiss those concerns; they need to be addressed.

Calling for the triggering of article 16, or the abandonment of the protocol, is naive and premature, and hopefully is not needed at all. Through the work of the Joint Committee, the UK Government and the EU seem perfectly alert to the need to deal with those issues in a timely fashion. We wish them well and must support them in that initiative. Last week, Aodhán Connolly, director of the Northern Ireland Retail Consortium, said that businesses needed "stability, certainty, simplicity and affordability." Businesses have been using these last few weeks as a de facto transition period. Let us deliver that certainty by confirming that the protocol is here. It has to work—there are no alternatives. Of the so-called "alternative arrangements" touted for several years, apart from those two words, no flesh was ever put on the bones. To use Mrs Thatcher's phrase, as far as the protocol is concerned, "There is no alternative."

In the interests of peace, prosperity and goodwill among our fellow citizens across Northern Ireland, we should all—all parties in Stormont and in Westminster, working with the EU—focus on making sure that the protocol works, and that the best of it can be maximised, so that we one foot in the single market of the UK, and one in the EU single market. The advantages to businesses in Northern Ireland are not available to those in my constituency, or to anybody else on the mainland. This has the potential to be a golden age for the Northern Irish economy. We should all grab the opportunity with both hands.

Q4 **Chair:** I call Sir Jeffrey Donaldson.



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Sir Jeffrey M. Donaldson: Thank you, Chair. I welcome the debate, and thank every single constituent across the United Kingdom, particularly in Northern Ireland, who signed the petition. We had exceeded 100,000 signatures after 24 hours, which I think clearly demonstrates the strength of feeling in Northern Ireland about the damaging impact that the Northern Ireland protocol is having.

This is not just about trade; it is also about Northern Ireland's relationship with the rest of the United Kingdom. As Lord Trimble wrote very clearly at the weekend, this damages the Belfast agreement and undermines a core principle of it: the need to respect Northern Ireland's place in the United Kingdom. If the stated objective of the protocol is to protect the peace process and the agreement, then I have to say it is not having that effect. It is creating economic instability in Northern Ireland, and has the potential to create political instability. That is why we need the Government to deal with the issue.

What are the problems with the protocol? Let me give a couple of examples. Two weeks ago, a constituent of mine—an 80-year-old pensioner—was sent a birthday gift by her son in England. That parcel was opened by UK Border Force, and the contents were examined. Sticky tape was put around the parcel, and it was sent on days late, after my constituent's birthday. Who on earth argues that interfering with a birthday gift from a son in England to his mother in Northern Ireland protects the peace process or the EU single market? It's nonsense, and it has to be dealt with. Equally, when my constituent went to order goods yesterday from a supplier in Great Britain, he was informed that he must pay a "border fee" to bring those goods from Great Britain to Northern Ireland. We are told by some that there is no border, but clearly that is not the case.

Businesses in Northern Ireland are experiencing enormous difficulties with their supply chains. That is why we need the UK Government to act. This is the UK internal market. The difficulties are within that market. It is the responsibility of the UK Government to act, and that is why we are calling on them to use their powers under the protocol to take the necessary action through article 16 to resolve the diversion of trade, and the disruption of trade between Great Britain and Northern Ireland, and to restore the citizenship rights of the people of Northern Ireland to trade freely with the rest of the United Kingdom—a freedom they have enjoyed for 200 years. In this, the centenary year of Northern Ireland, we expect the Prime Minister and the Government to address and resolve these issues, and to replace the protocol with arrangements that respect Northern Ireland's place in the United Kingdom.

Q5 **Chair:** I call Mr Laurence Robertson.

Mr Robertson: It is a good starting point to remind ourselves that the protocol actually breaches article 6 of the Act of Union 1800, and also the principle of consent enshrined in the Belfast Good Friday agreement. It is also causing great difficulties for businesses and consumers in Northern Ireland, who are now reconsidering their supply chains, and for businesses



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in Great Britain, which for many years, and even decades, have supplied those people. A chain of supply that remains within the United Kingdom and has no prospect of being exported to the EU is being handicapped unfairly. The animal-based products, including foods, that have been produced in GB for all those decades have not suddenly taken a nosedive in standards, so why is there a need for intensive checks to be carried out, sometimes pallet by pallet or even case by case, when those goods get to Northern Ireland? There is absolutely no reason for that to happen.

The futility of the EU's approach to this is probably best highlighted by the situation with regards to pets. A family living in GB and wanting to take their dog to Northern Ireland have to get the dog a vaccination against rabies. I am assured by the veterinary authorities that rabies does not exist in GB or anywhere in Ireland. When our Chancellor of the Duchy of Lancaster raised this issue with Vice-President Šefčovič on 2 February, he was told, apparently with a complete lack of awareness of the nonsense of the situation, that such vaccinations will have to continue.

The EU also fails to understand how borders operate in Northern Ireland. There has been a border on the island of Ireland for 100 years, but it works with a nod and a wink. Goods and people cross that border, sometimes several times a day, without hindrance and without problems being caused to people on either side. Similarly, goods have passed from GB to Northern Ireland, and vice versa, for all of those 100 years, with cursory checks sometimes being carried out, but nothing substantial.

The problem has come through the EU's insistence on codifying the arrangements, and we need to move on from that. To set the EU's mind at rest, we can assure it that Northern Ireland's trade with the Republic of Ireland is a minute part of the overall GDP of the EU. The EU physically inspects only 1.3% of all goods entering the EU in the first place, so why is it putting such strong emphasis on what we send? We really need to put some easements in place. We need to revisit the protocol. We need to consider veterinary arrangements with the EU. We need to consider mutual enforcement with the EU. But we cannot carry on as we are.

Q6 **Chair:** Thank you. I call Colum Eastwood.

Colum Eastwood: At the very outset, it is important for someone from my background to say clearly that we absolutely acknowledge the very genuine concerns that many people, particularly in the Unionist community, have about this protocol. But we also have a responsibility to be honest with people. The protocol is there to protect against a hard border in Ireland. It is there as a result of Brexit, particularly the kind of Brexit that has been championed by some of the people who are opposing this protocol. If Britain did not leave the customs union and single market, they would not need a protocol, but the fact is that they have, which means that there have to be checks somewhere. They will not happen on the island of Ireland, but if people want them to happen on the island of Ireland, they should be honest with the public that that is their position.



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We have always been different in Northern Ireland. Again, some of the people who are championing their opposition to the protocol argued very strongly for differentials in terms of abortion, marriage equality, corporation tax, licensing laws, libel laws, and of course the RHI scheme. Changes were very deliberately made to that scheme so that there would be a difference for people in Northern Ireland. However, if there are issues—and we know that there are, and some have already been resolved—we can resolve them. But we have to resolve them through the protocol, because there is no alternative; at least, I have not heard one from the people raising their voices and signing petitions against the protocol.

The only alternative to the protocol is a border in Ireland. If people want that, they should say it; they should say it out loud, and they should explain to the public how there would not be even worse difficulties, in terms of our supply routes and getting goods to people, if that were the case. I have to say, I have heard an awful lot about the Good Friday agreement recently from sources who are now big fans of the Good Friday agreement. Welcome to the party; I think it is great that they have embraced the principles of the Good Friday agreement.

