

The UK single market

Yesterday the Northern Ireland Secretary talked about trade between GB and NI. There are clearly issues to be sorted out.

I thought you might find it helpful to be reminded about what the NI Protocol said about the UK single market, as this now is at the centre of the disputes.

The Introduction to the Protocol states "Having regard to the importance of maintaining the integral part of Northern Ireland in the UK's single market"... "Determined that the application of the Protocol impact as little as possible on the very day life of communities in both Ireland and NI"..."Affirming the commitment of the UK to facilitate the efficiency and timely transit through its territory of goods moving from Ireland to another member state or third country."

These introductory statements make clear the context to interpret the Protocol. The EU accepted the need for NI to be fully part of the UK's single market and customs union, and wanted assurance that Irish goods could still pass through the UK to the continent without hindrance.

Article One strongly reinforces the main point in the Protocol. It says "The Protocol respects the essential state functions and territorial integrity of the UK"

Article Six states that "Nothing in this Protocol shall prevent the UK from ensuring unfettered access for goods moving from Northern Ireland to other parts of the UK's internal market"

Article Seven states "The lawfulness of placing goods in the market in Northern Ireland shall be governed by the law of the UK"

There are various other provisions about the EU single market and the handling of goods that might move from GB to NI and then on to the Republic where EU rules matter.

The UK has a good case to ensure the smooth functioning of its own internal market. The ECJ has no standing over the UK's internal market.