



Northern Ireland  
Assembly

Committee for The Executive Office

# OFFICIAL REPORT (Hansard)

Brexit Issues: The Executive Office

29 April 2020

# NORTHERN IRELAND ASSEMBLY

## Committee for The Executive Office

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

Mr Colin McGrath (Chairperson)  
Mr Mike Nesbitt (Deputy Chairperson)  
Ms Martina Anderson  
Mr Trevor Clarke  
Mr Trevor Lunn  
Mr George Robinson  
Mr Pat Sheehan  
Ms Emma Sheerin

**Witnesses:**

Ms Lynsey Moore	Office of the Northern Ireland Executive in Brussels
Mrs Lorraine Lynas	The Executive Office
Dr Andrew McCormick	The Executive Office

**The Chairperson (Mr McGrath):** We have on the phone, hopefully, Dr Andrew McCormick. I think that I heard him. Are you there, Andrew?

**Dr Andrew McCormick (The Executive Office):** Yes, Chair. Thank you.

**The Chairperson (Mr McGrath):** Do you have with you Lorraine Lynas and Lynsey Moore?

**Mrs Lorraine Lynas (The Executive Office):** Yes. I am on the phone.

**Ms Lynsey Moore (Office of the Northern Ireland Executive in Brussels):** Yes. I am here as well.

**The Chairperson (Mr McGrath):** OK. Thank you very much indeed for joining us via phone today for this briefing, which is being recorded by Hansard. The transcript will be published on the Committee web page. Andrew, I will hand over to you to give us a short update, after which we will move on to Committee members' questions.

**Dr McCormick:** Thank you. It has been a while since our last session, on 4 March, in what now seems like a different world. There were quite a few aspects on which the Committee had requested further information. Hopefully, the paper covers some, if not all, of them, and I am happy to talk about anything arising from it as we go through the session.

By way of an update, the position at ministerial level here is that the Executive agreed to replace the Brexit subcommittee with an arrangement whereby specific meetings of the Executive will have an

agenda focused on EU exit-related matters. The reason for that was that a subcommittee would not have decision-making powers. Therefore, when the Executive need to move quickly to respond to issues as they arise — something that will become more pressing as the negotiations progress this year — there is no longer a subcommittee that would need to refer to the full Executive to get something formally authorised. Why it is being done in that way is purely a technicality. Of course, very soon after the Executive adopted that approach, the COVID-19 crisis hit, and we had to reprioritise very radically the way in which things work. Quite a few of the team that I had working on EU exit matters have been redeployed to the work on contingency planning on COVID-19. The pattern is the same across the other Administrations, in London, Edinburgh, Cardiff and Dublin. It is just the way that it is.

That is not at all to say that the work on Brexit is not progressing — it absolutely is — or that it is unimportant. Quite a lot is happening, more so in the past few weeks than perhaps was the case in March. There are still things happening. For example, there was a full round of negotiations between the EU and the UK last week. There was public comment on that from both sides on Friday afternoon, and we have had some additional read-out. The negotiations are being done by video link and so on. They have included an exchange of drafts of legal texts and time spent clarifying positions. Last week, it was described to us as a very full and detailed round of discussions that has moved things on.

The UK and the EU are planning two further rounds of negotiations, starting on 11 May and 1 June respectively. That therefore still provides for the previously planned high-level stocktake in June, which will take an overview of the process, given the deadline for a formal decision on an extension, which has to be taken before the end of June. Of course, the UK position is very, very clear on that, both in political statements and in the withdrawal agreement legislation. The commitment is not to have an extension, and that point has clearly been made. We have received some lobbying from a range of organisations for an extension, and we are aware that the case has been made by several at a political level in GB. There is no doubt, as a matter of fact, that there would be complications around an extension. The argument being made is that, with so much economic difficulty arising from the virus, the extra degree of change from an economic Brexit, as it is being called, at the end of the transition period would be very challenging. The truth is that any option will be very challenging, and the UK position is that it is very firmly against an extension. That is, very briefly, where we are at with the negotiations, from the highest-level picture.