One thing that has been mentioned is the principle of consent. Let me deal with that as an Irish nationalist. The principle of consent is about whether or not we remain part of the United Kingdom. I will always defend the principle of consent; that will never change until the people of Northern Ireland and the people of the Republic of Ireland vote to change it, so there is no threat to it. I would argue that the people who are the biggest threat to the position of Unionism are the people in the DUP who opposed a soft Brexit and ensured a hard Brexit, one that has led to the situation in which we need a protocol. They now have a responsibility to be honest with the public, sit down with the rest of us, work out any difficulties that have to be worked out, and tone down the rhetoric, because it is creating all sorts of problems and tensions on the ground in communities that do not need it.

Q7 **Chair:** Thank you. I call David Jones.

Mr David Jones: The Northern Ireland protocol, according to Commission Vice-President Šefčovič, is “designed to ensure clarity and predictability for people and businesses, while minimising the disruption inevitably caused by the withdrawal of the United Kingdom from the European Union.” Many of us, however, were always dubious that the protocol would have that beneficial effect, and any doubts that it constitutes a threat to both the stability of Northern Ireland and the integrity of the United Kingdom as a whole must surely have been dispelled by the events of 29 January, when the European Union, in what can only be described as a temper tantrum over their own failure to provide a sufficient supply of the coronavirus vaccine for their citizens, perversely decided to invoke article 16 of the protocol so as to prohibit the export of vaccine from the EU to Northern Ireland. The fact that the implementation of article 16 was swiftly reversed by the EU is neither here nor there: the point is that it was invoked.



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Article 16 was meant to be a measure of last resort. It was specified to be used only if the application of the protocol leads to “serious economic, societal or environmental difficulties that are liable to persist, or to diversion of trade.” None of those conditions prevailed on 29 January, so far as the EU was concerned. It is more than arguable, however, that the application of the protocol is causing difficulties in Northern Ireland of the kind outlined in article 16. Time does not permit me to detail those difficulties, but other hon. Members have already touched on them. However, the fact is that this House simply cannot allow the state of affairs that currently prevails in a part of this country to continue without calling on the Government to take appropriate measures to stop it.

The Chancellor of the Duchy of Lancaster wrote to Mr Šefčovič on 2 February, seeking agreement to a list of flexibilities and making it clear that in the absence of agreement, the UK would consider using all instruments at its disposal. However, his proposals were rebuffed by Mr Šefčovič in his response of 10 February.

I strongly welcome the appointment of Lord Frost as Minister of State with responsibility for the continuing negotiations in the Joint Committee and the Partnership Council, and I very much hope that he will succeed in persuading Mr Šefčovič to reconsider his stance. However, if he does not, then the United Kingdom should make it clear that we will exercise our rights under article 16 and legislate accordingly. Given the stance of the European Union, I suspect that such a course of action may unfortunately prove inevitable.

Q8 **Chair:** Thank you. I call Stephen Farry.

Stephen Farry: This petition does nothing to address the fundamental challenges arising from the protocol; at best, it is a distraction from the practical work of addressing the genuine issues and problems that are arising. Brexit was always going to pose serious challenges to Northern Ireland and the framework of interdependent relations encapsulated within the Good Friday agreement. The protocol is the response to the choices made by the UK around Brexit and the prior rejection of better alternatives, including most notably by those who instigated this petition. But any de facto border was always going to cut across some people’s sense of identity and create friction in relation to the movement of goods.

We have seen the outworkings of the protocol. Some of the issues reflect a lack of information and preparation, but there are also some genuine structural issues. However, in the absence of any plausible alternatives, and I include in that respect a rejection of the so-called alternative arrangements, the only way forward is to fix the problems with the protocol and to smooth over its implementation. Indeed, the successful and smooth implementation of the protocol, including capitalising on the potential comparative advantages arising from unfettered access to markets both in Great Britain and the European Union, could actually help to provide a degree of stability.



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Without unpicking the protocol, there are some steps that the Government can take to ease the pressures. Essentially the greater the divergence from the European Union, the sharper the interface is going to be, with all of the associated tensions and instability, including wider implications for the UK itself. The key example is around SPS checks. Several states around the world, notably Switzerland and New Zealand, have veterinary agreements with the European Union, with different trade-offs in terms of the level and nature of alignment on how far checks can be reduced or even eliminated.

It is absurd that Great Britain seeks to engage with the European Union and Northern Ireland via the most simplistic set of veterinary arrangements. This is particularly the case whenever Great Britain continues to uphold the highest possible food safety standards, but the Government wants to have the theoretical right to diverge, while stressing that it has no intention to actually do so. So, the UK can negotiate a veterinary agreement with the EU as a supplementary agreement to the trade and co-operation agreement. Doing so would be of huge help to all food exporters, who are manifestly struggling to engage with European markets. I would ask that the Minister provides an update on the Government thinking in this regard whenever he sums up later. The Government has a major choice to make between the nature of its Brexit and stability in Northern Ireland.

Q9 **Chair:** I call Mark Francois.

Mr Francois: Thank you, Chair. It is a pleasure to serve under your chairmanship this afternoon, albeit virtually rather than in person.

One of the misnomers about the Northern Ireland protocol is that it formed part of the recent trade and co-operation agreement between the United Kingdom and the European Union, which was finalised literally at the end of last year and which I note the EU is still to formally ratify both in the European Parliament and, finally, in the Council of Ministers, despite an initial deadline of this forthcoming Sunday, 28 February. We are therefore in the unusual position of the EU asking us for an extension for a change—and one that I believe we should not grant them for free.

In fact, the Northern Ireland protocol is actually part of the revised withdrawal agreement that Prime Minister Boris Johnson successfully renegotiated after his predecessor, Theresa May, had failed to get her deeply flawed original version through the House of Commons three times. In essence, the Northern Ireland protocol that we now have replaced the dreaded backstop in the subsequent renegotiation. The backstop would almost certainly have locked us into a trade-restricting customs union forever without any unilateral exit clause. That threatened to create the so-called Hotel California dilemma: that is, you can check out, but you can never leave.

My friends and I in the European Research Group voted for that revised withdrawal agreement, with the protocol in place of the backstop, with our eyes open, as by far the lesser of two evils, so that we could legally leave



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the European Union on 31 January 2020, which we then did successfully. However, we made it very plain to No. 10 at the time, including to the Prime Minister personally, that we regarded the Northern Ireland protocol as very much unfinished business that would have to be amended or even replaced entirely at a future date.

As that did not happen via the TCA negotiations, as we had originally hoped, the matter remains very much extant. To that end, my friends in the European Research Group are currently compiling a detailed report into the background, operation and potential future options for the Northern Ireland protocol, which we hope to publish in the relatively near future, once it has been finalised. We hope that our report will help to move the debate forward from just identifying problems to actually recommending potential solutions.

In the meantime, as the Chair of the Select Committee mentioned Margaret Thatcher—I know she is an immense fan of her politics—I thought I would quote her too, by reminding the Committee that she once said that Northern Ireland is as British as Finchley. As far as I and my friends in the ERG are concerned, it still is.

