

The UK's internal market and the Northern Ireland Protocol.

The NI Protocol includes clear statements to protect the integrity of the UK internal market, including the principle of the “importance of maintaining the integral place of NI in the UK’s internal market” and “both use best endeavours to facilitate trade between NI and other parts of the UK”. No sensible person can interpret this to mean other clauses can be used to stifle GB/NI trade and place it all under EU rules interpreted with a damaging construction. Nonetheless the EU wishes to enforce clauses relating to the importance of its single market in ways which violate these important safeguards and are against the spirit of the Agreement. The extra powers of the EU over GB/NI trade in the Agreement relate only to goods at risk of moving on to the Republic. These are a small minority of the traded goods, and can be identified and policed by the UK.

The EU may try wrongly to refer any attempt by the UK to control its own internal market between NI and GB to the Joint Committee or the ECJ. The UK asserted its sovereignty by leaving the EU and the EU agreed that our sovereignty would be restored. If they will not agree sensible and proportionate arrangements applying EU rules to just those items which are sent to NI from GB in order to go into the Republic – or over goods sent by NI to the UK for onward despatch to the EU – they are in breach. In that case the UK should assert that we will implement the Agreement by controlling all goods movements that are our internal market items in our way as before, and will do a good job identifying onbound products for the EU where of course we will apply their rules and procedures.

It is completely unacceptable that the EU thinks it can control all trade within a significant portion of the UK, and revert any disagreements with us to its own court for adjudication. That expressly overturns the restoration of sovereignty which both sides saw was the point of Brexit. Some actions of the EU damage legitimate UK internal market trade into Northern Ireland, possibly in the hope that they can substitute EU exports to NI via the land frontier.

The UK should also make clear that there is no such thing as a sea border. The barrier or border they wish to create is on land at Northern Ireland ports and airports so it is a border on the island of Ireland. The UK does not need new physical barriers at the land frontier between the Republic and NI. It has long been a complex border with electronic arrangements to handle excise, VAT and currency differences between the two jurisdictions prior to Brexit. Any post Brexit additional requirements can be handled in a similar way. The UK will of course implement the controls on trade destined for the EU in good faith.