Closer to home, on the issues around the Ireland/Northern Ireland protocol in the withdrawal agreement, there was a meeting of the Joint Committee that oversees the implementation of the withdrawal agreement. That took place by teleconference on 30 March. Ministers Lyons and Kearney were participants in that meeting. A first meeting of the Northern Ireland Specialised Committee that reports to the Joint Committee will happen tomorrow.

Work on the implementation of the protocol — the resolution of a number of issues that were remitted to the Joint Committee, and hence onwards to officials from the Specialised Committee and so on — is ongoing and will need to progress, given the current working assumptions that we have only until the end of the calendar year to be ready. That is certainly taking up a lot of time among those of us who are left still focused on the Brexit issue at present, given the obvious need for so much political and official attention to be applied to the COVID-19 issue.

It will be very important to continue to work across departments. The Executive Office is still looking to coordinate and oversee the work, because no aspect of it is in isolation, be it the work on the protocol, the work on the negotiations with the EU or the work on the Department for the Economy's input into the UK's negotiations on trade deals with third countries across the rest of the world. All those things come together. There are also aspects of domestic policy, such as immigration, and the provisions for North/South cooperation in the protocol to be worked on. Every bit interacts, so we have a fair bit on in holding the different strands together and making sure that we get all the necessary advice and analysis to Ministers. The simple fact is, however, that Ministers' attention has been consumed, correctly and understandably, by the work on the virus.

I hope that that is enough by way of a general introduction. I am happy to move on to wherever you want the conversation to go, Chair.

**The Chairperson (Mr McGrath):** Thank you very much, Andrew. I have no doubt that most members will be asking questions.

I feel the need to state that the imposition of Brexit at this time is ludicrous. It shows the depths to which some in the Conservative party will crawl in order to achieve their ideological dreams.

Coronavirus, as you have stated, is going to have such a massive economic impact, and, by extension, there will be socially and societally detrimental impacts that will be felt by our constituents for a generation. I think that, very soon after the virus passes, there will be much made of the hows and whys of the response by Boris Johnson and his Government and of the way in which they implemented various elements during the pandemic. I do not think that they will all pass through that unscathed.

To add Brexit at this time, redoubling the already existing uncertainty, is unfathomable. Regardless of whether you support Brexit, the impact will be a double whammy. We are now sitting with about eight weeks until the end of June, at which point there has to be a call taken on whether we can properly implement the Brexit deal. The virus has taken up everybody's attention for a two- to three-month period, so, in the middle of that, to think that Brexit, with all its intricacies and changes, can be negotiated — initially, I did not think that it was going to be done in the six months — is just ridiculous and will be felt for a generation.

To get to the nuts and bolts, you mentioned the replacing of the Brexit subcommittee with specific Executive meetings. There are two elements to that that I ask you to clarify. First, when was the announcement made that that was going to happen and how was that announcement relayed to Committees and MLAs? Secondly, as I understand it, the dealings of the Executive are effectively in private. They are in camera and confidential. How therefore is the decision-making of the Executive in meetings on EU exit-related matters able to be scrutinised and checked?

**Dr McCormick:** There is nothing novel or unorthodox about those things. The approach to Executive business for Brexit is as it is to anything else. How and when the Executive communicate with the Assembly in plenary and Committee format is for Ministers to decide. I am not sure whether Lorraine or Lynsey have a record or memory of any announcement on the change of format. There may not have been an announcement. I am not sure.

**Mrs Lynas:** I will come in on that. It was not announced. A paper went to the Executive, and it was agreed. The subcommittee met on 4, 11, 20 and 26 February, after which the Executive Committee started to consider EU matters, on 4 March. It was a process. It was an Executive decision to move to that Executive Committee considering EU matters.