Q10 **Chair:** I call Andrew Gwynne.

Andrew Gwynne: As we know, the past number of weeks have been incredibly difficult for communities across Northern Ireland. That has shone a light on the concerns of communities and businesses across Northern Ireland, and those concerns must be heard, but when the Prime Minister negotiated this agreement in October 2019, he said, “This is a great deal for our country, for the UK...and what it means is that we in the UK can come out of the EU as one United Kingdom—England, Scotland, Wales, Northern Ireland, together.”

Three days later, the Department for Exiting the European Union spelled out in terms what the Prime Minister’s deal meant. The document read: “There will be additional documentation required on all agri-food goods moving from Great Britain to Northern Ireland to ensure that they comply with the necessary regulations. These could include Export Health Certificates...for products of animal origin...fish and live animals; and phytosanitary certificates...for plants.” These are precisely the checks and requirements that are now causing intense political scrutiny. They are the price that the Prime Minister was willing to pay.

We have known for some time—for a year and a half, in fact—of the consequences of the deal that the Prime Minister signed; yet he still told the House of Commons on 3 March: “We think it is...important that the protocol should not place unnecessary barriers—or barriers of any kind—down the Irish sea.” The truth is that the Prime Minister’s approach has helped no one, least of all the businesses that needed time and clarity to prepare for these changes. His warning of triggering article 16 only inflames a situation that needs to be calmed.



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Instead, out of the difficult past few weeks Northern Ireland needs solutions. Businesses have been crystal clear about that. They have outlined their demands, and the right hon. Member for Surrey Heath has had them clearly: an extension to the grace periods to get some breathing space and to avoid further disruption in just a few days' time; an agreement on veterinary standards that reduces the burden of red tape in the long term; a proper role for businesses in making the protocol work going forward; and a significant ramp-up in the efforts of the UK Government to prepare business for the changes.

Achieving that will not be easy, but it would significantly reduce disruption and tension, and provide a long-term foundation for the protocol to work effectively, if it were agreed. With a spirit of partnership on both sides, we have to make that the aim.

Q11 **Chair:** I call Richard Drax.

Richard Drax: This is a very pertinent debate and a live issue. Understandably, many in Northern Ireland have much concern about the protocol and its effect. I recall fighting for many years, along with many others, for a United Kingdom to become a truly sovereign country once again, with Brexiteers such as me saying repeatedly, "We must leave the EU as a united kingdom." I do not think we have.

Clearly, far too much focus was on preserving the EU single market at the expense of the UK's internal market. Let me make it clear: no sovereign country should have barriers to trade imposed within it. Worse, Northern Ireland is subject to the European Court of Justice and to EU rules. Some say that that arrangement gives Northern Ireland the best of both worlds, but the implementation of the protocol proves that that is not the case.

An excellent video I saw recently makes five very concise points, which I think are worth repeating. The protocol has: first, created a customs border between Northern Ireland and Great Britain; secondly, driven a coach and horses through the Act of Union, which mandates free movement of trade; thirdly, compromised the integrity of the UK, turning Northern Ireland into a semi-colony; fourthly, violated the Belfast agreement; and, fifthly, been adopted in part as a concession to the threat of sectarian violence. I find that particular part, and I have heard it said by many, especially shocking, because no threat of violence by anyone should make politicians behave in a certain way. We are a united kingdom, and the threat of violence by those who want to go back to violence will be dealt with by the full force of the law, as in any other part of the United Kingdom.

I cannot think of five better reasons to scrap the protocol. A sixth might be how the EU triggered article 16 last month. That was a belligerent act that we have to expect from the EU, which has still to accept that we have left. Clearly, a solution is needed. I urge further negotiation between the United Kingdom Government and the EU to ensure that a common-sense solution is found. I am sure that, as time passes and the EU realises that we have left, that can be reached.



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Finally, I am a proud member of the Conservative and Unionist party. The Union has served us well for 300 years. It must be nurtured and respected.

Q12 **Chair:** I call Jim Shannon.

Jim Shannon: The feeling behind the petition I believe cannot be adequately reflected by the number who signed it, although the number of signatures is incredibly impressive when we bear in mind the fact that Northern Ireland has only 1.8 million people, putting aside all those who are under 18 and could not sign the petition, and the tens of thousands of older people who were precluded from expressing their view due to the lack of an email address and the ability to sign it online.

The frustration we have is that, 53 days into the Northern Ireland protocol, problems still exist. That is a fact of life. There is little point in the amount of time I have today rehearsing the fact that we knew that the Northern Ireland protocol would be a disaster. I highlighted in the House the empty shelves that are now a reality. The cornerstone of our stance has always been that our biggest trader by far is the GB mainland—as has been shown. The stats prove that.

The fact of the matter is that although we say that we remain a part of the Union, an export health certificate is required to bring a ham sandwich across the border, or even a piece of farming machinery. That has highlighted rules on British soil particles travelling from one part of the UK to another part of the UK. The soil that was okay on 30 December was not all right on 1 January 2021. That makes the statement that we remain an integral part of the UK appear simply untrue.

To say that respect for the Good Friday agreement and successive agreements precludes appropriate border checks would be laughable were I not seeing a rise in tensions not seen since the days of the troubles. How do I explain that the principle of consent enshrined as the bedrock of the lamentable Good Friday and successive agreements has been used to enforce, without referendum, without consultation and indeed against the expressly stated wishes of the majority of representatives, a state in which Northern Ireland is treated as a third country outside the UK?

How can that be done while holding up the Good Friday agreement, or any agreement, which states that Northern Ireland remains British? Will the Minister explain to the family on the street, who have watched their mother break her heart over the murder of her serving son to preserve the Union, that they shouldn't be angry at the imposition of the back-door exit from UK under the auspices of protecting peace, which causes tensions to escalate within communities?

We have seen no argument that the peace process ended because of decisions around covid-19 and the restrictions that were placed on the border. While Strangford has the highest percentage of signatories to the petition in the UK, it is notable that every single constituency has signatories. That is because the protocol is prohibitive, not simply to the



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traders and customers in Northern Ireland, but to suppliers, reps and producers on the UK mainland.

One business in my constituency that put in an order for hardware in December has still not got its delivery. They tell me that the supplier, who supplies nurseries in Northern Ireland with tens of thousands of pounds worth of plants annually, contacted their MP on the mainland—I think they are one of the speakers today—who said that the Northern Ireland protocol is risking close to £100,000 worth of business.

He wants to see the end of it. So does the deli meat business, the wine wholesaler, the oven repair wholesaler, the speciality cheese supplier, the building works supplier and the fishermen, fighting over access to fisheries and trade. Why is the Northern Ireland fishing fleet treated as a third-world country whenever they bring their catches back to Northern Ireland? The border for our fishing sector is not down the middle of the Irish Sea. It starts at the harbour wall at Portavogie, Ardglass and Kilkeel. Just how wrong is that?

Q13 **Chair:** I call Virginia Crosbie.

Virginia Crosbie: As the Member of Parliament for Ynys Môn, I have a particular interest in the impact of the Northern Ireland protocol, because it has an effect on the port of Holyhead in my constituency.

