


Stormont Castle
BELFAST
BT4 3TT



Michael Potter
Committee for TEO
Room 375a
Parliament Buildings
Ballymiscaw
Stormont
BELFAST
BT4 3XX

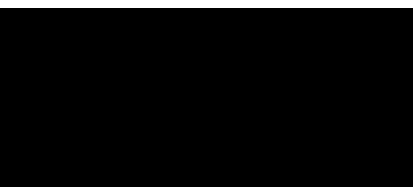
22 November 2021

Dear Michael

TEO COMMITTEE – UPDATE ON EU EXIT MATTERS – NOVEMBER 2021

Junior Ministers are due to meet with the Committee on 24 November. The TEO Committee has requested a written briefing prior to this meeting. The attached paper provides an update covering the period up to and including 9 November 2021.

Yours sincerely



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 9 November 2021.

1. OPERATIONAL READINESS

On Tuesday 12 October 2021, Lord Frost announced UKG proposals for a new arrangement to replace the Protocol. These have yet to be shared with the Executive or our businesses. However we understand that these are based on the UKG Command paper.

The following day, on Wednesday 13 October 2021, the EU published their proposals to address the challenges outlined in the UKG Command Papers of 21 July. The EU's proposals covered the following areas of interest:

- I. Sanitary and Phytosanitary (SPS) issues
- II. Customs
- III. Medicines; and
- IV. Engagement with NI stakeholders and Authorities

The UK and EU are currently engaged in intensive discussions on their respective proposals to assess the extent to which the gap can be bridged.

An initial analysis of the EU non-papers by officials suggests that more detail and clarity is required before final assessments can be made.

European Commission Vice-President Šefčovič met with the leaders of the main political parties in October following the publication of the EU non-papers.

The First Minister and deputy First Minister have engaged with Lord Frost and other Ministers to receive updates on the progress of the ongoing discussions between the UK Government and the EU and on any eventual negotiations.

2. UK-EU Trade and Cooperation Agreement Governance

Meetings of the various Specialised Committees set up under the TCA are underway. NI Executive representation at these meetings will be undertaken by the relevant NICS Department.

3. JOINT COMMITTEE AND SPECIALISED COMMITTEE

The then First Minister and deputy First Minister attended a meeting of the Joint Committee on 9 June 2021.

A meeting of the Specialised Committee took place on 19 July 2021. The Executive was represented at the official-level meeting by Tom Reid, Director of EU Future Relations, and Lynsey Moore, Director of EU Division. The meeting took stock of discussions on SPS, medicines, customs, trade and VAT.

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

4. JOINT CONSULTATIVE WORKING GROUP

A meeting of the Joint Consultative Working Group took place on 18 October 2021 with a further meeting scheduled for 15 November. The Executive was represented at this official level meeting, which included a stocktake of the information exchanged between the UK and EU since the previous meeting and a discussion on operational matters.

5. LEGISLATION

EU legislation under the Protocol

Work continues on the development of an EU Legislation Information Tracking System (EULITS) to communicate information to Departments on EU legislation contained in the Protocol. The Discovery phase of the IT project has been completed and the Development phase of the IT process is continuing. The EULITS Cross Departmental

Steering Group has provided input in relation to Departmental needs and feedback on the EULITS platform concept.

EU Exit legislation

The latest monitoring returns from 8 November 2021 indicate there are three Westminster Bills awaiting completion:

- the Environment Bill (a supplementary LCM was agreed by the Executive on 9 September) remains in 'ping-pong' as proposed amendments are considered by the House of Commons & House of Lords;
- the Professional Qualifications Bill (Committee Stage in the House of Lords completed on 22 June and Report Stage scheduled to commence 9 November); and
- the Subsidy Control Bill (Bill was debated at second reading on Wednesday 22 September 2021 and has now been sent to a Public Bill Committee which will scrutinise the Bill line by line and is expected to report to the House by Thursday 18 November 2021), currently in progress and under consideration for legislative consent requirements.

46 Statutory Rules have been identified as required in the post Transition Period.

37 Statutory Instruments (SIs) that cut across devolved matters have been identified as required post Transition Period.

None of this legislation sits with TEO.

6. COMMON FRAMEWORKS

Officials are continuing to engage with the UK, Scottish and Welsh governments to ensure the timely delivery of the Common Frameworks programme.

A Ministerial meeting to discuss progress on Common Frameworks and to agree cross cutting text on International Relations and Trade; the Internal Market Act and the Protocol was held on 10 November attended by the First Minister and Junior Minister Kearney; Neil O'Brien MP, Parliamentary Under-Secretary of State for Levelling Up, the Union and Constitution; Angus Robertson MSP, Cabinet Secretary for the Constitution, External Affairs; and Culture and Mick Antoniw MS, Counsel General for

Wales. Following agreement on the cross cutting text, the remaining 21 provisional Common Frameworks will be published by the UKG as Command Papers, that will allow for scrutiny by relevant Assembly Committee scrutiny.

7. RIGHTS AND DEDICATED MECHANISM

TEO is continuing the regular series of meetings, at a working official-level, with the Human Rights Commission and Equality Commission as the dedicated mechanism. These meetings allow for good exchange of information and early identification of any emerging areas of focus which may relate to Article 2 and any changes that may affect the Executive.

TEO officials also meet separately with officials from the Northern Ireland Office to exchange information including any impacts of UKG activity in respect of Article 2.

Awareness raising articles on the importance of Article 2 and the Dedicated Mechanism have been published across all NICS departments. There is more to be done and our officials will move forward to develop and deliver a programme of work to raise awareness and to consider whether further support or assistance is appropriate.

8. THE EUROPEAN UNION SETTLEMENT SCHEME

The EU Settlement Scheme (EUSS) closed to new applications on 30 June 2021, by which time there had been 99,830 applications from NI. Although there are no definitive figures for the number of EEA citizens here previous estimates placed the number at up to 100,000.

In line with the Citizens' Rights Agreements, where a person eligible for status under the EUSS has 'reasonable grounds' for missing the 30 June deadline, they will be given a further opportunity to apply. Such circumstances include someone who is isolated, vulnerable or lacking the skills to access the applications process. However, once an application is made the Home Office has confirmed the applicant's rights are

protected. This is the case for both pending 'in time' applications and late applications after the deadline.

The situation for EEA nationals is now complex. Some have status confirmed; others have 'in time' applications for status pending; and yet others still are required to make a late application for status. This level of complexity is difficult for EEA citizens and stakeholders such as employers and service providers to understand and navigate.

Given the need for all EEA citizens living here to demonstrate their status easily, First Minister and deputy First Minister, along with Ministers from the Scottish Government and the Welsh Assembly Government wrote to Kevin Foster Minister at the Home Office to urge that the current digital only proof of status be supplemented with a form of physical proof for those individuals who have difficulty with digital access. Home Office has not agreed to do this.

Officials continue to liaise with the Home Office on the impacts of the EUSS and to keep in close contact with STEP and Advice NI, the local advocacy agencies that provide assistance and advice to EEA citizens applying for status under the Scheme.