

The Northern Ireland Protocol

Yesterday a group of MPs held a debate about the Northern Ireland Protocol. The Conservatives who secured the debate topic all argued the same case. The NI Protocol was meant to be a temporary measure. Its clause 16 allows either party to make unilateral changes if the Protocol ceases to work as intended. It is meant to respect both the EU single market and the UK internal market. The Agreement stipulates it should not be used to divert trade, yet the EU is doing exactly that and claiming it is doing that at the moment by seeking to make GB/NI trade very difficult and NI/EU trade easier.

We all believe the government is right to try to negotiate a fix and we support the detailed proposals submitted to allow both sides to proceed by mutual enforcement. The UK would ensure anything that was at risk of moving from GB to the EU via Northern Ireland would be submitted to the correct EU checks. The bulk of GB/NI trade is internal UK trade and that would be subject to UK only supervision, using trusted trader schemes, electronic manifests, checks away from the border and the rest of the techniques we use for trade within GB. The EU would for its part ensure non compliant or tax dodging goods did not find their way from the Republic to NI. There are well established co-operation procedures for tackling smuggling as there was always a goods border to supervise. The NI/Republic border when we were in the EU was an excise, VAT and currency border but that did not require border posts and cash settlements at the border.

We also believe that the EU is not minded to discuss these things in a reasonable and co-operative way. It is therefore time for the UK to make a unilateral move to assert UK control only over internal UK trade, whilst ensuring respect for the EU single market for any exports from Northern Ireland over the land border. This is quite legal under Article 16 of the NIP, let alone under Clause 38 of the Withdrawal Act which allows the assertion of UK sovereignty where needed.