



HOUSE OF LORDS

European Affairs Sub-Committee on the Protocol
on Ireland/Northern Ireland

House of Lords
London
SW1A 0PW

Tel: 020 7219 5864
Fax: 020 7219 6715
hlprotocol@parliament.uk
www.parliament.uk/lords

Rt Hon James Cleverly MP,
Secretary of State for Foreign, Commonwealth and Development Affairs
Foreign, Commonwealth and Development Office
King Charles Street
London
SW1A 2AH

17 March 2023

Dear Foreign Secretary,

Committee inquiry into the Windsor Framework

The House of Lords Sub-Committee on the Protocol on Ireland/Northern Ireland is today launching an inquiry into the Windsor Framework announced by the UK and the EU on 27 February 2023. The Committee will be taking oral evidence over the weeks ahead from business representatives, civic society representatives, academic and legal experts and political representatives on the political, constitutional, legal and economic impact of the Framework on Northern Ireland.

The Committee is also today launching a Call for Written Evidence, seeking views on the following core issues:

Overview

1. What is your overall assessment of the Windsor Framework? How far does it go to resolve the problems that have arisen with the Protocol? Does it leave any issues unresolved?
2. How would you assess the Windsor Framework against the UK and EU's joint commitment to protect the Belfast/Good Friday Agreement, "including its subsequent implementation agreements and arrangements, in all its dimensions and in all its strands"?
3. To what extent will the Windsor Framework protect both "Northern Ireland's integral place in the United Kingdom's internal market" and its "unique access" to the EU Single Market?
4. How significant is the difference of emphasis in the UK and EU publications accompanying the Windsor Framework? Are there any factual inconsistencies in their description of the agreement?

Customs procedures and the movement of goods

5. What is your assessment of the Windsor Framework's provisions in relation to customs procedures and the movement of goods between Great Britain and Northern Ireland, including the arrangements for 'green' and 'red' lanes, an enhanced Trusted Trader Scheme, handling of Tariff Rate Quotas and the system of commercial data-sharing?

Agrifood

6. How would you assess the new framework for agrifood retail trade into Northern Ireland agreed as part of the Windsor Framework? Does it go far enough in mitigating the issues that have been raised in relation to the arrangements for agrifood trade under the Protocol?

Parcels

7. What is your response to the Framework's arrangements concerning parcel deliveries between Northern Ireland and the EU and UK?

VAT and excise

8. What is your assessment of the Windsor Framework's proposals on VAT and excise, including the new UK-EU Enhanced Cooperation Mechanism, and the commitment to explore establishing a list of goods not subject to EU VAT rules?

Medicines

9. What is your assessment of the Windsor Framework's provisions on the supply of human medicines to Northern Ireland? Do they deal sufficiently with the issues previously raised by industry in relation to the Protocol?

Plants, seeds, machinery and trees

10. Do the proposals on plants, seeds, machinery and trees resolve the problems encountered under the Protocol?

Subsidy control/State aid

11. What is your assessment of the UK-EU Joint Declaration on the application of Article 10(1) of the Windsor Framework? What is the legal status of this document, and what impact will it have in practice?

Movement of pets

12. What is your assessment of the proposals on pets, including a pet travel document and owner declaration for pets moving from Great Britain to Northern Ireland, and microchip identification for pets moving from Northern Ireland to Great Britain and back?

Veterinary medicines

13. In the context of the Framework, how would you assess the current situation with regard to veterinary medicines? What steps need to be taken to agree a long-term solution before the expiry of the grace period at the end of 2025?

Regulatory divergence

14. What is the significance of the Windsor Framework for regulatory divergence a) East-West, between Northern Ireland and Great Britain and b) North-South, on the island of Ireland? What is your assessment of the mechanisms to manage divergence, including the new Special Goods Body and the role of the Office of the Internal Market? Should a record be kept of such divergence, and if so, by who?

The application of EU rules in Northern Ireland

15. In the context of the Government's reference to the removal of 1,700 pages of EU law, what is your assessment of the Windsor Framework's impact on the scale of the application of EU law to Northern Ireland? What are the political, constitutional and economic implications of this?

The democratic deficit and the ‘Stormont Brake’

16. What is your assessment of the proposed Stormont Brake and the conditions for its use, including that an EU act “would have a significant impact specific to everyday life of communities in Northern Ireland in a way that is liable to persist”? To what extent will this address the democratic deficit under the Protocol? What practical, political and legal factors need to be borne in mind in terms of its use and operation, including the Government’s commitment to bring forward legislation to give effect to the Stormont Brake, and the EU’s ability to take “appropriate remedial measures” in response to a UK veto?

New structures for UK-EU cooperation

17. How would you assess the Framework’s enhanced mechanisms for UK-EU cooperation, including the Special Body on Goods, the Enhanced Coordination Mechanism on VAT and excise, sub-groups to the Joint Consultative Working Group?

Engagement with Northern Ireland stakeholders

18. What is your assessment of the Commission’s proposals for enhanced engagement with Northern Ireland stakeholders, including dedicated annual presentations, information sessions, workshops, and mechanisms for engagement with public consultations and impact assessments?

19. What steps should be taken by the EU to inform and consult Northern Ireland Executive Ministers and Assembly members on forthcoming legislative proposals applying to Northern Ireland?

The governance of the Framework, including arbitration and the role of the CJEU

20. What is your assessment of the governance of the Framework, including the role of the CJEU and the Withdrawal Agreement’s mechanism for arbitration? What change, if any, will be made to the CJEU’s role under the Framework?

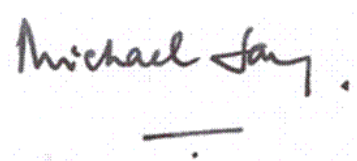
Safeguards

21. What is your assessment of the various safeguard and market surveillance mechanisms designed to protect the EU Single Market? What impact will these have in practice?

The Committee welcomes the Government’s written response to these questions by the closing date of Tuesday 2 May.

We also reiterate our invitation to you to appear before the Committee in person at the earliest opportunity to discuss these important issues.

Yours sincerely,

A handwritten signature in black ink that reads "Michael Jay". Below the signature is a horizontal line, likely representing a printed name or a signature line.

Lord Jay of Ewelme
Chair of the Protocol on Ireland/Northern Ireland Sub-Committee