Freight volumes through Holyhead have been impacted by Brexit and, although they are starting to recover, my constituents are concerned about the potential long-term effects. Historically, a significant part of the port's trade has been freight originating in Northern Ireland, which passes through Holyhead en route to the continent via the land bridge.

Post Brexit, it is inevitable that things had to change and that issues would need to be addressed. That is why the Joint Committee for the withdrawal agreement was put in place. Recognising the potential complexities of the Northern Ireland protocol, a specialist committee was created under the Joint Committee to focus on this element of the agreement. The issues arise at the moment from being part of the Joint Committee, and that body must work to find a solution.

A number of my constituents have signed the e-petition. I want to encourage them to trust the UK Government and the EU authorities to use the Joint Committee as the most appropriate mechanism to find a way forward. While the Joint Committee analyses the complexities of the Northern Ireland protocol and strives to achieve an equitable way forward, I encourage my constituents to focus on the potential benefits of Brexit for us as an island community.

The UK Government are establishing 10 new free ports in the UK and at least one of those will be here in Wales. It is unlikely that the Government would have been able to introduce this innovative new free port model had we remained in the EU. Establishing a free port on Anglesey would bring tax benefits and attract new businesses to the island. It would also have a



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positive impact across the whole north Wales supply chain, invigorate the local economy and provide good-quality jobs.

I have established the Anglesey Freeport Bidding Consortium to develop a proposal for Anglesey, which will focus on Holyhead port as the primary entry and exit point for goods. Alongside the work being carried out by the Joint Committee in the matter of the movement of goods between Northern Ireland and the rest of the UK, I ask my constituents to put their energy behind our Anglesey free port campaign as a positive way forward.

Q14 **Chair:** I call Sammy Wilson.

Sammy Wilson: The reaction to this petition and the number of people who signed it is an indication of the strength of feeling against the protocol. While the debate today has been mostly around the impact of the protocol on the economic lives of people and businesses in Northern Ireland, if we stick to that, we miss the main point. All the disruption that we have seen—the empty shelves in supermarkets, parcels being opened, nurseries not being able to get plants from across the United Kingdom, machinery being stopped—all comes down to one thing: the protocol annexes Northern Ireland from the rest of the United Kingdom.

We have not been so much sold out as sold on to the EU. The delays, which there have been, and the disruption to trade arises because the whole body of European law is now embodied in the protocol and applies to Northern Ireland. Seventy pages of EU laws are listed. That amounts to tens of thousands of regulations, which apply to Northern Ireland. According to the protocol, Northern Ireland has to now regard the rest of the United Kingdom as a third country. That is why, for example, dogs have to be tested for rabies when they are coming into Northern Ireland. That is why, as another Member pointed out, soil was okay on 31 December but is no longer okay. EU laws apply to Northern Ireland, and that leads to all these restrictions.

The big problem, of course, is this. Those are the existing EU laws. In the future, any new EU laws made in Brussels will apply to Northern Ireland with their full force, even though the UK Government and the Northern Ireland Assembly will not have a say on them, and nor will anybody in Northern Ireland. If we don't obey those laws and implement them, the European Court of Justice will make a decision and impose a sanction on Northern Ireland for not doing so.

This is not just an issue of whether we can sort things out in a Joint Committee. This is an issue of whether we can keep an arrangement in which Northern Ireland is no longer fully part of the United Kingdom. People have said, "Is there an answer?" Of course there is. The answer is to treat Northern Ireland like the rest of the United Kingdom.

The Centre for Brexit Policy has done an excellent paper recently on how mutual recognition could not just benefit people in Northern Ireland but could safeguard the single market of the European Union, and avoid a border in the Irish sea and a border between Northern Ireland and the



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Irish Republic. The Government needs to be looking at something radical, rather than simply tinkering with an agreement and hoping that you can reduce the amount of paperwork or the delays. That is not the answer. The answer is to make Northern Ireland fully part of the United Kingdom. I think that the requests that have been made by, for example, the Chair of the Northern Ireland Affairs Committee and Colum Eastwood, to simply stick with the protocol and the Belfast agreement, which has been ripped up now, aren't realistic. They are certainly not Unionist solutions, and they are not solutions that will benefit the people of Northern Ireland.

Q15 **Chair:** I call Chris Loder.

Chris Loder: The global strength and international standing of this one United Kingdom is born from the unity of our four nations. While I am a Member of Parliament representing an English constituency, I wish to participate in this debate to show colleagues, fellow citizens in Northern Ireland and our Government just how much West Dorset, my constituency, values our Union.

The bond between Great Britain and Northern Ireland is strong. Our commitment to Northern Ireland is no less important than the commitment to the EU. It should be at least equal, if not more so. Of the purchases bought outside Northern Ireland, 65% come to Great Britain—four times higher than to the Republic of Ireland.

Like West Dorset, Northern Ireland has a high number of micro-sized businesses, and in Northern Ireland, 44,000 of them rely on trade with Great Britain. We see the extent of the problems being experienced in the supply chain because of bureaucracy in whatever guise, and it is clear that these issues are causing economic and societal difficulties.

In January, as we all know, the European Union threatened to trigger article 16 of the Northern Ireland protocol to prevent EU vaccination supplies from getting to Great Britain via the Republic of Ireland. The failure of the EU's vaccination scheme, due to their own poor planning, through which they have vaccinated just 4% of the population, compared with 25% in the UK, is in no way equivalent to the disruption of the flow of goods currently seen to and from Northern Ireland. I believe that the Government should consider triggering article 16 in this instance as part of a suite of options to find a solution to these issues, although I hope that will not be necessary. We cannot escape the extent of these issues and how they are impacting fellow citizens in Northern Ireland. This situation simply cannot go on.

Today, I am here as a Member of the United Kingdom Parliament to urge the Government to rapidly find a solution to these difficulties. I look forward to hearing from the Minister what the plan of action is to sort this issue out.

Q16 **Chair:** I call Carla Lockhart.

Carla Lockhart: The depth of anger and concern within the community I represent regarding the protocol is reflected in Upper Bann's having the



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most signatories to the petition of anywhere in the United Kingdom. I thank every signatory. This anger and concern is partly born out of the impact that this protocol is having on local businesses and local families. Choice is decreasing while cost is increasing. The overbearing and totally disproportionate requirements, in terms of paperwork, inspections and restrictions, are strangling already hard-pressed local businesses.

For our farmers and the food supply chain, the protocol poses many challenges. From today, local retailers must use export health certificates to import chilled processed meat products such as fresh sausages and minced meat. Retailers have warned about disruption to food supplies to hospitals and schools. Pedigree breeders in Northern Ireland are effectively blocked from showing and selling in GB. If the animal is not sold, it has to complete a six-month residency in GB before it can re-enter Northern Ireland. How ludicrous. Garden centres are banned from bringing plants in that have British soil on roots, and they have 25 pages of rules to comply with for many other items. Unfettered trade and the integrity of the internal UK market are broken. Today, we ask our sovereign Parliament to fix it.

