


Queen's Policy Engagement: Post-Brexit Clinic


Prof. David Phinnemore
Prof. Katy Hayward
Dr. Lisa Whitten
Dr. Bill Melo Araujo

28 October 2021

Organized in cooperation with the
ESRC-funded project on *Governance
for 'a place between': the multilevel
dynamics of implementing the
Protocol on Ireland/Northern Ireland.*



Brexit, Northern Ireland and the Protocol: where are we and what's to come?



Brexit, Northern Ireland and the Protocol: where are we?

30 June	EU agreed extension to 'Grace period' for meat products to 30 September 2021 ; Judicial review outcome
21 July	UK government published <i>Northern Ireland Protocol: the way forward</i> Command Paper
27 July	European Commission pauses legal action against the UK for alleged breaches of the Withdrawal Agreement and the Protocol
6 September	UK government announces unilateral extension of existing 'grace periods' and other 'easements'; European Commission 'takes note' ; no 'new infringements <i>for now</i> '
9-10 September	Maroš Šefčovič visits Northern Ireland ; meets politicians and representatives of business and civil society
24 September	Ninth meeting of the EU-UK Specialised Committee : European Commission and UK government issued separate statements
28 September	Unionist declaration calls for Protocol to be 'rejected and replaced' by arrangements that 'fully respect Northern Ireland's position as a constituent and integral part' of the UK.
4 October	Lord Frost warns that without agreed solution to Protocol the UK government would trigger Article 16 .



HM Government

Northern Ireland Protocol: the way forward



Unionist Declaration on the Northern Ireland Protocol.

"We, the undersigned Unionist Political Leaders, affirm our opposition to the Northern Ireland Protocol, its mechanisms and structures and reaffirm our unalterable position that the Protocol must be rejected and replaced by arrangements which fully respect Northern Ireland's position as a constituent and integral part of the United Kingdom".

Brexit, Northern Ireland and the Protocol: where are we?

13 October	European Commission publishes four 'non-papers' with proposals for addressing 'the difficulties that people in Northern Ireland have been experiencing because of Brexit': SPS, customs, stakeholder engagement, medicines
15 October	Frost and Šefčovič meet in Brussels for discussion of European Commission proposals

They discussed the proposals published by the EU on 13 October. Lord Frost recognised the efforts Vice President Šefčovič had made in bringing these forward, and underlined that we would discuss them constructively and in a positive spirit. Lord Frost set out the UK position and reaffirmed the need for significant changes to the current arrangements, as set out in the 21 July Command Paper, including on governance.

Further talks will continue at official level in Brussels this week. The UK's focus will be on finding durable solutions, rapidly, that safeguard the Belfast (Good Friday) Agreement in all its dimensions.

Vice President Šefčovič welcomes that both sides have agreed to engage intensively and constructively at both expert and political level, with a set of meetings scheduled this week in Brussels with the UK team. The EU seeks to focus on the areas that matter most to Northern Irish people and businesses, and where we can find common ground. Swift joint solutions would bring the stability, certainty and predictability that Northern Ireland deserves, ultimately protecting the Good Friday (Belfast) Agreement in all its dimensions.



What's ahead?

Knowns

2021

Ongoing

UK-EU discussions/talks

31 December

'Grace period' for application of EU medicines *acquis* in Northern Ireland ends

2022

May

NI Assembly elections

2024

December

MLA's 'democratic consent' vote on Articles 5-10

Talks lead to negotiations?

Talks fail and UK triggers Article 16?

Commission legal proceedings against the UK?

Worsening UK-EU relations... uncertainty for NI?

Successful outcome to talks?

Revised arrangements for movement of goods?

Revised governance arrangements for Protocol?

Less contested implementation of Protocol?

Ongoing Tensions...

