

European Scrutiny Committee

House of Commons, London, SW1A 0AA

Tel (020) 7219 3292 Email escom@parliament.uk Website www.parliament.uk/escom

From: Sir William Cash MP

9 December 2020

Rt Hon. Greg Hands MP
Minister of State
Department for International Trade
King Charles Street
London SW1A 2AH

Market Access for Goods from African, Caribbean and Pacific (“ACP”) countries (Council document 5253/20) (41031)

Thank you for your [letter of 25 November 2020](#) concerning market access arrangements for goods traded between the UK and certain African, Caribbean and Pacific (ACP) countries when the post-exit transition period ends on 31 December 2020.

As you know, the [EU’s Market Access Regulation](#) (2016/1076) forms part of the body of EU law listed in Annex 2 of the Protocol on Ireland/Northern Ireland that will continue to apply to Northern Ireland, but not the rest of the UK, from 1 January 2021. You have been clear that the Government will not replicate the unilateral safeguard provisions in the Regulation which allow the EU to increase customs duties or apply a tariff quota on specific products originating in ACP countries in certain circumstances. This means that different tariff quotas or customs duties could apply in Northern Ireland (bound by the EU measures) and Great Britain (not bound by the EU measures).

You say that you are unable to confirm whether EU tariff and quota-based safeguards or the UK’s own tariff regime will apply in Northern Ireland from 1 January 2021 as this will depend on the outcome of discussions in the Withdrawal Agreement Committee on “at risk” goods. You do not indicate how close the EU and UK are to reaching an agreement on “at risk” goods, though time is rapidly running out, or how these criteria will affect the way in which EU laws (including the EU’s Market Access Regulation) made applicable in Northern Ireland by Article 5(4) of the Protocol will apply in practice.

We ask you to provide this information once any decisions affecting the implementation of the Protocol have been agreed in the Joint Committee.

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 MP) 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 (Stuart Stoner) of the EU Select Committee in the House of Lords; Edwina Osborne and Stephen Booth, your Departmental Scrutiny Coordinators; and Les Saunders and Donald Harris in the Cabinet Office.

CHAIR