

Northern Ireland Affairs Committee

Committee Office House of Commons London SW1A 0AA
Tel 020 7219 2173 Email northircom@parliament.uk Website www.parliament.uk

Rt Hon. Brandon Lewis MP
Secretary of State for Northern Ireland

From **the Chair**
Simon Hoare MP

Rt Hon Lord Frost CMG
Minister of State
Cabinet Office

By email only

19 August 2021

Dear Brandon and David,

Northern Ireland Protocol: the way forward

Following the publication of, and initial responses to, the Government's 21 July Command Paper (CP 502), I write with some observations and follow-up questions to which I should be grateful for your response.

The Command Paper certainly represents an interesting insight into current Government thinking on the reasons why the Protocol has not worked as effectively as it might have in certain areas. It also represents an interesting approach to resolving the situation.

As I said in my own reaction to the Government's announcement, mutual trust is clearly going to be at the heart of any successful outcome to negotiations between the UK and the EU. Trust and friendship between the two sides have, however, rarely been lower than they are right now.

The Command Paper puts forward three areas on which talks should focus:

- removing the burdens on trade in goods within the UK while managing the real risks to the EU Single Market;
- ensuring that businesses and consumers in Northern Ireland can continue to have normal access to goods from the rest of the UK on which they have long relied;
- normalising the governance basis of the Protocol so that the relationship between the UK and the EU is not ultimately policed by the EU institutions including the Court of Justice.

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All, to the best of our knowledge, have already been discussed with and dismissed by the EU. We certainly hope that the Government raised these ideas during negotiations. We can only presume that they were unsuccessful in persuading the EU of their merits.

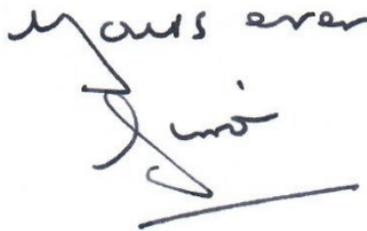
First, can you confirm that that premise is right? If not, which of these proposals is new?

Secondly, why do Ministers think that they will be more successful now, given that since those negotiations, levels of trust between the two sides has deteriorated significantly?

The Command Paper also considers the case for the UK employing Article 16 and how it might be used, including through measures to deal with current issues such as chilled meats, parcels and so on, and broader arrangements under which goods enter Northern Ireland from Great Britain.

My third question, therefore, is what steps has the Government taken to analyse the day-to-day operational impact on UK business of triggering Article 16? And will it publish that analysis? Given that business is crying out for certainty what merit does the Government see in continually using A16 as a latter day Sword of Damocles?

In conclusion, and out of a genuine eagerness to understand how Ministers see their approach to diplomacy, negotiations and treaty-making playing out among international partners, my final question is this: **why does the Government seem to have a 'pick and mix' attitude with regard to adhering to the Rule of Law and honouring its international agreements?**

A handwritten signature in black ink, appearing to read 'Simon Hoare', with a horizontal line underneath. Above the signature, the words 'Simon Hoare' are written in a cursive, handwritten style.

Simon Hoare MP

Chair, Northern Ireland Affairs Committee