



Northern Ireland  
Assembly

Committee for The Executive Office

# OFFICIAL REPORT (Hansard)

Brexit Issues: Mr Declan Kearney MLA and  
Mr Gordon Lyons MLA, Junior Ministers, The  
Executive Office

28 April 2021

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**Members present for all or part of the proceedings:**

Mr Colin McGrath (Chairperson)  
Mr Doug Beattie (Deputy Chairperson)  
Ms Martina Anderson  
Mr Trevor Clarke  
Mr Trevor Lunn  
Ms Emma Sheerin

**Witnesses:**

Mr Kearney	junior Minister
Mr Lyons	junior Minister

**The Chairperson (Mr McGrath):** I welcome the junior Ministers to the meeting. It is good to see both of you. I will pass over to you to give us a presentation and update. After that, we will move to questions.

**Mr Lyons (Junior Minister, The Executive Office):** Thanks very much, Mr Chairman. It is good to be with you again, as always. We always appreciate the opportunity to update the Committee on EU exit matters. The Committee will have received a written brief that provides an update until 15 April. Today, Minister Kearney and I will provide a further brief update.

As you will be aware, the most recent development has been the ratification of the Trade and Cooperation Agreement (TCA) by the European Parliament. As the First Minister and deputy First Minister have said at the Joint Ministerial Committee (European negotiations) (JMCEN), it is essential that the Executive are involved in the Partnership Council and that our officials are engaged in the relevant Specialised Committees that oversee the governance of the TCA. We look forward to proposals from Lord Frost on the role of the devolved Administration in those Government arrangements.

When we last met the Committee, our focus was very much on business readiness, dealing with the issues as they arose and preparing for the end of the various grace periods. The UK Government's unilateral announcement to extend the grace periods changed the landscape and context of our engagement and preparations. It did not, however, change the Executive's key objective, which, I believe, is one on which we all agree: that we should do everything possible to ensure the best outcome for our people and our businesses. We must ensure that we use the time to support business readiness for any future agreed arrangements.

The Committee will be aware of the ongoing discussions between the Government and the EU on issues that are associated with the protocol. They have included a meeting of the Specialised Committee on 26 March and, most recently, a meeting of the UK's co-chair of the Joint Committee, Lord Frost, and his EU counterpart, Vice-President Šefčovič, on 15 April. In separate statements that were published by the UK Government and EU following that meeting, the co-chairs both acknowledged the number of difficult issues that remained and outlined their views on what is required. However, they both agreed to continue discussions through the joint bodies that were established in the withdrawal agreement and to further engage with our local business groups, civil society and other stakeholders. Since that meeting, Lord Frost has met businesses to hear their concerns.

In addition, the joint consultative working group met for the second time on 15 April. The Executive were represented at official level at that short meeting, which focused on operational matters relating to the exchange of information between the EU and UK. Since the end of the transition period, it has been a priority for not only our Department but the wider Executive to identify, assess and seek to resolve issues that are having an impact on businesses. We are also committed in our engagement at all levels to ensuring that those at the EU and Westminster understand our unique position and that agreed solutions reflect the concerns that have been raised by businesses.

We continue to engage closely with Westminster at ministerial and official level on the wider issues that impact on businesses and communities, including through the UK Government XO meetings and the Brexit business task force, which brings together Ministers, officials, businesses and trade associations. Our officials remain in regular contact with the Trader Support Service (TSS), which has also been engaging with the various business sectors to identify improvements to systems and processes that can help to decrease the burdens on businesses. Officials continue to raise our issues at regular meetings of the Whitehall business preparedness group.

We continue to take every opportunity to highlight the need to resolve the many issues that remain and to ensure that we deal with those additional burdens and costs for our people and businesses. I will hand over to Minister Kearney.

**Mr Kearney (Junior Minister, The Executive Office):** Thanks, Gordon. Can you hear me OK, Colin, yes? OK. It is good to see you. Sé bhur mbeatha, achan duine, um thráthnóna. It is nice to see you all again today.

