

Northern Ireland Affairs Committee

Committee Office House of Commons London SW1A 0AA
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Diane Dodds MLA
Minister for the Economy
Department for the Economy

From the Chair
Simon Hoare MP

By email only

7 June 2021

Dear Diane,

I hope that you are well. You will probably be aware that the Northern Ireland Affairs Committee is currently holding an inquiry into the Northern Ireland Protocol. At a recent meeting, the Committee considered the mechanisms by which Northern Ireland will remain aligned with developments in EU law under the Protocol, and how they interact with devolution arrangements. We note that there is potential for the Department for the Economy to have broad responsibilities in this area.

As you know, the requirement for Northern Ireland to align with areas of EU law meaning that developments in EU legislation will continue to be important. Government and business will need to comply with any changes made to the legislation in the Protocol's Annexes. It therefore seems to us important that changes, and any prospective changes, are monitored and identified as early as possible so that they can be properly communicated and assessed with any appropriate action taken. At the moment it is not clear whether such monitoring is expected to take place in Westminster or Stormont. We note that at a recent meeting of the Committee for the Executive Office, Gordon Lyons indicated that a system for tracking and monitoring legislation contained within the Protocol is in development. As a Committee we would very much appreciate more detail on what this entails.

We would therefore be grateful if you could give thought and response to the following:

- what discussions has your department had with the UK Government about the respective responsibilities of Stormont and Whitehall for monitoring developments in EU law – both draft legislation and non-legislative documents signaling an intention to legislate - where these affect Northern Ireland as per the Northern Ireland Protocol;
- what is your department's current understanding of its responsibilities/obligations in this regard;
- what assessment has your department made of the effect any new responsibilities may have on its workload capacity within the department;
- how will the system for tracking and monitoring developments in EU legislation contained in the Protocol, described by Mr Lyons at the recent CTEO session, work.

I am sure that you are as concerned as us that uncertainty exists regarding how domestic law will be updated to reflect changes to EU law, where this is required by the Protocol. The areas of EU law covered by the Protocol's Annexes include matters which would normally be devolved and matters which would normally be reserved; indeed, in some cases a single EU act will include both. However, as developments in EU law will take effect in Northern Ireland only, it is not obvious if and how responsibility for implementing these changes will be shared between Stormont and Westminster. We would be really keen to hear your assessment of this issue:

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- what, if any, discussions has your department had with the UK Government about the respective responsibilities of Stormont and Whitehall for legislating to ensure changes to EU law are reflected in domestic legislation, where this is required by the Northern Ireland Protocol;
- what is your department's current understanding of its responsibilities in this regard;
- what assessment has your department made of the effect any new responsibilities will have on its workload, and on capacity within the department;
- what assessment has your department made of the effect of the new arrangements on the business of the Northern Ireland Assembly.

Thank you in advance for taking a look at the above. The Committee will be in Belfast in early July and if you think it might be useful to meet do please let me know (simon.hoare.mp@parliament.uk)

Kind regards,

A handwritten signature in black ink, appearing to read 'Simon Hoare', with a stylized flourish at the end.

Simon Hoare MP
Chair, Northern Ireland Affairs Committee