Regulatory divergence between the UK and the EU

Political Contestation



Post-Brexit Governance NI

Testing the Temperature III



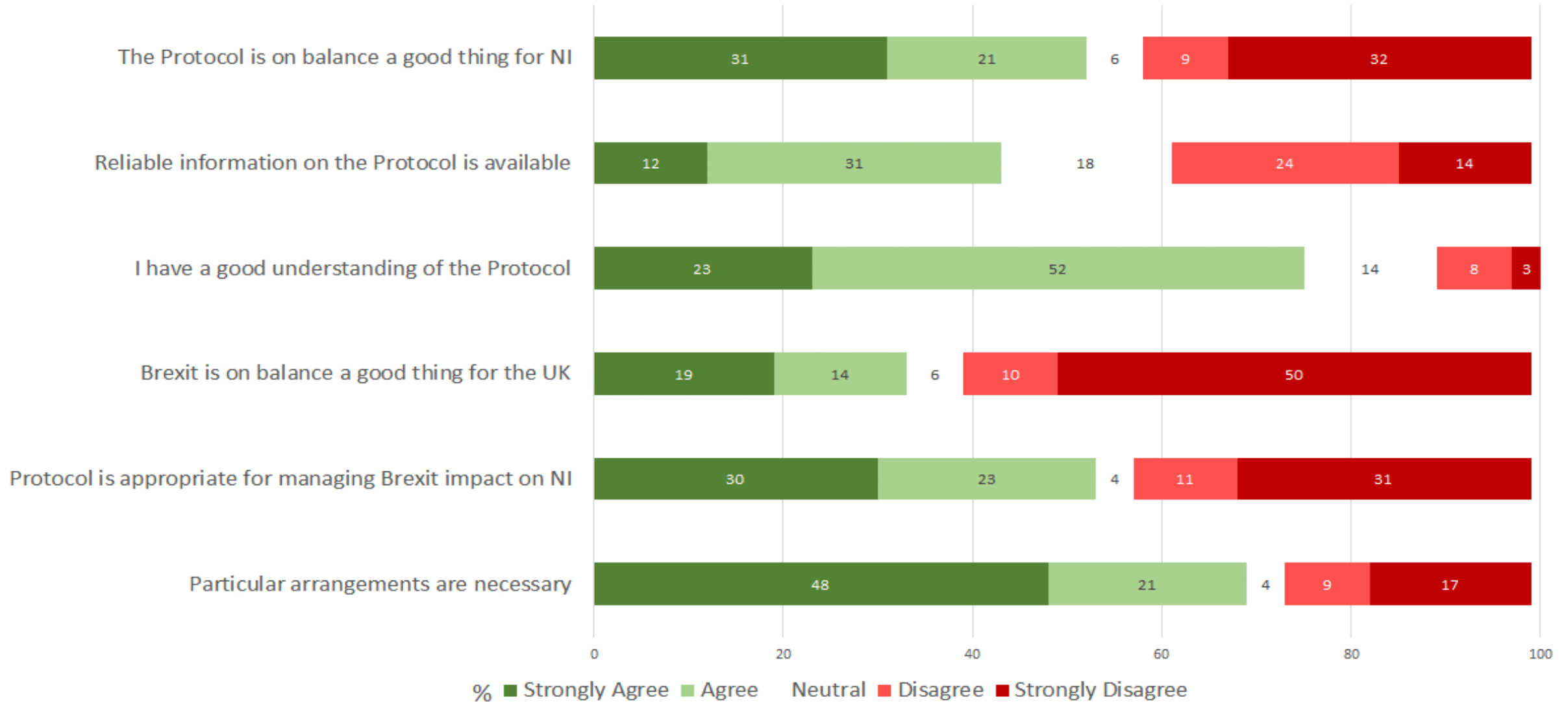
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*Governance for 'a place
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[https://www.qub.ac.uk/sites/
post-brexit-governance-ni/](https://www.qub.ac.uk/sites/post-brexit-governance-ni/)

[@PostBrexitGovNI](https://twitter.com/PostBrexitGovNI)

