

European Scrutiny Committee

House of Commons London SW1A 0AA

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From: Sir William Cash MP

10 May 2023

Rt Hon. Chris Heaton-Harris MP
Secretary of State for Northern Ireland
Northern Ireland Office
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Windsor Framework: list of EU law applicable in Northern Ireland

Dear Chris

In evidence before us on 21 March,¹ you committed to provide us with a list of EU law that will remain applicable in Northern Ireland under the terms of the Windsor Framework. This request was made after we asked the Prime Minister on 2 March,² and repeated that request in our Report on the ‘Windsor Framework and Prime Ministerial accountability’ of 14 March.³ One of our members, Rt Hon. David Jones MP, also asked the Prime Minister for this list on 27 February, which the Prime Minister committed to provide him with.⁴ Mr Jones then asked the Foreign Secretary for this list in a written question tabled on 14 March,⁵ to which a satisfactory answer—i.e. the list—was not forthcoming. For the fourth time, we request a list of EU laws that will remain applicable in Northern Ireland under the Windsor Framework.

We are struggling to understand the Government’s reluctance to provide this list, especially given that its existence and illustrative value—that it shows the amount of EU law applicable in Northern Ireland will be reduced by 97%—was used by the Government as an example of why Members should support the Windsor Framework. For ease of reference, I have annexed the Committee’s exchange with you on the list to this letter. If this list is not forthcoming shortly, we will call you to give evidence to explain why.

CHAIR

¹ European Scrutiny Committee, ‘Oral evidence: Government Northern Ireland Protocol negotiations’ HC 1101 (21 March 2021), [Q48 - 125](#)

² [Letter from Sir William Cash MP to the Prime Minister, Rt Hon. Rishi Sunak MP](#), dated 2 March 2023

³ European Scrutiny Committee, [‘The Windsor Framework and Prime Ministerial accountability’](#), Fifteenth Report (2022-23) HC 1215 (14 March 2023), para 24

⁴ HC Deb 27 February 2023, vol 728, col 606

⁵ [PQ 165262](#) [on EU Law: Northern Ireland], 14 March 2023

Annex

Q100 Mr Jones: You will recall, Secretary of State, that the Command Paper said that the Windsor framework would reduce—or rather, narrow—the range of EU rules applicable in Northern Ireland to less than 3% overall by the EU’s own calculations. When the Prime Minister made his statement to the House on 27 February, I asked him to kindly provide a list of those rules so that the House could assess the impact. The Prime Minister replied that he was happy to look at that, and then went on to say that he thought the list already existed. We have not seen the list, despite the Committee having twice requested it. I also tabled a written question requesting that list and did not receive it; I got the obfuscation that is sadly so common when one asks a written question. The question was not to your Department; it was to the Foreign, Commonwealth and Development Office.

Chris Heaton-Harris: You should always ask my Department.

Q101 Mr Jones: Is there such a list?

Chris Heaton-Harris: On the claim, we erred on the side of caution in how we sought to calculate the effect of the changes, but it generally is not as simple as having one list, because some rules are disapplied for the green lane in support of internal UK trade, and some rules apply to the red lane, but it is clear in the text that there are swathes of areas where EU rules do not apply to internal UK trade, and that safeguards Northern Ireland’s place in our Union. UK food and drink safety rules apply on agrifood and the retail trade. UK-wide licensing of medicines is done by UK authorities. We are allowing plants to move on the basis of a UK-wide plant passport scheme; removing burdensome customs bureaucracy, including on all declarations for all consumer parcel movements; enabling zero rates on VAT for heat pumps and solar panels; and delivering on our alcohol duty changes across the whole UK, and so protecting unfettered access. On food and drink, the agreement disapplies 65 core regulations through annex 1 of the SPS legal text—

Q102 Mr Jones: Can we have the list?

Chris Heaton-Harris: As I say, it is not as simple as having one list, but I will send you a very long list of areas.

Q103 Mr Jones: That is what we asked for. The expression used is rather curious: the agreement “narrows the range of EU rules”. The framework does not say that the agreement reduces the number of EU rules. Then the framework refers to “3% overall”—3% of what?

Chris Heaton-Harris: The overall gamut of EU law that applied through the Northern Ireland protocol.

Q104 Mr Jones: In other words, 97% of EU law is being swept away. Is that right?

Chris Heaton-Harris: It is being disapplied.

Q105 Mr Jones: So we are left with 3%, which is obviously a small proportion. You will kindly provide us with a list of that, or at least let us have an explanation. Also, there is reference in the framework to “1,700 pages of EU law”. You conceded that that was an unusual expression, because that depends on the size of the font.

Chris Heaton-Harris: I am sure we can make it a lot more pages, if you want.

Q106 Mr Jones: Again, I have asked for details on that and I have not had them. Is there any difficulty in providing those?

Chris Heaton-Harris: I do not think so, is the simple answer. It is a lot of paper.

Q107 Mr Jones: I didn’t want the pages. I just wanted a list of what they were.

Chris Heaton-Harris: Fair enough. If I may, I will give one brief example. Annex 1 of the SPS legal text disappplies the 65 core EU regulations, and implementing Acts that flow from them. That covers over 1,000 pages of food safety and consumer protection rules on issues including marketing standards for items from sardines to wine; food supplements and additives; vitamins and minerals in food, as well as nutrition and health claims; GMOs and precision breeding; the production of wine, honey and natural mineral waters; and the production of organic products. Then there is a whole piece about certification and a whole piece about prohibitions, but I will happily—

Q108 Mr Jones: You are clearly reading from something, so it is there.

Chris Heaton-Harris: Yes; I will send you what I have. If you do not mind, I would rather not send you the 1,000 pages of food rules.

Q109 Mr Jones: I do not need those. What was the difficulty with providing the list when we asked for it—twice?

Chris Heaton-Harris: I have absolutely no idea.