The very basis for this protocol is built on a foundation of threats and mistruths—talked-up threats of republican violence, and the idea that an all-Ireland economy should be prioritised, instead of east-west trade. The greatest falsehood of all is that it is needed to protect the Belfast agreement. In fact, the protocol drives a coach and horses through the agreement, for it breaches the principle of cross-community consent, damages our east-west dynamic and makes strand two north-south provisions untenable.

We are told often that if the EU referendum was held again in Northern Ireland, many would vote to remain in greater numbers. The question not asked is the potential outcome of a second referendum on the Belfast agreement, if one were held. With the cross-community consent principle undermined and the constitutional damage inflicted by the protocol evident, does anyone seriously think that a majority of both communities would say yes?

In conclusion, during the Brexit campaign, the now Chancellor of the Duchy of Lancaster said that remaining in the EU was akin to “voting to be a hostage locked in the boot of a car driven by others to a place and at a pace that we have no control over.” In Northern Ireland, we are still locked in the boot, suffocating. We ask the Government to help us to get out and to let us breathe again. To Mr Barnier and the EU, we recollect your words in Belfast last January, when you said that the EU stood for: “No aggressiveness, no punishment, no spirit of revenge.” The protocol punishes the people of Northern Ireland, Mr Barnier. It is time for it to go.

Q17 **Chair:** I call Catherine West.

Catherine West: It is a real delight to contribute to this debate under your chairmanship, Ms McKinnell. The protocol is imperfect, but we should not forget why it exists. It was designed to manage stability in Northern



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Ireland, which Boris Johnson's Brexit risked. It is designed to avoid an unthinkable hard border on the island of Ireland that leaving the customs union and single market would otherwise have created. From the joint report onward, the Government themselves committed to avoid that. There cannot be any backsliding now.

There is no doubt that the Prime Minister's inability to admit that the deal he agreed meant new arrangements on trade between Great Britain and Northern Ireland left a vacuum that has contributed to the mistrust we now see. From the moment the Prime Minister agreed the deal in October 2019, it was clear that it would mean some checks down the Irish sea. A sensible, responsible Government would have been honest about that—honest about why he had done it and about what it would mean for businesses, customs declarations, safety and security declarations, SPS checks and other regulatory checks. That was all there in black and white in the Treasury's assessment, made just days after the deal was signed. There is simply no excuse for the failure to be honest about the whole process, nor for the staggeringly poor level of preparedness that has left businesses and communities exposed.

What is sorely needed now is leadership and partnership, to help to ease some of the difficulties we see, and agreement between the EU and the UK that will make the protocol work in the long term. That is the only way. An extension or grace period would help to avoid further disruption in the near term and give businesses the time that they need to prepare for the changes. The transition period could have been used in that way, but it was not.

The reported deal on data equivalence showed the room for agreement based on a commitment to high standards. The Secretary of State for DEFRA, just last week, indicated that the Government are pursuing a veterinary agreement. We know a commitment and equivalence on those high standards would reduce the need for burdensome checks and some documentary requirements, if matched with a fully audited, fully certified trader support scheme. Is that something the Government are actively considering? I hope the Minister can give me an answer today. These are the sorts of solutions that we need, to dismantle some of the barriers down the middle of the UK. Let's be pragmatic.

Finally, what we need least is any sense of instability. Some briefings from Lord Frost's friends in the papers seem to suggest that a hard line is needed, tearing up parts of the protocol and so on. I find that to be profoundly unhelpful. Those threatening to use article 16 and unilaterally override the agreement should think again on both sides. It would be a self-defeating act that would inflame tensions and solve nothing.

Q18 **Chair:** I call Claire Hanna.

Claire Hanna: Northern Ireland exists in a delicate equilibrium, which is why the SDLP campaigned against Brexit and then sought solutions that would avoid a barrier in either direction. It is a tragic fact that those solutions were rejected forcefully, including by many debating this



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afternoon. The SDLP anticipated, hears and deeply regrets the feelings of frustration and abandonment that some voters feel, including those who signed this afternoon's petition. It is important that Northern Ireland's voice is heard. It is important that voices from all communities are heard. But it is equally important that elected representative listen to all voices, that they are honest and that they bring forward real solutions.

The mainstream of Northern Irish opinion was largely missing or misrepresented in this House in the years following the Brexit referendum. DUP MPs, in particular, have taken an à la carte approach to consent and consensus in democracy. They ignored businesses. They ignored consent for devolved Assemblies. They ignored the need for a transition period. They ignored parliamentary scrutiny. They ignored—indeed, they fought tooth and nail against—the very Good Friday agreement that they now selectively quote. We were not hearing then about consent or consensus. We only heard rallying cries for the hardest possible form of Brexit and dismissal of any concerns about the impact on trade or community cohesion.

There is no doubting the anxiety and the emotional injury of those who feel their Britishness or Unionism is being undermined, but those anxieties are being manipulated and intensified by political representatives who are focused more on deflecting blame than on finding answers. I also want to address any notion that divergence is a constitutional outrage. As my hon. Friend from Foyle pointed out, at the DUP's behest and insistence, Northern Ireland diverges on issues such as same-sex marriage, electoral law, transparency, donations, licensing law, blasphemy and RHI tariffs. Those representatives need to answer why divergence has not been a problem when it comes to curbing the freedoms of those the DUP disapprove of, or when it comes to financial free-for-alls.

I want to address the impression being given about the scale of disruption. Previous speakers outlined a more realistic impact of the disruption. Certainly, there has been disruption. You do not end a 50-year trading relationship without disruption. Many people will notice differences from 31 December, but it is worth reminding Members that fewer than one business in five supports tearing up the protocol. The SDLP, like other good-faith actors, seeks to work through the challenges of the protocol and, in time, to realise the opportunities that exist for Northern Ireland, being at the hinge of the UK and EU markets. Otherwise, we only offer binary choices and continued political instability. People in Northern Ireland have had decades of that, and they deserve much more than the politics of escalation and the quick fix.

Q19 **Chair:** Thank you. I call Ian Paisley.

Ian Paisley: I, too, thank all the people who took the trouble to sign the petition and allow for this debate. In October 2019, the Northern Ireland Affairs Committee was told by the then Secretary of State that the checks envisaged under a protocol arrangement would be minimal. On 23 October 2019, the Prime Minister told the House of Commons that minimal administrative process would be put in place as a result of a protocol. He



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then came to Northern Ireland in November 2019 and told business people from across the entire community of Northern Ireland who were concerned about these matters, unlike the SDLP, that they could bin the paperwork envisaged under any such protocol. Now, were the Prime Minister and the Secretary of State, representing the Cabinet, mistaken, or was this misleading? I think that the Government have a duty to come up with an answer, because they certainly have helped create this problem. I ask today: have they the spine to fix it?

Nonsense has been spoken by some people, that there is going to be bread tomorrow on the table if we just hold on—there will be great commercial advantages. It is nonsense. People have to make today work before they get to tomorrow. I am glad that my colleagues in the DUP single-handedly fought to remove the 25% steel tariff, which was argued for by those who support the protocol, like the SDLP; that we single-handedly fought to remove the double VAT on sales of goods; and that we single-handedly managed to remove the tax on the importation of ware potatoes. But these fixes are one-off, minimal derogations; they are not a long-term solution. If anyone who is joining the party to fix these matters thinks that that is the way you fix them, with minimal derogations, they are absolutely foolish to think so—that a quick tweak here and a quick tweak there will solve these problems. The Government have to demonstrate today, and I say to the Minister: have you the resolve to fix this matter and fix it permanently?