Opinion of the Protocol



Opinion of the Protocol – Comparison across Polls

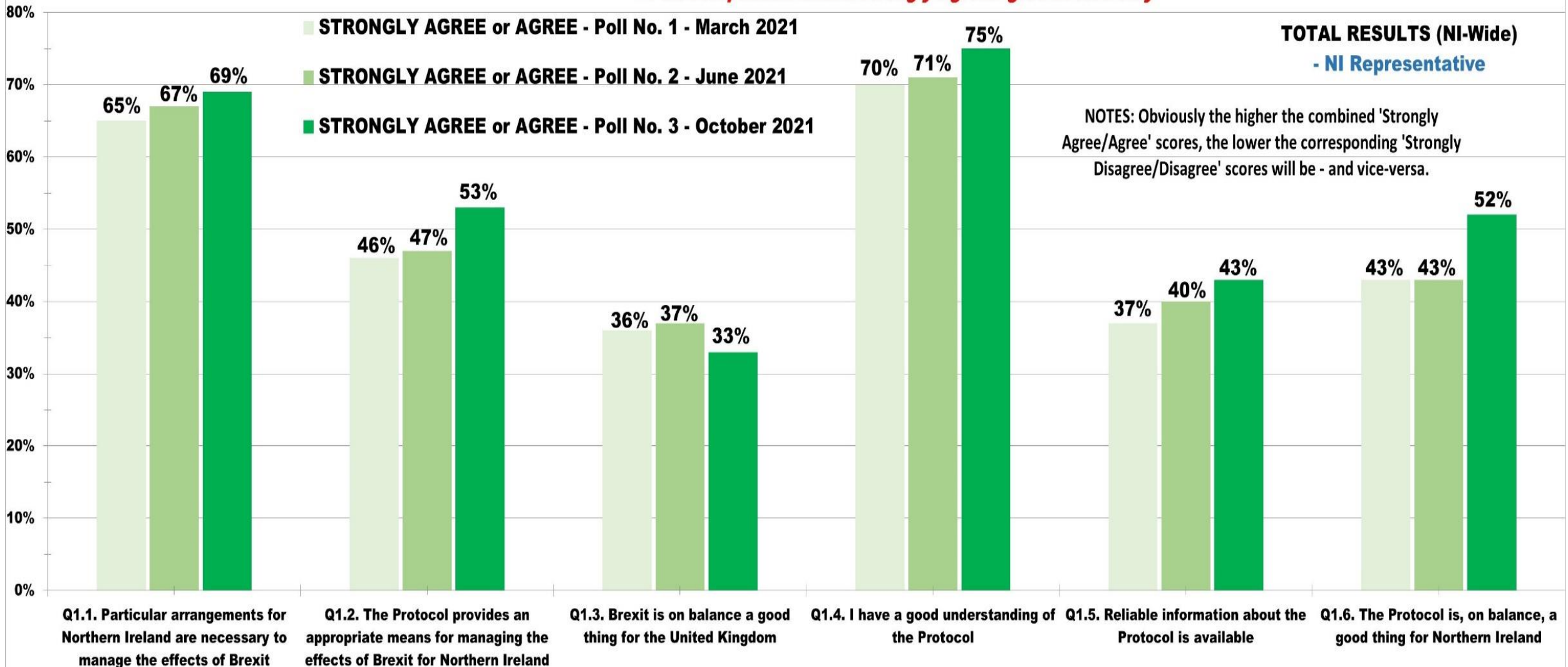


LUCIDTALK NORTHERN IRELAND(NI) Poll-Projects:
re. the 'NI Protocol' in association with Queens University Belfast (QUB)