As Gordon said, the unilateral declarations by the British Government have changed the context of continuing preparations for the end of the grace periods that were set out. As an Executive, as well as preparing for the end of the grace periods, we continue to review issues relating to the end of the transition period as they arise. While the British Government and European Commission have identified a range of issues on which they are now engaging, officials are exploring the degree to which they align with those that are being considered by the Executive, including specific issues such as the supply of medicines.

One of the agreed priority issues of concern is the supply of medicines. The Committee may have seen the recent media coverage on that matter. Recently, the Executive have considered the issue in detail. Since the end of the transition period, Department of Health officials have been working through medicine supply issues on a case-by-case basis, engaging directly with the companies concerned to ensure that supply chains are not disrupted. We are assured that the supply of medicines is one of the priority issues that is being closely considered by the British Government and European Commission in their continuing discussions.

We continue to work with the Department and the British Cabinet Office to ensure that long-term solutions are found to that and other issues. However, we are clear that any solutions to the issues that were raised following the end of the EU exit transition period need to reflect the practical impacts and be developed in liaison with businesses, which have been clear that solutions need to be simple, practical and affordable.

Alongside continued work to monitor the delivery of EU exit-related legislation, the Executive Office is progressing with the development of an IT system to track and monitor the legislation that is contained in the protocol and is working with a cross-departmental working group to inform its design.

Work also continues on common frameworks. On 26 March, the joint First Ministers, in their roles as JMC Ministers, gave final confirmation to the Hazardous Substances (Planning) framework. That is the first framework that has reached the final stage, having been scrutinised by the relevant committees in

all four legislatures. Committee scrutiny for those stage 3 frameworks that have been approved by JMC Ministers will now be impacted by the pre-election period for the Scottish Parliament and Welsh Parliament.

The House of Lords' Common Frameworks Scrutiny Committee published its report 'Common frameworks: building a cooperative Union' on 31 March. That report makes a range of recommendations for improvement to the common frameworks programme. The British Cabinet Office is considering a response to that report.

We are aware that, as part of their stakeholder engagement, representatives of the Equality Commission and the Human Rights Commission discussed their work on the dedicated mechanism with the Committee earlier this month. We understand that the Equality Commission has now appointed a director and a number of permanent staff, and work is under way to fill the remaining vacancies. Alongside that recruitment process, the Equality Commission has also commenced an engagement with the Irish Human Rights and Equality Commission (IHREC) to progress all-island oversight arrangements, as well as commencing research, including on the impact of Brexit on equality groups.

I hope, Colin, that that provides you with a useful update on EU exit matters at this point.

**The Chairperson (Mr McGrath):** Thank you very much, junior Ministers. That is appreciated. Thank you for the update. It is of note that many of the issues have probably been, physically, a little quieter over the last period, but there has been a lot of depth and work to try to provide some solutions to the problems. It is welcome here, certainly for businesses, given the issues that they face, that there is a move into that problem-solving mode. Finding solutions is really important because that is what helps businesses and helps them to be able to trade effectively. It is therefore good to hear that a problem-solving approach is being taken to the issues identified.

I have a couple of questions. You mentioned some of the issues, but I want to probe a little bit deeper into the issues that were addressed. On the issue of the common frameworks, it feels as though that has been a long process. They were referenced way back, nearly a year ago, and a huge body of work was to be undertaken at a scrutiny level by the Assembly and the Committees. There was the number of 46 for the different frameworks. That seems to have gone right down to there being only three or four that need to go through, but we have not really heard much about them. Can I get an understanding from you on where we are in that overall process and the timescale for the common frameworks? Is there any impact if the Executive Office needs to sign off on those before they make their way up to the Assembly to be scrutinised? Are they parked somewhere, or are they likely to make their way up to the various Committees and the Assembly to allow for that important scrutiny role?