Earlier this month the Northern Ireland Affairs Committee heard from the Stena Line operator at Belfast port that he is now facing significant distortion on the trading patterns existing across the UK. He—and many of those who have given evidence, which has been conveniently ignored by the Chairman of the Select Committee, I might say—went on to say that the rigorous enforcement of the protocol argued for by the Chairman of the Select Committee, the SDLP and the Alliance party must actually stop. We must get a stop to the rigorous enforcement of this protocol, because it is damaging Northern Ireland business.

Article 2 of the protocol says that we cannot have diminished “rights”—yet that has happened—or, *inter alia*, “equality of opportunity”. We no longer do have that opportunity. Article 16 allows for the protocol to be removed if necessary. I was one of the first people, on 6 January, to call for the invoking of that article, and I hope that the Government will stop dragging their feet, because, quite frankly, what we are seeing now is a complete deterioration in relationships on this island. We have a terrible situation where the European Union should be getting off to a better relationship with the UK post-Brexit. That is not being allowed to happen, because of the protocol. Within Ireland the relationships between the two states on this island are now disastrous and at an all-time low. We even had threats emanating at the weekend that this will be escalated. And of course the relationships for businesses trying to trade, and trying to do their own business, need to be addressed.

There are alternatives. Let’s nail the lie that there are no alternatives.



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There is a 100-page alternative arrangement proposal—I venture to say not read by very many people who say there are no alternatives.

Chair: Order. Would you like to conclude, and then we will move to the Front Benchers?

Ian Paisley: Thank you; I will. There is a mutual enforcement proposal, which, once again, I believe has been conveniently ignored.

Madam Chairman, thank you for the time. May I just urge the Government to recognise that every class and creed of Unionist has signed this petition? Every constituency across the UK has signed this petition. Are the Government going to now stand up for the people of this United Kingdom?

Q20 **Chair:** Thank you. We now go to the SNP Front-Bench spokesperson, Richard Thomson.

Richard Thomson: In his statement to the House on 9 December the Chancellor of the Duchy of Lancaster assured Members that the protocol ensured the best of both worlds for Northern Ireland, with “unfettered access” for Northern Irish businesses to the whole of the UK market. Yet he only proclaimed that it ensured the “smooth flow of trade” from Great Britain to Northern Ireland. Taking him at his word, it must be somewhere between unfettered and smooth that the problems now facing the businesses and communities of Northern Ireland now presumably find themselves.

It is quite obvious to any reasonable observer that the transition promised by the UK Government has been neither smooth nor unfettered, and the practical consequences of this are seen in empty shelves and in myriad trading difficulties. We have seen the disruption to delivery services, the strains in commerce, difficulties in transporting pets, including guide dogs, and issues around the stocking of certain goods on shops’ shelves. We are going to see the need in future for export health certificates for meat, poultry, milk and eggs, on top of customs declarations, and the major UK supermarkets have all warned of an unworkable situation once grace periods come to an end and the regime is implemented in full. It is now going to be easier to send ice cream in bulk to South Korea from the south-west of Scotland than it is to send a block of cheese through the post to a customer in Larne. From the start of July, many British meat producers are going to find that their products are banned entirely from the market in Northern Ireland, and there will be further cliff edges to come.

These are not teething problems. Without changes, they are going to be permanent features of our future relationship. It is a fact that the realities of the hard Brexit that was signed up to by the UK Government have started to hit home. These are the consequences of political choices made by a majority of UK voters, even if they were not made by the majority of voters in either Northern Ireland or Scotland. They are an inevitable outcome of any Brexit that involved leaving the single market and the



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customs union. That is not the European Union's doing. It is the consequence of the decisions that have been freely entered into by the Government of the United Kingdom.

The oft-painted vision of a swashbuckling, freebooting, free enterprise Britain unchained from the shackles of Brussels was always a fiction, a nonsense, that was never ever going to stand up to the first contact with reality. Amid the recent years of political drama within a UK Government who seemed to spend more time negotiating with themselves than in negotiating with the European Union or in listening to the voices warning of the looming difficulties in Northern Ireland, it was always clear that the Government of the UK were going to have to choose one of three difficult options: allow Northern Ireland to remain in the EU single market, meaning checks on goods between Northern Ireland and Great Britain; have infrastructure and checks on goods at the Irish border, which everyone wants to avoid, for obvious reasons; or keep the whole of the UK in the single market for goods and the customs union in a form of backstop.

Any invocation of article 16 does not offer a way out of those fundamental choices. It does not remove the prospect of agreements being rebalanced if article 16 is invoked in response, to the detriment of UK businesses, and nor does it resolve any of the present problems of trade across the Irish sea. The indication from the EU that it was considering triggering article 16 over vaccines was clearly a very significant error of judgment, albeit one that was walked back within a matter of a few hours. Nevertheless, it was a mis-step that has raised tensions—tensions that already existed and that have been exacerbated, as the hon. Member for North Antrim alluded to. The Prime Minister spent months asserting, in the face of all reason, that there would not be any kind of post-Brexit checks between Great Britain and Northern Ireland.

The UK Government's own threats regarding article 16 should be seen for what they are. Far from holding all the cards, as we were told we did, we have actually dealt ourselves a very weak hand, which the UK Government are now desperately trying to make appear to be stronger than it actually is. It is time for some humility from Government. It is also time for some honesty, because indignation, no matter how righteous, is just not going to cut it here. Cool heads are needed, rather than the pursuit of headlines in the pro-Brexit press.

In my party, the Scottish National party, we believe firmly that the Northern Ireland protocol represents the best available way forward to protect the Belfast agreement so as to preserve peace and stability on the island of Ireland and to avoid a hard border. To sort the present impasse, it will need a different approach, starting with an acceptance from the UK Government that their various negotiating red lines are what have led us here and delivered the shape of the Brexit deal that we now have and all of the problems inherent in that deal. Those problems, whether for Scottish fishermen or Northern Irish consumers, are those that the Prime



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Minister himself ensured were baked into what we were invited to see as being an oven-ready deal.

If there is a solution to be found, it does not rest in tearing up the terms of an agreement entered into freely by the UK Government just a matter of weeks ago. Instead, it will have to be found in innovative solutions and in improved co-operation on the basis of the existing protocol. To be clear, those innovative solutions are certainly not going to be found in tunnels or roundabouts under the Isle of Man or anywhere else. It does not matter whether you try to go over it or under it, that trade border in the Irish sea now exists unless another option is chosen with all the risks and compromises that that will entail. There is a desperate need to rebuild trust, and flexibilities in that from the EU side will come only if the UK side takes actions that it previously agreed to, such as granting EU officials access to HMRC's customs database, which has not yet happened. Another possibility for common ground surely exists over controls on animals and plants with sanitary and phytosanitary checks. If a protocol could be agreed on that, it would remove a large percentage of the physical and documentary checks required on live animals and other agrifood products. It would also have the benefit of removing similar frictions for trade moving between Great Britain and other EU countries.