POLL QUESTION COMPARISON CHART -
final balanced/weighted NI Representative samples

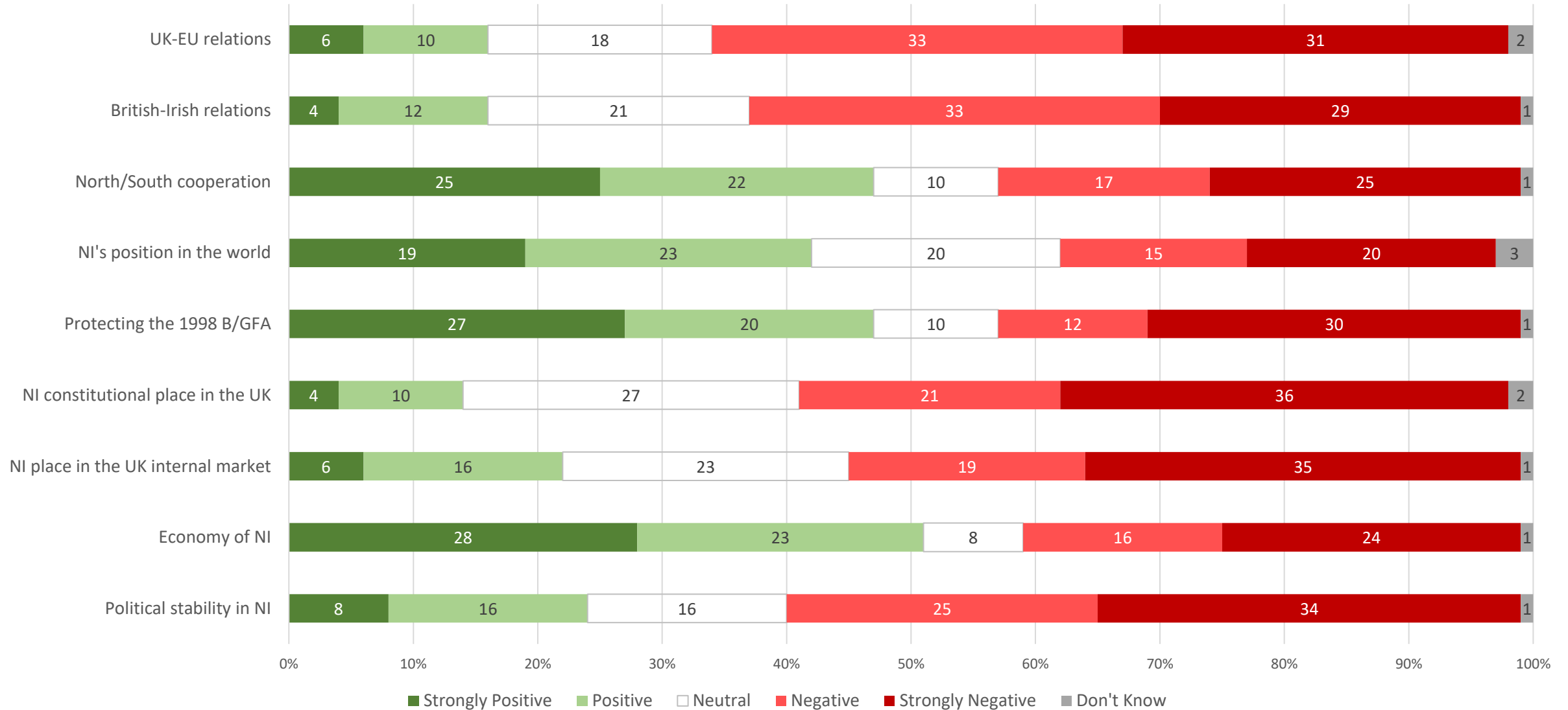
POLL QUESTION 1: How much do you agree/disagree with the following statements about Brexit and the Protocol?



