



Rt Hon Michael Gove MP
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Lord Kinnoull
Chair of the Lords European Union Committee
House of Commons
London, SW1A 0AA

Our reference: MC2020/01662

8 April 2020

Dear Charles,

RE: Protocol on Ireland/Northern Ireland

Thank you for your letter of 19 March, I was pleased to learn of your Committee's interesting and helpful visit to Belfast. I appreciate you sharing your findings with me. Thank you for highlighting the concerns raised to you. As requested, I have responded to the points under the headings you set out.

Uncertainty and capability

We are, of course, aware of the need for certainty to allow for timely implementation of the Protocol, and for businesses to manage any resulting impacts. The Prime Minister has been clear that, beyond the limited changes introduced by the Protocol, there will be no changes to trade between Great Britain and Northern Ireland. The Protocol is clear that Northern Ireland will remain in the UK's customs territory.

There will be some limited practical or administrative changes for traders in Northern Ireland. We want to work with Northern Ireland businesses and the Northern Ireland Executive to ensure new administrative procedures are streamlined and do not affect the flow of trade. We are of course mindful of the challenges posed by the response to COVID-19.

Engagement and time

I would like to reassure the Committee that Ministers and officials talk to businesses frequently and remain in contact with business groups in Northern Ireland. The UK Government will work with industry to ensure the Protocol is implemented in a manner that represents business interests across the UK. I do, of course, recognise that in the immediate term the attention of Ministers, officials and businesses is focused predominantly on the response to COVID-19, as I set out in my response to your letter of 18 March.

The transition period ends on 31 December 2020, as enshrined in UK law, and both the UK and the EU remain fully committed to implementing the Protocol. We remain in regular contact with the European Commission. As you know, the Withdrawal Agreement Joint Committee met for the first time on 30 March by teleconference, which the Northern Ireland Executive joined. I wrote to Committee chairs on 6 April following this meeting setting out the key points discussed. I am pleased that the Specialised Committees will now start work, including the Ireland/Northern Ireland Protocol Specialised Committee.

Goods ‘at risk’

I can reaffirm that there will be no tariffs on goods moving from Great Britain to Northern Ireland unless they are at risk of moving into the EU. The Withdrawal Agreement Joint Committee will agree the definition for determining which goods are not at risk of moving to the EU, taking into account, among other things, whether they will be subject to commercial processing in Northern Ireland, what the goods are, who is importing them, and the risks of avoidance.

Furthermore, the UK can waive or reimburse tariffs in some circumstances subject to rules on subsidies. Equally, no tariffs would be payable by residents of the UK bringing in goods for personal use.

‘Unfettered access’

As set out in the paper we published in January 2020, *New Decade, New Approach*, the Government has committed to legislate to guarantee unfettered access for Northern Ireland's businesses to the whole of the UK internal market, and ensure that this legislation is in force for 1 January 2021. The Protocol does not prevent the UK from ensuring unfettered market access for Northern Ireland businesses.

This commitment means no tariffs, no import processes, and no checks as these goods arrive in Scotland or Liverpool.

We remain committed to engaging in detail with the Northern Ireland Executive on measures to protect and strengthen the UK internal market.

Competitiveness

The unique circumstances of Northern Ireland mean that there is a need for specific solutions that would not be appropriate for other parts of the UK. These specific solutions are necessary to avoid a hard border on the island of Ireland and protect the Belfast (Good Friday) Agreement.

Our approach respects the unique circumstances of the island of Ireland and the devolution settlements, while also preserving Northern Ireland's place in the UK and the UK's Customs Union. Northern Ireland will be part of UK trade deals negotiated around the world. Crucially, the limited arrangement introduced by the Protocol, will be underpinned by the principle of democratic consent.

We have already committed to ensuring that there is a New Deal for Northern Ireland as we leave the European Union, maximising trade opportunities and investment.

Furthermore, *New Decade, New Approach* supports Northern Ireland through this transition, with appropriate commitments to help boost economic growth and Northern Ireland's competitiveness, and to support infrastructure projects, particularly with a cross-border focus.

I am copying my reply to the Rt Hon Baroness Evans of Bowes Park, Leader of the House of Lords, Sir William Cash MP, Chair of the House of Commons European Scrutiny Committee, and

the Rt Hon Hilary Benn MP, Chair of the House of Commons Committee on the Future Relationship with the European Union.

With every good wish,

A handwritten signature in black ink, reading "Michael Gove". The signature is written in a cursive, flowing style with a large initial 'M' and a long, sweeping tail.

**Rt Hon Michael Gove MP
Chancellor of the Duchy of Lancaster**