**Mr Kearney:** Do you want to come in on that, Gordon, or shall I?

**Mr Lyons:** It is fine; I am happy to go on this one.

The common frameworks are an ongoing issue. Although I was not at the last meeting, because I was otherwise detained elsewhere, I realise that that issue was raised. You will be aware of the House of Lords' Common Frameworks Scrutiny Committee report on that. I can tell you that 20 common frameworks have been approved by their respective departmental Ministers, and they remain under consideration for JMCEN provisional confirmation by the First Minister and deputy First Minister. Four frameworks are outstanding. They still need to receive clearance from departmental Ministers. Work is ongoing in the expectation that they will receive provisional confirmation as early as early 2021.

Overall, scrutiny has been impacted by the pre-election period in Scotland and Wales, but work continues on the development of the common frameworks, particularly preparation for scrutiny once those committees are in place. It is fair to say that that will impact on the time for all of those to be considered together. It is quite right that the Committees and the Assembly have their place in scrutinising them, but I am not quite sure what the time frames are for the individual frameworks. I hate to give that answer on the very first question, but we can try to get you additional information on that. Declan, do you have anything to add?

**Mr Kearney:** I read the House of Lords' report, Colin, and there is quite a legacy in relation to the British Government's approach to the handling of the frameworks, or perhaps it is better described as the English Government's approach. It has caused quite a big deal of grievance and annoyance on behalf of the Welsh Administration and the Scottish Administration.

We went from having a huge volume of identified framework issues to it being reduced down, and I think that the report does that quite well. We have a situation where there has been a lack of transparency in how those issues have been moved through. The concept, while good in itself, has been adversely affected by the time that it has taken and the lack of transparency that has been applied in how it has progressed. Arguably, the efficacy of the frameworks is being degraded because of the failure at an intergovernmental-relations level to ensure that the Welsh, the Scottish, us and the Government in Whitehall are all on the same page.

It needs to be moved on much more quickly, and, of course, as Gordon said, the Senedd and the Scottish Holyrood elections are putting a pause on that. Our side of the Executive Office has signed off on all the common frameworks that Gordon referenced. On our side, the deputy First Minister has signed off on those 20 frameworks. It is important that they are finally signed off and that there is consensus in the Executive Office, so that those frameworks can be brought forward for the proper scrutiny that is required by our own legislature and that we ensure that there is no transparency deficit and democratic deficit arising as a result.

**The Chairperson (Mr McGrath):** I want to clarify a point that I might have picked up wrongly. If you agree on the frameworks in the Executive Office, does that go among the four regions for approval, and, once they approve it, it comes back to the Committees? Or does it go to the Committees of the Assembly once you have agreed it in the Executive Office?

**Mr Kearney:** As I understand the process, while we have not signed off on those, that means that there has not been a complete sign-off at Joint Ministerial Committee (JMC) level across the four administrations.

**The Chairperson (Mr McGrath):** Right, that is grand.

**Mr Kearney:** It all slows down the process. That is the problem. It also feeds a perception of a lack of transparency.

**The Chairperson (Mr McGrath):** You made reference to the joint consultative working group. It is a forum, obviously, where we find out whether there are any changes to EU law that have the result of impacting the North, and officials attend those meetings. What sort of officials are attending those at an official level, and what sort of discussions have there been there so far? Are there lots of changes coming down the line? Is it just a handful of changes or no changes yet? What impact will there be from the decisions that are being taken and that we are updated on through the joint consultative working group?

**Mr Lyons:** As I said, Chairman, the first meeting took place on 15 April, and, I suppose, that marked the start of the formal exchanges of information between the UK and the EU as set out in the rules of procedure. The Executive Office was represented, and the official was Lynsey Moore, who is the director of the EU division. It was a very short meeting, which was operational in nature. The main outcome was the agreement between the UK and EU co-chairs on operational conclusions, which covered standing delegation lists and agendas for meetings etc. It was really a first iteration of a meeting. We do not have a date yet for the next meeting, but it is expected to be in mid-May.

**The Chairperson (Mr McGrath):** You referred to the signing off of the Trade and Cooperation Agreement and said that we need to get a seat at the table of the Partnership Council to provide influence. Is it fair to say that you are putting on as much pressure as possible to make sure that that is the case? Are you getting a sense that you are pushing an open door, or are you finding a difficulty?