- Poll Comparison Chart: Strongly Agree/Agree scores only



Views on the Impact of the Protocol

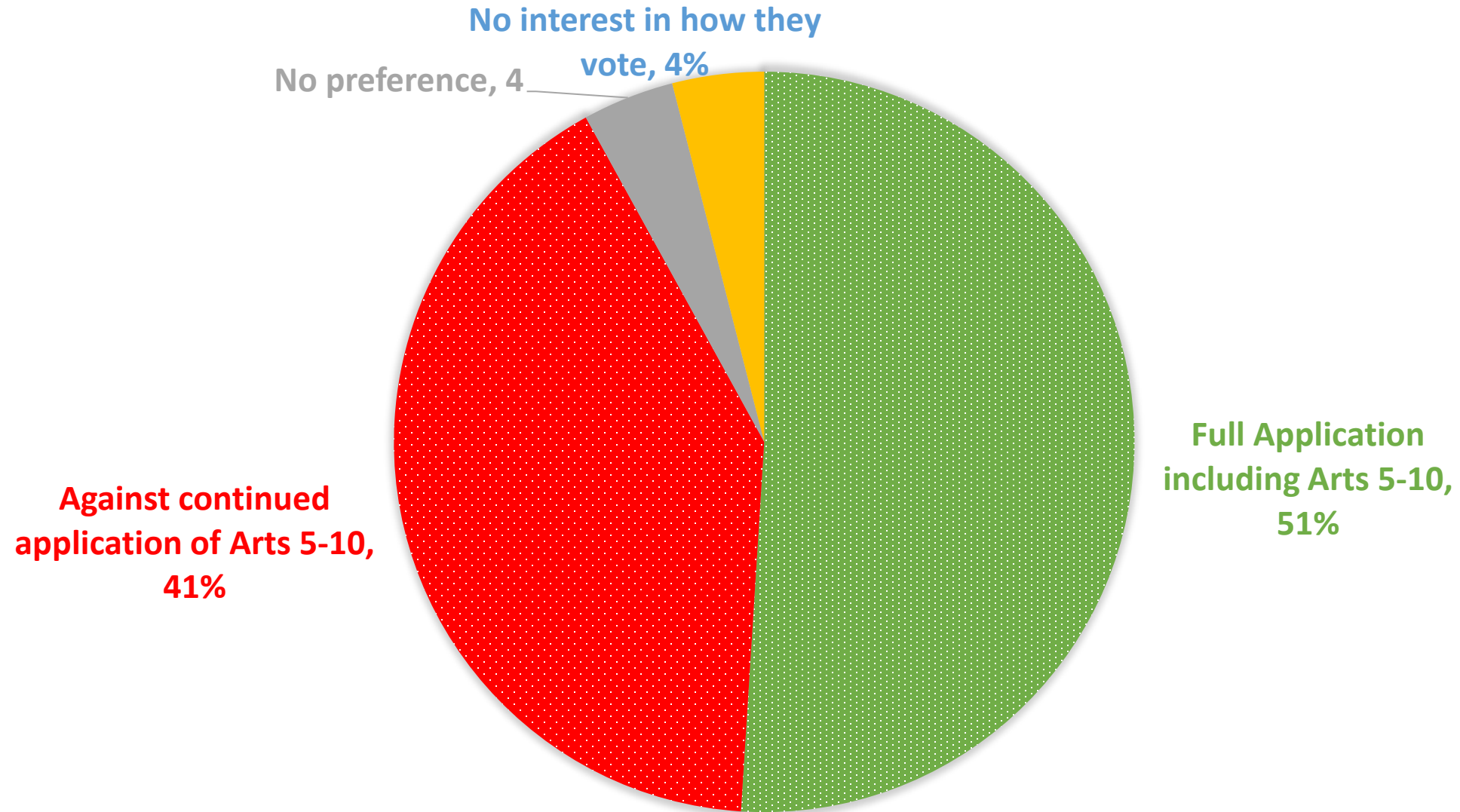


Distrust/Trust

	Distrust				Trust			
	Distrust a lot	Distrust	Total	June	Trust	Trust a lot	Total	June
UK Government	57	30	87	86	3	1	4	6
NI Executive	19	34	53	52	13	0	13	17
Irish Government	33	12	45	48	28	13	41	38
European Commission/EU	36	8	44	48	27	18	45	40
Alliance	29	14	43	43	28	11	39	43
DUP	57	18	75	78	11	3	14	13
Sinn Féin	44	11	55	56	17	17	34	31
SDLP	29	16	45	42	28	12	40	42
UUP	18	24	42	39	22	6	28	32
NI Business Representatives	6	12	18	18	36	18	54	56

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How would you like MLAs to vote on the Protocol in 2024?



Priority Concerns

- **Medicines** sold in Northern Ireland to be approved by an EU regulator and not just a GB regulator
- **Customs paperwork** being required on all goods entering Northern Ireland from Great Britain

- The lack of **involvement of elected representatives, officials and civic society** from Northern Ireland in the governance of the Protocol
- **Prohibitions and restrictions** on some GB-produced plant and animal products (e.g. chilled meats) entering Northern Ireland

- Northern Ireland applying EU **VAT and Excise** rules for goods, although the VAT rate remains set by the UK
- The UK 'in respect of Northern Ireland' being subject to the jurisdiction of the EU's **Court of Justice** for disputes regarding provisions of EU law applicable under the Protocol.
- Retailers in Northern Ireland **changing from GB to local and/or EU suppliers** to maintain the supply of goods
- Northern Ireland following some EU rules on **subsidy control and state aid**
- New requirements for bringing **pets** from Great Britain into Northern Ireland

- The building of **border control post** infrastructure in ports in Northern Ireland

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Addressing issues concerning the Protocol

	Agree	Disagree	Neutral	DK
1. The formalities, checks and controls on the movement of goods should be moved from the ports and airports in Northern Ireland to the land border between the United Kingdom and Ireland.	34 (38)	56 (51)	7	3
2. The Protocol provides Northern Ireland with a unique set of post-Brexit economic opportunities compared to the rest of the UK which if exploited could benefit Northern Ireland.	62 (56)	26 (34)	8	4
3. The UK Minister (David Frost) and the European Commissioner (Maroš Šefčovič) responsible for overseeing the Protocol should visit Northern Ireland regularly, including to appear before a Committee of the Northern Ireland Assembly.	67 (67)	14 (14)	17	2
4. The UK and the EU should put in place formal arrangements to consult regularly with representatives of business and civil society in Northern Ireland on the Protocol.	73	15	11	1

Comparison: June 2021, April 2021

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Addressing issues concerning the Protocol

	Agree	Disagree	Neutral	DK
5. The Northern Ireland Assembly should hold a debate every six months on the position of the Northern Ireland Executive towards the implementation of the Protocol.	25	52	18	5
6. The Northern Ireland Assembly should establish a committee dedicated to monitoring the implementation of the Protocol.	55	27	14	4
7. Officials or experts from Northern Ireland should be invited to attend meetings of EU committees and agencies where they are dealing with EU law applying in NI under the protocol.	75	16	7	2
8. The UK government and the European Commission should jointly commission an independent assessment on the implementation of the Protocol.	51	29	16	4
9. The UK government would be justified if it were to trigger Article 16 of the Protocol now.	39	53	5	3
10. The UK should agree to the EU having an office in Belfast	54 (53)	37 (40)	8	