**The Chairperson (Mr McGrath):** OK.

**Dr McCormick:** The practical reality is that those things were happening around the time when everything changed very suddenly. It was probably the week commencing 9 March, 10 March or thereabouts, which was when the virus issue was really beginning to dominate. That is just my recollection of the timing of when those things happened. That may have then meant that it was not what might have been conventional, be it either a written ministerial statement or a letter to you setting out what they were doing. I am certainly happy to take that back to the Ministers to see what they might want to do about it and to make sure that there is explanation and communication on those things.

**The Chairperson (Mr McGrath):** If you are doing that, Andrew, can you ask for an explanation as to why they took the decision to depart from the NDNA deal that all the parties had signed up to? It was all full parties that signed up to that. That includes all the MLAs in the Assembly. It was contained within that there would be a separate subcommittee to deal with the issue. If the Executive decided, in private, to change the NDNA rules and not to communicate that to the Assembly, maybe we can get an explanation as to why they chose to do so.

**Dr McCormick:** I am happy to take that back and to see what more needs to be done and said. What I will say for now is that the reason for the change was, as I said earlier, about their ability as Ministers collectively to take decisions and not to have to change the format in order to take decisions. The decision to do that was taken at both subcommittee and Executive level, when all five parties would have been present and participating, and I do not recall any opposition to the proposal. It was purely for practical reasons. It does not take away from the spirit of the commitment in NDNA to have separate meetings focused on Brexit. That is still the commitment and still the way of working; it is just not being described as a subcommittee. What was maybe not foreseen in the context of the work on NDNA was that a subcommittee technically cannot make decisions.

**The Chairperson (Mr McGrath):** I understand your answer, Andrew, but, nonetheless, somebody could argue that, for very practical reasons, every decision should be taken in a closed room and

never relayed to anybody but just enforced. However, we live in a democracy. We have an Assembly. We have a Committee structure. We have plenary sessions. The idea is that the decisions that are taken by the Executive have to be held to account and scrutinised by the Committee structure. I am not doubting the reasons. I am not doubting the motivations. I am not doubting the decisions. I am just saying that, as we live in a democracy, the reasonable thing to do is to present that to the Assembly so that it and the Committees can scrutinise the decisions to, in the greatest part, provide support, but if we do not know what those decisions are because they have been taken in private, it does not really leave room for open and transparent government. I suppose that the main thrust of NDNA was that we would have a new democracy that is open and transparent. I do not think that that is the case if, five weeks in, one of the key committees that were requested in that has decided to go back into a committee where discussions take place in private. Regardless of who is represented there, we need to think wider than that. Can you relay those thoughts back to them?

**Dr McCormick:** I will relay that back to the Ministers.

**The Chairperson (Mr McGrath):** That would be good, because we have not seen them. It would be good to get the message back to them.

In one of the annexes to the NI Executive priorities in the negotiations, it says:

*"Part A is to represent our position with strength".*

How are we managing that, given that the two lead partners in the Executive have diametrically opposed views on Brexit? Are they able, in the secret meetings, to reach agreement and represent Northern Ireland with strength?

**Dr McCormick:** As you say, there is nothing to hesitate about in saying that there are, of course, very different views across the Executive, and not just between the two largest parties — there is a cross section of views. What is possible, and what has been happening, consistent with the first principle in the annex, is that everyone wants as good an outcome as possible for the region. That is not in doubt. All Ministers have said — this is one of the most important points — that there is a need to have the best possible facilitation of trade so that the flow of exports from Northern Ireland to the main market across the water and into the EU is facilitated and there are the minimum possible number of frictions or barriers on movement of goods in the other direction. All of that is, if you like, the outcomes; this, I think, links to the theme and approach that is taken in the Programme for Government.

There is a lot of unity and coherence about the outcomes that people want, because the economic interest is transparent; it is to have good facilitation of trade, the maximum *[Inaudible]* for exports, access to trade deals and so on. Lots of the things that were committed to in NDNA were in representations that Ministers have made to the UK Government. That has been clear and consistent. All of that is coming from a background of very different views as to the actual policy intent and the nature of what is going on, but it still seeks the best outcome for Northern Ireland.