**Mr Kearney:** Consistent representation has been made on the issue of participation at the Partnership Council and the other institutional mechanisms — I think that there are as many as 19 — that sit under that council. We have stated that, where appropriate, we should have ministerial or official representation. The joint First Ministers have made those points in the Joint Committee, and Gordon and I have raised it, repeatedly, at XO meetings.

**The Chairperson (Mr McGrath):** I have seen the diagram. It is important for some people that Brexit results in less bureaucracy and administration, but I am struck by the fact that there are 19 subcommittees of one partnership — of one strand. That has certainly helped to achieve that desire, I am sure. I pass on to the Deputy Chair, Doug Beattie.

**Mr Beattie:** Gordon and Declan, thank you, as ever, for attending and providing a brief, so far as you can. It is not your fault, but I get a sense that there is not much information to pass on to us. You give us what you have, and you do so well, but I do not think that there is anything that we can grasp as something that is concrete enough to say, "The issues that we have are being fixed". The issue, I suppose, is the protocol and how we are going to fix it. I get it: some people are against the protocol, and some are not. That is not the point that I am making. How do we fix the practical problems of the protocol? I guess that we have not got there yet. Having read your report, I see that we still need discussions. They are highlighting all the specific issues regarding the protocol and then looking for a workaround on them. I am asking for your sense of things; I do not expect you to give me informed answers. Do you sense that we are, genuinely, tackling the protocol issues? Will the issues be dealt with by the end of the extended unilateral grace period that the UK Government put in? From my memory, it is October. Or do we think that the UK Government may well extend the grace period that they have already extended? I am sorry that I do not have a proper question, but I would like a better understanding.

**Mr Lyons:** To be honest with you, that is where a lot of people are. They want to know what is going to happen, how it is going to end up and how it is going to work out. It is fair to say that there are different views within the Executive Office on the issue. I take an approach that was impressed upon me, even more, when I was temporarily Minister of Agriculture, Environment and Rural Affairs, because I saw at first hand the very real problems that the protocol was causing. As constituency representatives, we cannot fail to understand the frustration of businesses at the additional paperwork and bureaucracy, not being able to get product into Northern Ireland, and the impact that those factors are having on them. People are experiencing real and serious issues, right now. That is what is happening during the grace periods. We would be in a different situation if that had not happened, and that is why we need to find permanent solutions.

Regardless of where people are on the protocol, I urge them to read what it sets out and to see whether what was promised is taking place. It says:

*"the ... Belfast Agreement ... including its subsequent implementation agreements and arrangements, should be protected in all its parts".*

There is concern over that. It underlines the:

*"shared aim of avoiding controls at the ports and airports of Northern Ireland".*

It goes on to state that the European Union and the United Kingdom are:

*"DETERMINED that the application of this Protocol should impact as little as possible on the everyday life of communities ... HAVING REGARD to the importance of maintaining the integral place of Northern Ireland in the United Kingdom's internal market".*

It also states:

*"the Union and the United Kingdom shall use their best endeavours to facilitate the trade between Northern Ireland and other parts of the United Kingdom".*

In all those things, the protocol is not even working as those who designed it promised us that it would. I am of the opinion that it is not possible to tweak the protocol around the edges. It has a fundamental problem, which is that the UK, as far as Northern Ireland is concerned, is treated as a third country. It is that very blunt instrument of treating the rest of the UK in the same way as you might treat Russia, Somalia or Brazil. That is what is causing so many problems for us and our citizens right now. It is not a bespoke solution. As some have claimed, it does not take into consideration the special circumstances of Northern Ireland.

I will go back to your question. I get the sense that people are starting to realise that. I get a sense that, in the Government — this perhaps comes more from what I see in the media and from their actions than anything that they are telling us directly — there is a growing realisation of the problems that the protocol is causing. We should all be willing to recognise that. We should say, "There are problems here. How can we fix this?", rather than pretend that, with a tweak here and there, we can fix the protocol because, in my view, we cannot. There are fundamental problems with it. That is my personal view; it is not an Executive Office view.