Comparison: June 2021, April 2021

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Optional Qualitative Comments

	Participants	Comments	Topical Comments	Rate
October 2021	2,682	630	519	19%
June 2021	2,630	576	544	21%
March 2021	2,176	511	453	21%

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Optional Qualitative Comments

Theme/Issue	Frequency
Protocol as necessary / potentially beneficial / beneficial	210
Protocol viewed negatively	122
Critical of DUP / Unionist politicians / PUL activists	110
Brexit as a mess / folly / viewed negatively	109
Critical of the UKG / PM or Great Britain	95
Lack of information / misinformation	76
Brexit, not Protocol as the problem / cause of disruption	71
Scrap the Protocol / Irish Sea Border	65
Critical of EU / EU approach to implementation	40
Critical of NI politicians generally	36
Protocol needs to be changed	30

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Optional Qualitative Comments

Protocol as Necessary/Potentially Beneficial: Themes

	March 2021	June 2021	October 2021
1. Least-worst, 'make it work'	52 (41.9%)	63 (42%)	72 (33.3%)
2. Potentially beneficial	44 (35.5%)	50 (33.3%)	69 (32.9%)
3. Beneficial, 'best of both'	28 (22.6%)	37 (24.7%)	69 (32.9%)
TOTAL	124	150	210

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EU October 2021 Package

Customs

SPS

Medicines

Stakeholder engagement

PROTOCOL ON IRELAND AND NORTHERN IRELAND

Examples of trade flows: customs and regulatory checks

EXAMPLE 1: Great Britain to Northern Ireland



LIVERPOOL

Exit modalities / formalities (if any) for UK to determine.

BELFAST

EU import formalities (incl. entry summary declaration and customs declaration) and checks

Relevant authority

- UK authorities will apply relevant EU rules and carry out any checks required.
- EU institutions have same oversight as today (e.g. full ECJ competence).
- In addition, EU representatives have the right to be present during checks, request information, and direct UK to carry out checks.

Checks and controls of product safety

- Live animals, animal products and plants: systematic SPS (sanitary and phytosanitary) checks at entry point.
- Industrial products: risk-based checks at entry point

Tariffs

- No tariff: if good is not subject to commercial processing and not at risk of entering the EU.
- EU tariff: if good is subject to commercial processing or at risk of entering the EU.
- Joint Committee will set out criteria for when a good is not "at risk" of entering the EU and will not be subject to EU tariffs.

Other

- EU legislation on VAT and excise applies.

Customs

Industry concerns include:

- At risk definition
- Supplementary declarations
- Declarations for parcels
- ...



EU Proposal

- Expand scope of “goods not at risk” regime based on criteria such as:
 - Status of senders and recipients
 - Nature of goods
 - Nature of consignment
- Simplification of procedures for “goods not at risk”
- Conditions:
 - Full implementation by UK of EU Customs legislation
 - Appropriate monitoring and enforcement

SPS Checks



Challenge

- Feed, food, animal and plant products subject to EU health requirements, certifications and checks
- Solution favoured by industry: EU-UK veterinary agreement

EU proposals: “bespoke solution”

- Simplified certification
- Reduced physical checks
- Conditions:
 - Regulatory alignment in some areas
 - Labelling
 - Only available for products destined for sale to end consumers in retail shops in NI

Medicines



Issue

- Medicines imported from GB subject to compliance checks
 - Quality control
 - Market authorisation
 - Labelling requirements
- Currently obviated by grace periods

EU Proposal

- Checks and processes (e.g., batch testing) occur at manufacturers premises
- Conditions include
 - EU compliance when issuing UK authorisation re NI
 - Authorisation includes prohibition of sale outside NI
 - Enhanced enforcement in NI

Pragmatic

- Focused on concerns voiced by industry (e.g., “at risk” regime)
- Working within the framework of the Protocol



Conditional

- Domestic regulatory reforms (e.g. SPS proposals)
- Enhanced monitoring and enforcement



Limited

- Barriers to trade not directly related to Protocol are not addressed (RoO, rebate, etc)
- Objective is to reduce rather than remove barriers



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