**The Chairperson (Mr McGrath):** The responses that you provided in the document that you gave to us were, essentially, answers to the questions that we, as a Committee, had discussed at a point and then forwarded to you. One of the shortest answers in that paper is about the preparations for a no-deal scenario; it simply says that you are considering options. If it has the shortest answer, does that mean that it is the area that has received the least attention? Given that we are about six to eight weeks away from having to take some key decisions about whether we will be facing a no-deal, do you feel that the Department and the Executive are adequately preparing for that?

**Dr McCormick:** There is no doubt that there is more to be done on that. We note that the UK Government Ministers are expressing confidence that there will be a deal. The Chancellor of the Duchy of Lancaster referred on Monday, in his session at the parliamentary Committee, to de-prioritising planning for a non-negotiated outcome. There is no doubt that we need to be as prepared as possible and do everything that we possibly can to provide clarity and communication to citizens and businesses as to how to be ready, but a range of scenarios are still possible. There is confidence coming from London that there will be a trade deal. If there is a free-trade deal between the UK and the EU, a lot of things become much more straightforward than they would be in a non-negotiated outcome. The operation of the protocol will be that bit more straightforward as well.

A further point is that, even if GB leaves at the end of the transition period and there is not a negotiated outcome, which is contrary to what Michael Gove said on Monday, our position is

significantly clearer in that the protocol will apply. Yes, there is a lot to be done. It has not, in honesty, received the same degree of attention, partly because the parameters are pretty unclear right now, so it is hard to do detailed preparation. Obviously, these things will arise at the end of December; that will be the point at which they will need to be absolutely clear and in place. Yes, we do need to do more work on this. We need to work with Ministers on the range of scenarios that are still possible. The most important thing to be clear about is exactly how the protocol will work.

**The Chairperson (Mr McGrath):** Before I move to the Deputy Chair, is it possible to share with the Committee the options that you are considering for a no-deal?

**Dr McCormick:** We would need to see what Ministers are prepared to share. At this stage, there is not a vast amount of detailed documentation on that at this time. As I say, this is preparation for December. We need much more clarity from London on the planning assumptions that it is making about how trade will work and, especially, the detail that has been discussed at UK level on the operation and implementation of the protocol.

**The Chairperson (Mr McGrath):** Are there options?

**Dr McCormick:** It is more "scenarios" than "options". The central case, if you like, is that the UK does secure a comprehensive free trade agreement with the EU and we are then governed by that in relation to some aspects of the economy, notably services, and by the protocol in relation to the movement of goods. That is one scenario. A second scenario is where there is, in fact, no deal, and only the protocol applies. I am not sure that there actually is a third scenario; it is probably one or other of those. We will know better in June. The significance of June is that there is an obligation in the withdrawal agreement to have, by then, a final, binding decision on whether to extend the transition period [*Inaudible*] on the basis that the UK has been so clear, despite what you said earlier, about its determination to persist with the position in UK law as it stands that there will not be a request for an extension and that the UK will not support any request for an extension from the other side.

Those are the scenarios. Much more detailed work needs to be done on all of them, but I do not think that we have anything directly to share at this stage. I am certainly happy to engage with Ministers on that point.

**The Chairperson (Mr McGrath):** OK. We will adjust the word "options" to "scenarios" in the report, then, just to keep it clear for us in our understanding of that.

**Dr McCormick:** Thank you.

**The Chairperson (Mr McGrath):** Mike, I will pass to you.

**Mr Nesbitt:** Chair, as a point of information, I want to begin by saying that not all the five parties of the current Executive endorsed every aspect of the New Decade, New Approach deal, although, in fairness, I am not aware of any of the five objecting to a subcommittee on EU exit.

Andrew, on the issue of open and transparent government, did I hear you correctly earlier saying that it would be for Ministers to decide on engagement with the Assembly and its Committees?