Now for something completely different: I will hand you over to Declan.

**Mr Beattie:** May I jump in quickly? Declan, I know that you will have a different point of view — I have no issue with that — but it is really important that we explore all these views. It is interesting, and you raise a really good point, Gordon. I listened to a west Belfast community worker a couple of days ago who was talking about the cost of living, and she said that the cost of her shopping has gone up by £15 a week since the protocol came in. No matter what side of the coin you are on, whether you are pro protocol or anti protocol, if it is harming our citizens in that manner, something has to be done. There is a practical side to all this, no matter whether there is a political aspect to it. *[Inaudible owing to poor sound quality.]*

**Mr Lyons:** If you do not mind, Declan, I will come in on that point. It is important to highlight that, ironically, this is not an orange and green issue, because it is not as if nationalists buy all their goods from the Republic and unionists buy all their goods from the rest of the UK. That is not how things work. We are all impacted, and I do not think that anyone can deny the impact. Let us try to find something that will work because what we have now, in my view, is not working. Apologies for coming in there.

**Mr Kearney:** Thanks, Doug. From my perspective, the genesis of all this is Brexit. It has never held out the prospect of a good situation for any of us, regardless of what side of the community we come from or what political perspective we have. The protocol is in place to attempt to deal with the worst effects of Brexit, and there are difficulties, but what comes to mind for me when I think of Brexit and the attempt to mitigate Brexit is that you are trying to make a silk purse out of a sow's ear, and the sow's ear is Brexit. Are there difficulties? Yes. I hear what you are saying about the cost to consumers. There are clearly veterinary and agri-food issues. There are issues pertaining to medicines, as I indicated. We do not have a solution on steel, and there is the outstanding issue around VAT on cars. Gordon touched on the point of third country status having been created. That is a consequence of Brexit. That is why we are dealing with those systemic difficulties. We now need to find a way to deal with it.

From the get-go — this has been characterised in recent months — there has been a lack of candid conversation on the part of the English Government; I use that term deliberately to distinguish between us, the Scottish and the Welsh. Boris Johnson's Administration have taken a very English-centric approach. There has been a lack of conversation with the European Commission, and that is fundamentally at the heart of the difficulties. If we are not getting conversations based on trust, mistrust will be fuelled, and the ability to find the room for manoeuvre to identify solutions to these difficulties will inevitably be undermined.

I found it very interesting to listen to Ivan Rogers, a former British Government EU ambassador, speak about the absence of trust and the fact that he saw an increasing lack of trust. Indeed, since Michael Gove handed that brief over to David Frost, the probability of a much more confrontational approach being taken towards the negotiations increased. He was not in post a wet week until the British Government took unilateral action in relation to the grace periods, at a point when Simon Coveney was telling us that the European Commission was warming up to a discussion about finding those kinds of mitigations and potential extensions. You have to come at this from the perspective of trust. There needs to be meaningful engagement. It has to be a two-way street, Doug.

Maroš Šefčovič said last week that he is up for finding pragmatic solutions and flexibilities. He has to speak for himself, but I am reporting to you what was said at the time. He accepts that there needs to be a minimised approach to protocol disruption and that checks can be made smoother through looking at how the controls can be removed on the basis of an agreement that respects established standards on food protection and phytosanitary controls and on other measures that relate to food safety, public health and animal welfare. It is not beyond anyone, if the trust exists and the willingness is there, to find models to address those issues. However, there is a requirement on the British Government to recognise that, if there is to be a way of finding a permanent solution on phytosanitary, veterinary and agri-food issues, they will have to accept that there is a need, in that area, to adopt compliance with EU standards. The Swiss have accepted compliance with EU standards, and that is why that issue does not cause a difficulty in that instance. I believe that it is possible to find ways of removing, not just minimising, the disruption, but the trust issue will have to be addressed.

I will point you to an article to which my attention was drawn last week: 'Three Crucial Steps to Make the ... Protocol Work'. It is a good piece by a guy called Anton Spisak at the Tony Blair Institute. It is a

useful read, because it deals with the issue of trust and also touches on some of the points that I have just mentioned, Doug.