Brexit has completely reopened the debate over the future of the Union. Brexit is a debate that at times seems to have been driven almost entirely by the pursuit of sovereignty, but sovereignty is something that can be given away without anyone else getting it, and it can also be enhanced when it is shared. That is a fundamental point that seems to have been missed in much of the paint-by-numbers Unionism that we often see from the Conservatives. We get a sentimental and unreflective Unionism, which is proclaimed noisily. But given the choice between the purity of Brexit and the compromises necessary for continued consent for the Union, most, in their heads and hearts, seem to have already chosen the purity of Brexit.

Let's be clear that the UK Government must take this situation very seriously. Members of all parties in the House of Commons must remember that the peace in Northern Ireland is fragile, and we all have a duty to do our utmost to protect it. Symbols and sensitivities matter. The UK Government must accept their share of responsibility for the situation we now face and accept that their words and actions have consequences far beyond the village of Westminster. The great achievement of the Belfast agreement was to allow the border on the island of Ireland to become less important and to enshrine the principles of consent, a task made considerably easier by the fact that both the UK and the Republic of Ireland were, at the time, full and equal members of the European Union. If we are to be without shared European Union membership, it is imperative that revised structures and new understandings and ways of working are put into place.

As tempting as it might be for UK Government Ministers, they should not be trying to turn up the heat on this situation through posturing and backtracking on agreements that they freely entered into only a matter of



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weeks ago. The UK Government need to work with the Northern Ireland Executive, the Government of the Republic of Ireland and the European Union to de-escalate the issues around this matter and to take all necessary steps to ensure that the protocol, which is an agreement that was entered into freely, starts to work exactly as it needs to—not just for the benefit of all in Northern Ireland, but for the benefit of all who care for its future.

Q21 **Chair:** Thank you. We now go to the Labour Front-Bench spokesperson, Louise Haigh. I would like to call the Minister to speak at 5.50 pm.

Louise Haigh: Thank you to everyone who has spoken in today's debate, and to the signatories to the petition. We have heard examples of the disruptions that have been caused by the end of the transition period and the Northern Ireland protocol, many of which have been debated many times over the last few years and since the protocol was implemented on 1 January. More importantly, we have heard about the strength of feeling from the signatories to the petition.

Recent weeks have clearly demonstrated the need for partnership from the EU and the UK to make the protocol work in the interests of all communities, and the need for recognition and sensitivity from both sides to respect all aspects of the Belfast/Good Friday agreement. It has shown the real danger of unilateral action, and it has shown that concerns, particularly in the Unionist and loyalist communities, are real and deeply felt. It is important that we have this debate today in that context in order to find solutions, both immediate and in the long term. But sadly, as we have also heard today, the responsibility and leadership required to deliver politically and practically on those solutions has been absent, and briefings over the weekend suggest the Government are prepared to reignite the acrimony and instability of the last number of years.

Allies of the newly appointed Lord Frost insisted in *The Daily Telegraph* over the weekend that he will take a hard-line approach to the negotiations, warning that the right hon. Member for Surrey Heath has been too weak. This is the same Lord Frost who was by the Prime Minister's side when the protocol was agreed. This was the deal the Prime Minister insisted on, to manage the Brexit he chose. The Prime Minister's unwillingness to be up front about the checks he negotiated has now left his Government in the absurd position of fighting for changes to checks that he says do not exist and arguing that there is disruption as a result of barriers that he will not acknowledge. It is little wonder, then, that trust in Northern Ireland is so low.

The 16 months of dishonesty over what this Government had agreed must now come to an end. It does no one any favours to minimise the problem, or people's legitimate concerns, and there must be a serious effort from all parties—it has been welcome to hear from them today—to work with the Protestant, Unionist and loyalist communities and provide reassurance that the constitutional position of Northern Ireland has not changed. Only the people of Northern Ireland can effect that change, through the principle of consent enshrined in the Belfast Good Friday agreement.



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The political issues are real, but the challenges that have provoked these concerns can be addressed. Article 16 is a mechanism; it is not a solution, either in the immediate or the long term, so it is now imperative that the EU and the UK work together, give voice to Northern Ireland communities and businesses, and find the solutions that will ease tensions.

First, it is vital that we create breathing space for businesses that simply will not be ready for the end of the forthcoming grace periods. That is why we need to see an extension to those grace periods, to avoid further disruption at the worst possible time as our economy begins to open up.

Secondly, we can reduce red tape in the long term with an agreement between the EU and UK on veterinary standards, as the hon. Member for North Down has spelled out, which is something the Secretary of State for DEFRA has not ruled out. This could be significant in helping to unlock a trusted trader scheme, and together, those would significantly reduce the number of physical and documentary checks required.

The reported deal on data equivalence has demonstrated the room for agreement between the EU and the UK, based on high common standards. Today, as we have heard, we have seen the introduction of environmental health certificates for chilled meat between Great Britain and Northern Ireland. That is an explicit admission that goods normally on the prohibited list can be checked, and that Northern Ireland is, and should be, treated as an exceptional circumstance. That approach must be taken towards the remaining issues to be resolved.

Next, the democratic deficit, which is causing real concern, must be addressed by putting Stormont, businesses and civil society at the heart of making the protocol work. That was the point of the joint consultative working group, which could be a powerful forum to influence decision making, and an early warning system and vehicle to give voice to Northern Ireland. Instead, we believe it might have met once, but we have no idea of its membership, terms of reference or agenda, so we would appreciate an update from the Minister on that today.

The other option the Government could explore would be through the strand three institutions of the Belfast Good Friday agreement, through which these issues could be discussed in an inclusive way, focused on practicalities. Either way, the Government should give Northern Ireland politicians, business groups, civil society and officials a formal role, and the EU should make sure they are heard loud and clear in the Commission.

Finally, the Government must step up. A survey last week demonstrated that business preparedness in Britain was the main factor in disruption to supply chains in Northern Ireland. We know that businesses across Great Britain are simply considering ceasing trading because of the disruption and lack of support, so we need that information campaign and support for GB-based businesses with any changes they have to make, and to encourage their trading with Northern Ireland. The struggling trader support service must be scaled up, with trained agents to help ease disruption in trade between Britain and Northern Ireland.



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None of this is easy, and the real hurt and damage that has been caused must be acknowledged, but businesses and communities in Northern Ireland need this to succeed. They need both sides to search for practical solutions that ease disruption, provide reassurance, and ultimately lower tension. The only way to achieve that is by respecting the principles that underpin Northern Ireland's constitutional settlement—equality and inclusion—and by working side by side with the people of Northern Ireland.

Q22 Chair: I now call the Minister to respond to the debate. You have until just before 6 pm.

Mr Walker: I start by commending my hon. Friend the Member for Carshalton and Wallington for his factual and well-informed introduction to today's debate, and thanking all the officials of your Committee for making it possible in this format, Chair.

We have heard a number of very thoughtful speeches, and I am grateful to all Members who have spoken in this debate, which is timely, noting how the Northern Ireland protocol has featured prominently in public debate over recent weeks. The number of signatories to the petition being debated—over 100,000—demonstrates the level of interest in, and care for, Northern Ireland right across the United Kingdom, and the shadow Secretary of State was right to acknowledge the strength of feeling that this reflects.