**Dr McCormick:** If I said that, it was only insofar as that is their normal way of working. It is Ministers who make statements to the Assembly and authorise official attendances. There is nothing unusual or untoward about that. It is just the way things work. Ministers are politically accountable to the Assembly.

**Mr Nesbitt:** Does that not, for example, disregard the fact that this Committee has a statutory power to compel Ministers to appear?

**Dr McCormick:** It is as you say. It is then for them to consider and decide what they say. That is all a matter of political accountability, and I have no fresh or unusual enlightenment on that. The formal position is as you say.

**Mr Nesbitt:** As somebody who has sat on the Committee for many years now, I have a repeated theme of information flow in a full and timely manner, so, when I hear suggestions that could be interpreted as a one-way street, I tend to pick up on those. We are looking for a two-way flow,

obviously. Let us move on. You said in your introduction that some local organisations have been lobbying for an extension. Which organisations?

**Dr McCormick:** A number of business organisations. I would rather not refer to conversations with them that they might regard as private. Forgive me, but I am not sure, as I speak, whether they would be happy with me saying that to you. Some of them may have written to you as the Committee or to other MLAs. I will say that it is a number of business representatives.

**Mr Nesbitt:** OK. How do you assess that?

**Dr McCormick:** Let me see what I can find out. If I can provide fuller information on that, I will gladly do so.

**Mr Nesbitt:** I am perfectly happy that you are discreet and protect potentially private conversations, as perceived by the third parties. In total, do you perceive that lobby to be significant?

**Dr McCormick:** I think that that is a fair comment. Yes.

**Mr Nesbitt:** OK. Thank you.

You said that there is a lack of clarity on the Ireland/Northern Ireland protocol. A lack of clarity on what?

**Dr McCormick:** On precisely how it will be applied. There is a need to consider carefully precisely what its obligations mean. At the highest level, there will be different presentations, going between UK Government Ministers and representatives of the European Commission, on the understanding of what the protocol means. How those things work is well above my pay grade. I observe that different things are said from those two different perspectives. That is, ultimately, an unhelpful position — it is nothing to do with me or officials here — from the point of view of businesses planning how they will operate from 1 January onwards. They need to know exactly what the protocol means and what its provisions relate to. Further work is needed on the movement of goods from here to GB. In NDNA, the UK Government promised to legislate to ensure unfettered access for Northern Ireland goods in the GB market. That promise has been made and reinforced, and it should be delivered.

The movement of goods in the other direction is challenging because the stated position is that the protocol would provide assurance to the Commission and, indeed, to the member states that goods entering Northern Ireland would be compatible with a single market. The major issue is what that means and how it will be put into effect. Our businesses need to know the right way to see that and the way that it needs to work in terms of obligations that they might have to fulfil under that stated position. In the weeks and months ahead, exactly what that means and how it works needs to be clarified, especially in relation to agri-food produce.

**Mr Nesbitt:** You told us that the Joint Committee that met on 30 March agreed to six subcommittees, including a specialist Committee for Northern Ireland. Is it meeting tomorrow, and will we be represented?

**Dr McCormick:** Yes, indeed.

**Mr Nesbitt:** Who will represent us?

**Dr McCormick:** I will be there. It will be virtual. Like everything else these days, it will be a teleconference.

**Mr Nesbitt:** Any political representatives?

**Dr McCormick:** The Specialised Committee is at official level. It is co-chaired by officials from Whitehall and the Commission.

**Mr Nesbitt:** As the lead official in the Civil Service on these issues, Andrew, did you start the year with a timeline of planned action points leading towards the withdrawal at the end of the year?