**Mr Beattie:** Declan and Gordon, thank you very much for that full answer. I will not keep you any longer. I will hand back to the Chair.

**The Chairperson (Mr McGrath):** Thank you for that, Doug. Junior Ministers, maybe in a word rather than a full answer, is a central record being kept of the problems that are being identified as a result of the protocol? I am certainly not passing comment in any way, but if we make remarks that the protocol is costing more money for this and more money for that and that it will cause inconvenience here and inconvenience there, there will, of course, be the other side, which is that many members will not get an awful lot of representations from people saying that there are many problems. Is there a central list that says, "Here are the identified problems", and then you can move to the next stage of problem-solving, or are we just at the stage of identifying problems?

**Mr Lyons:** As I said in my opening remarks, we have identified the issues, assessed them and tried to action them to see what needs to be done. Most Departments — many Departments, anyway — are certainly getting those complaints. I can assure you that, when I was in DAERA, my inbox was full, every single day, of various issues that people are facing. So, yes, it is absolutely the case that those problems are being identified and assessed, and we will then see what can be done.

**The Chairperson (Mr McGrath):** OK, fair enough.

**Mr Lunn:** Thanks to the junior Ministers for their answers.

Unilateral extension has been mentioned a couple of times. Doug mentioned the possibility that the British Government might unilaterally introduce a further extension if things do not go their way in the next few months. However, the British Government are already under legal action from the EU for doing the first unilateral extension. Is it feasible that they would have the neck to introduce a further extension in the circumstances?

**Mr Kearney:** The turbulence of the past few months cannot be discounted as a possibility. That said, the last discussions between Maroš Šefčovič and David Frost seemed to bring about a slightly better atmosphere, notwithstanding the fact that that unilateral action, and then the threat of legal action by the EU, sat in the backdrop.

The British Government have been given the opportunity of an additional month in relation to that matter. They have been asked for a road map. It was not a road map; apparently, it took the shape of a work plan, which did not meet the expectation that had been discussed.

I think that we are in territory where trust is absent and where anything can happen at this point. We need to move away from the megaphone diplomacy and ensure that the Joint Committee and the Specialised Committee knuckle down and find permanent solutions within the context of the protocol and on the basis of sensible levels of trust for the issues that are causing difficulties at this time.

It is time to set aside megaphone diplomacy, threats and actual use of unilateral action, and buckle down at this juncture. The issues are well enough rehearsed now, and there is a need for movement on both sides within the framework of the protocol to find the permanent solutions that are needed.

**Mr Lyons:** My own view would be that I do not want to see an extension because I would rather see a solution to the problems that we are facing, although if that solution is not coming about, and if we do not have further extensions, there will be serious consequences in Northern Ireland.

It has already been made clear to us that we would struggle to cope to keep in with the regulations and do everything that we are meant to do. I want the focus to be on finding that solution and that alternative rather than these continuous extensions, which in and of themselves create a degree of uncertainty. The solution needs to include free movement between Great Britain and Northern Ireland of goods that are intended for Northern Ireland and have little to no chance or risk of going into the Irish Republic.

That is where pragmatism can come in, and people should be prepared to realise that a lot of the meat products — there are concerns about their going through 100% checks — will never end up in the European Union. That is the type of pragmatism that I would like to see.



**Mr Lunn:** Thanks for that. The situation around steel products and second-hand cars was mentioned, in one case tariffs and in the other VAT. I could mention pets and soil, but we will not go there for now.

I understood from Michael Gove, way back in January, that the question of tariffs on steel had been sorted out. Correct me if I am wrong but currently, because we are in a transition period, tariffs are not being charged on steel imports here. However, as we approach the end of a transition period, it seems as if it still has not been sorted out, despite the assurances given by a senior member of the British Government. I think that the same applies to VAT on second-hand cars. I know that it is difficult for you to comment on specifics, but where do we stand with those two items?

