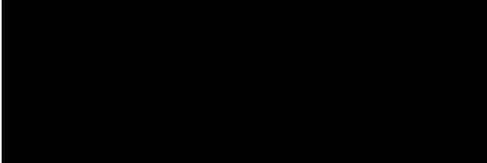


Stormont Castle
BELFAST
BT4 3TT



**Michael Potter
Committee for TEO
Room 412
Parliament Buildings
Stormont
BELFAST
BT4 3SR**

25 June 2021

Dear Michael

TEO COMMITTEE – JUNE 2021 UPDATE ON EU EXIT MATTERS

The TEO Committee has requested monthly briefings that provide a general update on Brexit issues. The attached paper provides an update covering the period up to 16 June 2021. Junior Ministers are due to provide the Committee with a further update on 30 June.

Yours sincerely

[signed]



Departmental Assembly Liaison Officer

COMMITTEE FOR THE EXECUTIVE OFFICE UPDATE ON EU EXIT MATTERS

This paper provides an update to the TEO Committee on EU Exit matters as they stand at 16 June. The position, particularly in relation to operational matters, is fluid and has the potential to change over a short period of time. The Committee will be kept updated through the regular oral briefing process.

1. UK/EU Trade and Cooperation Agreement Governance

The European Parliament ratified the Trade and Cooperation (TCA) agreement on the 27th April. There are substantial governance arrangements required by the TCA and the UK-EU Partnership Council will have responsibility for overseeing the implementation and operation of the Agreement at a political level.

The then First Minister, deputy First Minister and Junior Ministers attended the first meeting of the EU-UK Partnership Council on 9 June. In a pre-meeting with Lord Frost on 8 June they welcomed the opportunity to be involved in the TCA governance structures and highlighted to the UK Government that it was important that Ministerial engagement is meaningful and provides an opportunity for the Executive's views to be taken on board in the overall UK approach to the application of the Trade and Cooperation Agreement. The agenda for the Partnership Council included discussions on a range of TCA implementation issues including SPS/Customs Facilitation, Fisheries, Law Enforcement, Long Term Visa Fees, Union Programmes and TCA Governance Structures.

2. WITHDRAWAL AGREEMENT

A meeting of the Joint Committee took place on 9 June in London. The then First Minister and deputy First Minister attended the meeting via video conference. At the meeting the EU, represented by European Commission Vice President, Maroš Šefčovič, gave its assessment of the state of play on the implementation of the Protocol. The UK co-chair, Lord Frost, set out the challenges being faced as a result of the implementation of the Protocol. The then First Minister reminded the EU that GB to NI trade is of critical economic and political importance and the deputy First Minister intervened to urge the UK and EU to work together to find long-term solutions to the political agreements that they made.

Both the UK and EU issued statements after the meeting, which acknowledged that there are areas of significant divergence particularly in respect of SPS issues. Both statements also included a commitment to continue to work to find solutions.

There are no meetings of the Specialised Committee scheduled at present.

The last meeting of the Joint Consultative Working Group took place on 12 May. There is no meeting currently scheduled but meetings are expected to take place on a monthly basis in accordance with the rules of procedure.

3. COMMON FRAMEWORKS

Officials are continuing to engage with the UK, Scottish and Welsh governments to ensure the timely delivery of the Common Frameworks programme. As previously advised, Hazardous Substances Planning has received final JMC(EN) confirmation and will be laid following the formation of the Scottish and Welsh Parliamentary Committees. Seven Common Frameworks have now received provisional JMC(EN) confirmation, of which two have been through formal scrutiny at the respective Assembly Committees. The remaining five are now expected to progress to Committee scrutiny following the summer recess.

The Common Frameworks that have been approved by the relevant Departmental Ministers in all jurisdictions have also received provisional confirmation from the JMC(EN) Ministers for England, Scotland and Wales. They remain under consideration for joint approval by the First Minister and deputy First Minister in their role as JMC(EN) Ministers. Once approved, it is anticipated that they would also progress to Committee scrutiny following the summer recess.

While the Organics Common Framework has received portfolio Ministerial clearance, JMC(EN) provisional confirmation has been delayed on account of the Scottish and Welsh Government elections.

There are an additional three Common Frameworks in development.

4. LEGISLATION

The latest monitoring returns from 7 June indicate there are two Westminster Bills - the Environment Bill and the Professional Qualifications Bill (recently introduced in the House of Lords on 12 May).

52 Statutory Rules (SR) were brought before the Assembly in the lead up to the end of the Transition Period.

35 further SRs have been identified as required in the post Transition Period.

77 Statutory Instruments (SI) that cut across devolved matters were laid at Westminster before the end of the Transition period.

33 SIs have been identified as required post Transition Period.

None of this legislation sits with TEO.

EU legislation under the Protocol

Work continues on the development of a system to support the tracking and monitoring of legislation contained in the Protocol.

5. RIGHTS AND DEDICATED MECHANISM

Officials have been liaising with the NIO and arrangements have now been put in place to ensure the timely flow of information in respect of Article 2 through monthly meetings with the NIO, NI Human Rights Commission and Equality Commission. The Joint Consultative Working Group will be the forum by which the EU will inform the UK about relevant amendments with respect to Directives listed in Annex 1 in the Protocol.

NIHRC and ECNI, either separately or together as part of the dedicated mechanism may raise any issues with regard to Article 2 in a number of ways:–

- Raise the issue first with the NIO in the monthly catch-ups and/or via email or ad hoc meetings on specific subject matters. Whether this is possible will depend on the time-sensitive nature of issues.
- Writing to, or preparing advice for, the SOSNI or Executive, as appropriate in line with the NIHRC and ECNI dedicated mechanism statutory functions (sections 78A(2) and 78B(2) of the Northern Ireland Act 1998 (as inserted by Schedule 3 to the European Union (Withdrawal Agreement) Act 2020).
- Advising the NI Assembly or an Assembly Committee on whether or not a Bill is compatible with Article 2.
- The NIHRC and ECNI writing to the Joint Consultative Working Group Secretariat (a joint UK-EU body) established under Article 15 of the Protocol as a forum for the exchange of information and mutual consultation.
- The NIHRC, ECNI and the Joint Committee of the NIHRC and the Irish Human Rights and Equality Commission (IHREC), may want to raise issues with the EU, and these matters can be raised directly with the Specialised Committee as per the terms set out in the UK Government explainer document which sets out the UK Government's position and interpretation of Article 2, its scope, and

how it applies; see <https://www.gov.uk/government/publications/protocol-on-irelandnorthern-ireland-article-2>

7. THE EUROPEAN UNION SETTLEMENT SCHEME

The local media campaign to raise awareness of the EU Settlement Scheme continues to run, advising of the imminent closing date for new applicants of 30 June 2021.

The Executive Office also continues to work with the advocacy agencies Advice NI and STEP to support the work that is ongoing in local communities.

Officials also continue to engage with the Home Office to encourage an appropriate and flexible approach in terms of those missing the deadline and needing to make a late application.