**Dr McCormick:** With my team based in Belfast and colleagues in Brussels — Lynsey is on the line this afternoon from the Brussels office — yes, we have a clear view of how to move forward. The formal responsibility for moving forward on many areas lies with the UK Government. They are the signatories to the treaty — to the withdrawal agreement. Many areas, such as customs, VAT and tariffs are not devolved. Therefore, much of our work, alongside colleagues, mainly in DFE and DAERA, is understanding what is happening in London, Dublin and Brussels, and being able to encourage and, where we can, contribute to the clarification of information for the economy and the business community. The most direct area of responsibility in the protocol lies with DAERA and relates to agri-food issues. So we are working very closely with colleagues there on what is going on.

We have a good understanding of what we need to do. We are working in support of the Executive, first, with the Brexit subcommittee and, more recently, with the Executive meeting in EU exit mode, to ensure that there is timely and functional advice to Ministers to move all these issues forward. Time is tight, but clarity is needed from London on some of the issues to enable us to have a fuller and more effective action plan along the lines that you suggest.

**Mrs Lynas:** Andrew, may I add to that by talking about the governance structures?

**Dr McCormick:** Yes, please.

**Mrs Lynas:** When the Assembly was not in place, we had a programme board, which was chaired by the head of the Civil Service (HOCS). Since then, we have reviewed how the governance structures work in light of the Executive's return. A formal structure is still in place, in that we have a programme board and strands that run off that. We have a structure for how we work across government and Departments. We have a trade and protocol board, and some of the central functions, such as the review of legislation and the common frameworks, still sit in TEO. Much of the structure that was there remains, and we are still managing to have good cross-departmental relationships and governance.

**Mr Nesbitt:** When was the last time that the Executive met in EU exit format?

**Dr McCormick:** The last such meeting was in early March, just as the virus crisis was unfolding. I think that everyone will understand that the rhythm of Executive business has been so continuous and intense in managing the crisis that that is just the way that it has been. It has still been possible to maintain some engagement on Brexit issues, but, necessarily, it has been markedly less prominent than before.

**Mr Nesbitt:** Andrew, I absolutely understand the need for the focus to be on the COVID-19 crisis, but you said that many decisions need to come out of London. Surely, the fact there has been no monthly meeting of the Joint Ministerial Council in European negotiation format since January indicates a slippage in timelines.

**Dr McCormick:** As you said, the JMC(EN) meeting was in Cardiff in January, and our Ministers, along with colleagues in Edinburgh and Cardiff, have been pressing continually for further engagement. Part of the issue is that the work of the UK Government has also been consumed by the virus, and the bandwidth for activity has been dominated by it. For example, the chair of the JMC(EN) is the Chancellor of the Duchy of Lancaster, who has also had to devote his time to the virus crisis

It is a complex and very challenging situation. It is important that we all do everything that we possibly can to contribute positively to resolving and moving the issues on. There is certainly no lack of pressure from us at official level, and, indeed, in conversations and engagements at ministerial level, in pushing the UK Government for clarity and a resolution of the issues that matter to us.

**Mr Nesbitt:** Andrew, when we last spoke, last month, I expressed surprise that the political policy was a full replacement of the spending power post Brexit. I was surprised because I imagine that many who voted for Brexit did so because they were told that, when we repatriated our contributions to the EU, we would be better off, rather than maintaining the status quo. Are you aware of any recent political debate in the Executive about going beyond the full replacement of spending power and delivering more money now that the money will be repatriated from Brussels?

**Dr McCormick:** Looking ahead, I think that, realistically, spending plans will be dominated by the consequences of COVID-19. That will overtake what might have been available. Part of the point that you make relates to seeking funds from the UK Government to replace funding that would match what

we, as a region, had been used to receiving from European sources. That is one argument, and there is every reason to persist with that argument at present. However, the total balance of supply and demand for expenditure has changed so radically because of the virus that we are, in a sense, at ground zero.

**Mr Nesbitt:** What can you tell us about the shared prosperity fund and how we are trying to shape it to our advantage?

**Dr McCormick:** I am not sure that I have any fresh information on that. Lorraine or Lynsey may be able to help me with that or we can get back to you with the detail. As I understand it, DOF is leading on that issue.