**Mr Lyons:** It is absolutely right that you raise those issues. Declan and I, and other Ministers, raised them frequently in January at our daily XO meetings. We have pressed the Government for a resolution to the second-hand car issue for quite some time. My understanding is that the latest position is that discussions are continuing between the Government and the EU Commission on a long-term agreed solution. It is right to say that it was put across that that issue had been sorted out, but it seems that that is not the case.

Again, we need a long-term solution to the problems with steel quotas and tariffs. Guidance has been issued, but it has not entirely been dealt with. We continue to raise the issue with the Government.

**Mr Kearney:** We continue to engage on those issues, but, to paint the context, there is a European Commission perception that London knew what it had negotiated but did not do anything about the detail. There has been a combination of mixed messages, which gave the impression that certain things were sorted out when they are yet to be finally resolved. A multilateral institution such as the European Commission will not understand the impact of issues such as that in our region unless it hears that information very clearly and precisely. Those issues were not properly bottomed out by the British Government negotiators. They conducted a negotiation with their eyes wide open because they wanted to achieve Brexit, but they fell well short of bottoming out the detail on a number of the issues that would clearly have implications. We are now living with the consequence of that.

On the positive side, if there has been mistrust to date, there is now a need for the process to be based on trust. We also need a much tighter engagement with the European Commission so that it hears from us at first hand about the negative effects that some of those problems are having and it becomes much more sensitised and conditioned to the need to find solutions. Some of it may well apply if it can be convinced to change European law, but I think that its expectation, in turn — the flip-side of that — would be a much higher standard of compliance on behalf of the British Government with the terms of the protocol and its implementation.

**Mr Lunn:** Indeed. Thanks for that. It is certainly not the first time that we have had assurances from the British Government that did not stand up in any shape or form. Hopefully, they will improve. Thanks very much, guys.

**The Chairperson (Mr McGrath):** I would not hold your breath on that one, Trevor.

**Ms Anderson:** Thank you, Declan and Gordon, for your attendance today and the information that was sent by officials to the Committee. It is quite significant that you are here on the day that the European Parliament's 660 MEPs voted in support of the post-Brexit deal, which includes the protocol.

I was unclear about the answers that were given to the questions that you, Chair, raised around the common frameworks, so I hope that you will not mind my going back to unpack some of that. Declan said that the DFM side had cleared the 21 frameworks. You, Gordon, talked about Departments and Committees engaging with others, but I was not sure whether you said that the First Minister had cleared them. If not, is it part of a five-point DUP plan that you will not legislate on anything to do with Brexit?

**Mr Lyons:** No. I said that 20 of the frameworks have been approved by the respective Ministers and remain under consideration for JMCEN provisional confirmation by the First Minister and deputy First Minister. I do not have that list in front of me, Martina. I am not sure which ones are still outstanding. I have not been directly involved, but, as I said to the Chairman, I am happy to provide further information.

**Ms Anderson:** I understand and appreciate your clarity, but I am still confused. I thought that Declan said that the deputy First Minister had cleared them for JMC consideration. Are you saying that, at your end, the First Minister has not done that?

**Mr Lyons:** I will be honest with you, as, I hope, I always am, and say that I am not sure where those are right now or what the issue is. As I said, I have not been dealing with it directly. I was not aware that the DFM side had approved those. At this time, I am not sure why that is so.

**Ms Anderson:** Declan, my understanding from what you said is that the deputy First Minister had cleared all 21 frameworks. Can you confirm that?

**Mr Kearney:** Yes, we have signed off on them, including the equal treatment common framework.

**Ms Anderson:** OK. Gordon, maybe you could find out from your end why there has been a hold-up or why the frameworks have not been cleared by the First Minister's Office and inform the Committee about that. I appreciate the fact that you are not across all the detail of these things.

May I ask you both another question about checks and controls at the ports? My understanding is that George Eustice sent notification to Minister Poots that the checks and controls have to be put in place, and he is required to put them in place. Gordon, I know that you were in that position for a short time, but you had something to say around checks and controls when you were there. Can we get an update on that because Minister Poots could at least inform you or engage with the Executive Office as to where he is with that instruction?

