

European Scrutiny Committee

House of Commons, London, SW1A 0AA

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From: Sir William Cash MP

21 May 2020

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

Thank you for your [letter of 6 May 2020](#) in which you respond to questions we raised in our [Fourth Report of Session 2019-21](#) and [letter of 23 April 2020](#) concerning market access arrangements for goods traded between the UK and certain African, Caribbean and Pacific (ACP) countries after the transition period provided for in the EU/UK Withdrawal Agreement has ended, as well as the customs and/or regulatory checks that might apply to these goods under the Protocol on Ireland/Northern Ireland.

You emphasise that Northern Ireland “is and will remain part of the UK’s customs territory” and, as such, may be included in any trade agreements concluded by the UK. However, the Protocol also provides that the 2016 Regulation itself, as well as obligations relating to trade in goods which stem from the EU’s international agreements (such as the EU’s Economic and Partnership Agreements with certain ACP countries), will apply to and in Northern Ireland after transition.¹ The purpose of our previous letter was to understand how these two elements of the Protocol would work, in practical terms, if (i) there were a difference in the obligations flowing from the UK’s own trade and development agreements concluded with ACP countries which become applicable at the end of transition and the EU’s Economic Partnership Agreements, or (ii) the UK had not concluded its own bilateral agreement with one or more of the ACP countries covered by the 2016 Regulation, or the

¹ See Articles 4, 5(4) and Annex 2, point 4, final indent of the Protocol on Ireland/Northern Ireland.

agreements it had concluded were not in force from 1 January 2021. The wider context is also important because of the Government's commitment, recently reiterated by the Secretary of State for Northern Ireland (Rt Hon Brandon Lewis MP) to the House on 13 May 2020, "not [to] put borders down the Irish sea or anywhere else".²

We welcome your acknowledgment of the relevance and importance of the decision to be taken by the EU/UK Joint Committee (established under the Withdrawal Agreement) in determining whether goods traded between the UK and ACP countries after transition fall within the category of "at risk" goods on which EU customs duties will be payable if brought into Northern Ireland from outside the EU (including from elsewhere within the UK). We also welcome your commitment to transparency with ACP trading partners in communicating details of any other customs and regulatory requirements that may apply to goods moving into Northern Ireland under the Protocol, as well as your determination to work with businesses and the Northern Ireland Executive to ensure that any practical or administrative requirements do not affect the flow of trade.

We understand that a fuller response to the questions we have raised will depend on discussions within the Joint Committee and bodies working under it (the Specialised Committee on the implementation of the Protocol on Ireland/Northern and Ireland and the Joint Consultative Working Group) and the criteria the Joint Committee agrees on "at risk" goods. We therefore ask you to provide a further progress report, by September 2020 at the latest, explaining how these criteria will affect the customs duties payable on "at risk" goods traded between the UK and ACP countries which are brought into Northern Ireland on the terms applicable under the Protocol. We trust that you will also be able, by then, to provide further information both on the nature of any other customs or regulatory checks that might be required for goods entering Northern Ireland and on how and where they will be carried out.

We are copying this letter to the Chair (Simon Hoare MP) and Clerk (Nick Beech) of the Northern Ireland Affairs Committee; the Chair (Angus MacNeil MP) and Clerk (Joanna Welham) of the International Trade Committee; the Chair (Sarah Champion) and Clerk (Fergus Reid) of the International Development Committee; the Chair (Hilary Benn MP) and Clerk (Gordon Clarke) of the Committee on the Future Relationship with the European Union; the Chair (the Earl of Kinnoull) and Clerk (Christopher Johnson) of the EU Select Committee in the House of Lords; Edwina Osborne and Stephen Booth,

² See [Hansard](#), 13 May 2020.

your Departmental Scrutiny Coordinators; and Les Saunders and Donald Harris in the Cabinet Office.

CHAIR