**Mr Nesbitt:** Presumably, you will have an input to that at some point.

**Dr McCormick:** Yes.

**Mr Nesbitt:** OK. May I bring in Lynsey? Are you in Brussels, Lynsey?

**Ms Moore:** I am indeed.

**Mr Nesbitt:** OK. I hope that you are staying safe.

**Ms Moore:** We are. Thanks.

**Mr Nesbitt:** Lynsey, I note that the briefing paper states that decisions have not yet been made about the future of the Office of the Northern Ireland Executive in Brussels. Have you made a pitch?

**Dr McCormick:** I do not think that it is for officials to make pitches in that sense. We advise on the pros and cons of options.

**Mr Nesbitt:** Sorry, let me rephrase that: have you presented a paper?

**Ms Moore:** We are undertaking work on change management. In that, we look at what the future position and role of the office will be, and we will present the options that come from that. We are gathering information and looking at what our fellow devolved Administrations and the UK Government are doing. We have also been looking at other countries outside the EU and where they feel that they need to be represented with the EU institutions and where they interact with them. We are looking at those as examples. We are in the process of doing that work.

It is fair to say that, as Andrew set out, the Brussels office is engaged in a huge amount of work, tracking and reporting on what is happening with the negotiations between the UK and the EU. That has been the case for the last few years and throughout the process. Also, in the last month or so, we have been reporting back to Departments on the initiatives that the EU has been taking forward in response to the COVID-19 crisis. We are in an intense period of work in which a lot of different things are happening that are of interest to our colleagues in Departments and to Ministers. The Brussels office has a core part of the office that is part of the Executive Office, but there are also people from other Departments based in the office, and we work across all the Departments in the Executive and all the policy areas of importance to them.

**Mr Nesbitt:** I have a short final question that will, hopefully, have a short answer. Andrew, when do you need to make the decisions on the future of the office?

**Dr McCormick:** I do not think that there is an imminent, pressing deadline for a decision. There is no particular driver for direct change at this point in time.

**Ms Anderson:** Thank you, Andrew, and others for your contribution so far and for the briefing. I was somewhat surprised, when I got to page 2 of the briefing, to read the comment that, at present, there remains a lack of clarity around what implementation of the protocol will fully entail. Further on, on page 6, it talks specifically about the interdependency between the protocol and the future relationship and goes on to say that this may become clearer at the end of the year. That is simply not true, and nobody should be trying to insult the intelligence of people around this table and others. Regardless of

one's view on Brexit, it simply is not the case. There is no lack of clarity on the protocol. The agreement that has been made contains 64 pages in black and white. Google is all it takes to see that. A cursory glance at the document will show what needs to be done in the time ahead and the absolute necessity for the preparation to be undertaken now.

We know that, because of Brexiteers and because of Brexit, however one voted, there are implications for this island in its relationship with Britain and what will happen in the Irish Sea. There will need to be customs officers and veterinary officers. I am conscious of what you said about working with DAERA. We know that there needs to be an upgrade of testing and storage facilities. So, at this very late stage, it may be alarming for people to hear about the areas on which work needs to be done as we potentially go towards a cliff edge. The time frame of eight months to try to get a future relationship is absolute nonsense, given the years that it has taken the EU and other countries to enter into some kind of future relationship. Before COVID, they were going to try to do that in eight months, and now we have COVID. You can understand why groups and organisations would be looking for an extension.

I note what Mike said about the contribution. We all know now that that was not true, even if people did not know it at the time. The contribution from the North to the EU is £170 million and it gets £500 million in return annually, not to mention every other opportunity that has come with it with regard to rights and entitlements. Those will be stripped away and lost as a consequence of Brexit.