**Mr Lyons:** It is my understanding that, quite rightly, a lot of Ministers in the Executive believe that these issues are cross-cutting and significantly controversial and, therefore, need to be brought to the Executive. That is what Minister Poots will have to do on those issues, and Executive agreement will need to be sought for any substantive actions that need to take place.

**Ms Anderson:** Declan, do you have any comment on that?

**Mr Kearney:** It is not the first time that George Eustice, the EFRA Minister, has intervened. It is the second time that he has corresponded with the AERA Minister asking him to meet his obligations under the terms of the protocol to ensure that the necessary border control posts (BCPs) are put in place and that the infrastructure is completed.

**Ms Anderson:** I will pass over now to other members to ask questions, but I think that we need some understanding that, if the DFM has signed off on the 21 common frameworks, we need the FM to sign them off so that we can get those moved forward.

**The Chairperson (Mr McGrath):** OK. Thank you, Martina. Gordon, will you confirm, even with a nod, that you will come back to us in writing to let us know where we are with that?

**Mr Lyons:** I am happy to check where things are. I am not entirely sure of the processes and whether we comment on individual papers and who signed off on what, but you have raised the issue and I will take it back.

**The Chairperson (Mr McGrath):** Thank you very much indeed.

**Ms Sheerin:** I will start by thanking both Ministers for joining us this afternoon. My question is directed towards Minister Lyons. Gordon, I know that you declined to attend two North/South Ministerial Council (NSMC) meetings, and we have learned today that the NSMC meeting that was scheduled to discuss agriculture matters had to be cancelled because your party colleague Edwin Poots refused to attend. Will you clarify whether you agree that this is a time when we should have increased North/South cooperation to deal with the matters that are arising as a result of Brexit and everything else that is going on in the context of this year.

**Mr Lyons:** It is certainly the case that the protocol has brought additional difficulties. I have no problem engaging with others. We have done that on an east-west basis and a North/South basis in the past. However, we want to make it very clear — of course, this is not an Executive Office view — that the disruption to east-west relationships means that it cannot be business as normal, and we have

said that we will not partake in North/South Brexit discussions at this time. Right now, the real imbalance and the real problems are with the east-west relationship. That has been disrupted, and that is where the problems exist, in my opinion. Those need to be fixed and dealt with.

**Ms Sheerin:** Minister, with respect, you have contradicted yourself. You said, despite giving the rationale for the decision not to engage, that you will engage. The problems that you referred to are problems for all our constituents. Do you not agree that it is important that, at this time, we all converse and try to figure out solutions to the problems that constituents are bringing to us?

**Mr Lyons:** Apologies if I was not clear. I meant that the east-west relationship has been damaged, and that is what needs to be dealt with. Of course, there needs to be recognition from the European Union and the Republic of Ireland of the problems that the protocol has caused. We need to understand how the way in which this has worked out has affected relationships and affected all of our constituents. I want to see solutions, but, before we get solutions, we need to recognise that there is a problem in the first place.

**Ms Sheerin:** If you want others, including partners across the island or elsewhere, to understand your perspective and understand the problems that you face and the issues that you think resulted from the protocol — I would say that they were caused by Brexit — you will not be able to put your point of view across if you do not talk to them. I am at a loss to understand that perspective, to be honest with you. I will leave it there.

**The Chairperson (Mr McGrath):** Thank you, Emma. It is easy to echo those remarks. I worked with children and young people — teenagers — for many years. I taught them always to raise any problems or issues and then to sit down and talk them out. It is unusual to avoid attending meetings and avoid discussing things as a way to try to find a solution. I hope that we can revisit that. As I said at the beginning, we need to be in problem-solving mode. It is about identifying and discussing the problems and finding solutions.

Ministers, nobody else has indicated that they wish to speak, so, almost bang on the hour — on time today — we have completed the session. Thank you very much for your attendance. We look forward to seeing you again in the future.

**Mr Kearney:** Thank you very much, colleagues.

**Mr Lyons:** Thank you.