



September 2021

EU Withdrawal Agreement and the Ireland/Northern Ireland Protocol

Outline

The Ulster Unionist Party was not responsible for the Northern Ireland Protocol. Indeed, we warned of the potential hazards when the *'Explanatory Note-UK proposals for an amended Protocol on Ireland/Northern Ireland'* of 2nd October 2019 was announced. We raised further concerns with the Protocol when the *'Withdrawal Agreement'* was published on 17th October 2019.

The Government Command Paper of 21st July 2021 setting out Her Majesty's Government (HMG) latest assessment acknowledges the Protocol is not working as expected. This aligns with the Ulster Unionist concerns from 2019 and our desire to have no added friction either North/South or East/West.

It is with this in mind that the Ulster Unionist Party continues to look for common-sense alternatives to the Protocol.

Immediate action point

Medicines must be immediately removed from the scope of the Protocol. If this is not dealt with Pharmaceutical companies will withdraw products in advance of the end of the derogation period due to their lead in times. This is a practical outworking of the Protocol and one that will affect every man, woman and child in Northern Ireland. There is a practical solution and it must be implemented without delay.

Alternatives

The Ulster Unionist Party believes that to maintain good relations with the European Union (EU) that all sides must strive for a common-sense solution to the problems created by the Protocol. This will address concerns about protecting the EU single market while at the same time protecting Northern Ireland's place within the United Kingdom's internal market.

Our proposals remain:

- a. **Create a new criminal offence to knowingly export goods designed for the UK Internal Market into the EU Single Market.** This was previously proposed by the Ulster Unionist Party in 2019 and now forms part of the UK Command Paper. It creates legislation to protect the EU single market and prohibits, by law, anyone using Northern Ireland to undermine trade between the UK and EU.
- b. **Indemnity for a breach of the single market.** The UK could undertake to indemnify the EU if it was found that Northern Ireland had been used to export non-compliant goods via the land border on the island of Ireland into the EU single market.
- c. **Cross-border compliance body Treaty with the Irish Republic in line with the existing six cross-border structures.** This will require some narrow additional devolution and will allow for both an educational role by visiting manufacturers and hauliers in both jurisdictions as well as checking the compliance of those exporting to or importing from the EU single market. It would mean using the Belfast Agreement as a tool to fix the problem in respect to cross-border trade by in essence devolving the issue to Northern Ireland to deal with, with the buy in of the UK and EU.

Additional recommendations would include:

- a. **Bespoke SPS Treaty between the UK and EU**
A bespoke arrangement could virtually eliminate much of the friction currently being experienced.
- b. **A labelling programme for goods coming from Great Britain to Northern Ireland.** Quite simply this would mean labelling products that are only bound for Northern Ireland and not onto the EU single market as being for **“UK sale only”**.
- c. **UK legislation to ensure companies have a duty to ensure equality of provision to all regions of the UK.** This is found in the Command Paper from July 2021 and is lifted from the Ulster Unionist Proposal from February 2021.
- d. **Provisions of Free Ports utilising the unique nature of Foyle Port along with the main sea heads at Larne, Belfast and Warrenpoint.** This would not be an extravagant ask as the Free Port would cover separate services in each location allowing for a reduced foot print.

Conclusion

The Ulster Unionist Party wants to create solutions to the problems that we face with the Protocol. It is clear there are some benefits of having access to the EU single market but it cannot be at the detriment to our relationship with the UK internal market. As it stands the Protocol does not protect the Belfast Agreement but instead damages its fine balance creating divisions and frictions.

It is understood there needs to be some form of trading treaty between the UK and EU but this can be achieved through common sense, pragmatic solutions that neither agitates or undermines either the EU single market or the UK internal market.