I therefore welcome the opportunity to provide to Members this afternoon, and to every person who has added their signature to the petition, reassurance of this Government's commitment to protecting Northern Ireland's integral place in our United Kingdom and its internal market and to addressing the outstanding issues with the Northern Ireland protocol.

Before I turn to the detail of the issues debated this afternoon, we should take a moment to remember how the protocol came about. The protocol was agreed as a practical solution for Northern Ireland's unique circumstances—both north-south and, just as importantly, east-west. At its heart is a consensual and pragmatic approach, the one that best protects the Belfast Good Friday agreement and one that supports businesses and Northern Ireland's economy, that ensures that Northern Ireland should benefit from access to the UK and EU markets and the UK's trade deals across the world, and that should protect both the EU single market and the UK internal market. This has been the basis on which the UK Government have given effect to, and will continue to give effect to, their obligations under the protocol. The Northern Ireland Office has been at the forefront of championing this approach.

The Government have provided and will continue to provide extensive support to traders, through the Trader Support Service and the movement assistance scheme, to adapt to the new requirements. This is part of a package of ongoing support for peace and prosperity in Northern Ireland. We are backing Northern Ireland's success with more than £1 billion of investment to deliver the Trader Support Service, new technology and



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further support for businesses and communities as part of a new deal for Northern Ireland.

We have taken steps to address issues as they arise in relation to groupage, issuing new guidance following engagement with representatives from the transport sector to understand issues and needs; the movement of steel; and the operation of the VAT margin scheme. This is delivering results, with goods flowing effectively and in normal volumes between Great Britain and Northern Ireland. As my hon. Friend for North Dorset pointed out, the flow of trade is close to normal levels. The grace periods for businesses moving goods between Great Britain and Northern Ireland are operating and working well.

We have been clear that protecting unfettered access for Northern Ireland businesses to the whole UK market and ensuring that there are no tariffs on goods remaining within the UK customs territory are a priority for this Government. To deliver that, we have passed the United Kingdom Internal Market Act 2020, which enables qualifying goods to continue to be placed on the whole UK market, even where the protocol applies different rules in Northern Ireland, and are prohibiting checks and controls as goods move from Northern Ireland to the rest of the UK.

At the Joint Committee on 17 December, we secured agreement that pre-departure and export declarations will not be required for most goods being sent by firms from Northern Ireland to Great Britain and the basis for the UK trader scheme, which ensures that there are no tariffs for businesses and consumers on internal UK trade. We are bringing forward further measures in the second half of 2021 to focus the benefits of unfettered access on genuine Northern Ireland businesses, to ensure that they have a competitive advantage over traders elsewhere on the island of Ireland.

In addition to those economic considerations, the protocol should, in its own words, “impact as little as possible on the everyday life of communities”. Stories of individual consumers not being able to access everyday supplies, whether that involves buying plants for their gardens, travelling with their pets or buying sausages in their supermarkets, are a real concern. We have committed to addressing these issues, and we will. It is vital that the protocol does what it is designed to do—avoid disruption to everyday life, while protecting Northern Ireland’s place in the UK internal market and our customs territory. As my hon. Friend the Chair of the Select Committee pointed out, we need to deliver certainty for businesses, not further uncertainty.

We should not be seeing unwarranted interference with the delivery of birthday gifts, as set out by the right hon. Gentleman for Lagan Valley, or requirements for rabies checks for pets moving from Great Britain to Northern Ireland, which many Members have pointed out are absurd. But these things could be solved by sensible implementation or resolutions through the Joint Committee and a sensible, pragmatic approach being taken by both parties.



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A number of Members have referenced challenges with pets and the movement of animals. We will continue to press the European Commission in relation to securing part 1 listed status, recognising that achieving this would alleviate many of the new requirements for pet owners and assistance dog users travelling to the EU and to Northern Ireland. The Government are engaging with DAERA and Ireland's Department of Agriculture, Food and the Marine to explore means to streamline pet travel between the UK and Ireland, recognising the high standards of animal health that the UK and Ireland share. In the meantime, DAERA has confirmed that there will be no routine compliance checks on pets or assistance dogs entering Northern Ireland from Great Britain until at least 1 July 2021. Northern Ireland-based pets or assistance dogs returning to Northern Ireland from Great Britain can continue to use a Northern Ireland-issued EU pet passport to re-enter Northern Ireland and will not need an animal health certificate.

On fisheries, there will be no new phytosanitary requirements for UK-flagged vessels, with their port of registration in Northern Ireland, when landing fishery products into Northern Ireland or EU ports. That will be the case regardless of the location from which those products are caught.

As we have heard in the contributions made by right hon. and hon. Members on all sides here today, the EU's invocation of article 16 caused acute shock and anger right across communities in Northern Ireland. The Commission withdrew its invocation of article 16 and subsequently clarified its approach, which was welcome, but as we have already heard, trust has been eroded, profoundly undermining the operation of the protocol and cross-community confidence in it. It is therefore right that urgent steps be taken to address concerns raised about the operation of the protocol, as a number of signatories to the petition highlighted.

That is a point that we have made unequivocally to the EU, and work with the EU is now underway at pace, with the shared objective of finding workable solutions on the ground. A meeting of the UK-EU withdrawal agreement Joint Committee will be convened for this Wednesday to provide the necessary political steer and approval for that work. That point has been clear in recent discussions, including with the EU. The Joint Committee co-chairs and the Secretary of State for Northern Ireland held meetings with businesses and civic society last Thursday, where they heard a wide range of views to inform the discussions. That close engagement will continue, including through the existing business engagement forum that the Secretary of State for Northern Ireland convenes, and the special protocol Brexit business taskforce has been established by the Chancellor of the Duchy of Lancaster.

We want to use that process with the EU to find solutions to the issues that are faced, recognising the obligations on both the UK and the EU to make the protocol work in a way that avoids disruption to everyday lives. We want to take the opportunities that a well-implemented protocol could offer Northern Ireland, which were alluded to by the hon. Member for North Down, by my hon. Friend the Member for Ynys Môn—I wish her well



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in her campaign for a freeport—and by my hon. Friend the Select Committee Chair.

However, there remains an overriding duty on the UK Government to protect the interests of the people of Northern Ireland and their place in the United Kingdom, as many colleagues have alluded to in the debate. The hon. Member for Barnsley East pointed out that, without action, there is the risk that some GB businesses could choose to cease doing business with Northern Ireland, and that is a step that we want no business, anywhere in the UK, to have to take.

As such, we will always consider all instruments at our disposal, including invoking article 16 if necessary, to protect the interests of the people of Northern Ireland and to safeguard the effective movement of goods, people, services and capital throughout the United Kingdom. We will continue to keep Parliament updated on the progress of the work that is underway and on the steps that we will take to safeguard the interests of businesses and individuals in Northern Ireland.

Chair: Thank you, Minister. I thank everybody who has attended today's session, including Elliot Colburn for opening it, and the broadcasters, *Hansard* and all the other staff who have facilitated the sitting.