We need to be very clear with people that there was an opportunity that, unfortunately, was missed. The EU should have been allowed to have a technical office in Belfast to allow its experts to advise on the suitability of any preparation or any work that should, by now, be ongoing. That work needs to take place at some stage to ensure that checks and controls are compliant. Yet, as we sit here today, we know that British Ministers have refused that request from the EU, not once but twice. I would like to give Sinn Féin's very strong rejection of the view from the British Government that there should not be an EU office here, because it is absolutely needed. It is necessary if the protocol is to be taken forward in the spirit that it was signed off on. I suppose that there are a lot of ifs in whether it will be, because we all know about commitments and how they have not been honoured in the past by the British Government and have still not been.

It is said in the document that we cannot possibly do anything until London finishes playing their negotiation fiasco game, as I would call it, with the EU. If we are in the position of having to wait for that, it is nonsense. There is a protocol in Ireland. The withdrawal agreement is done and dusted and is not going to be opened up again. We know what is in it, and we know the implications of it. Whether one likes it or not, we know what is going to happen here in the North with the protocol, whatever about the future relationship. We know what needs to be done, so we do not have to wait to the end of the negotiations. I do not think that we can fall into that. We need to increase the checks and controls in the Irish Sea, unfortunately, because of the Brexiteers. We know what the protocol says about all that.

I note that, in your response, you provided no real clarity on what input has been made through the work of the Joint Committee and the Specialised Committee, although I know that the two junior Ministers took part in the last Joint Committee meeting. I suppose, our interests and the interests of the people in the North are about ensuring that the protocol on Ireland is implemented in full.

You mentioned the British Government's commitment in 'New Decade, New Approach' to unfettered access. That is up to the British Government, and they should be honouring the commitment that was made, but that is not going to open up the protocol. The EU was very clear: it was up to the British Government to make that agreement, to give that commitment and to outline how there would be unfettered access. It was not going to impact on the protocol.

You dealt with the issue of legislative consent. On any legislative consent that might be required, it needs to be clearly understood that we — Sinn Féin — will not consent to any lowering of social standards, labour standards, environmental standards or consumer protection in the North.

We have raised a concern about the common framework that is referred to, because we need more information on what those frameworks are. Reading the document, I do not see that we should be in a position whereby powers over affairs in the North are returned to London under the frameworks. Can we get some more information on that?

There are also issues in the document around North/South engagement and concern, to say the least, if not alarm, that you have noted that the Department for the Economy still needs to clarify the role that

the Executive will have in the future relationship. My God. My goodness. As we sit here today and are maybe going over a cliff, we are finding out the Department's lack of clarity and that clarity from the Department for the Economy has not yet been received.

There are loads of other issues. People should not be surprised about the kind of questions that I will be bringing to the table, given where I have come from and the work that we have been involved in on Brexit. I will wait for some of your responses and may come back to you.

**Dr McCormick:** Thanks for that. There was an awful lot in what you said that is just straightforwardly correct. What I would emphasise is that there is genuine substantive interaction between the work on the protocol and the free trade agreement. Indeed, the withdrawal agreement itself makes provision for the protocol to be superseded in certain circumstances. You and I both know from our discussions in Brussels that there is no question that the EU member states would agree to something superseding the protocol that does not deliver the same functional outcome. Everyone, including the UK Government, has been very clear and very straightforward about the need to not cause any difficulty in relation to the land border. That is why the protocol exists. All I am saying is that the withdrawal agreement provides for, in certain circumstances, that to be superseded. Therefore, there is a genuine negotiation to be had this year on the actual implementation of the bits that are not interactive. It will mainly be issues to do with customs and tariffs and trade in mainstream goods, where there will be some effect. I will come back to that in a moment.

On the other aspects, not least, as you say, in relation to sanitary and phytosanitary (SPS) controls, the UK Government have confirmed very clearly that they accept and will fulfil those obligations. The question is precisely how they will be fulfilled and whether there is room, in discussion and by agreement with the EU, to get something that allows the precise detail of that to be worked out, as in how the checks will work, exactly where they will apply and exactly what proportion of various commodities or aspects need to be looked at. There is genuinely some very detailed and important work to be done to get to the best place we can, and the common ground at ministerial level is to ensure that there is as little friction as possible on the movement of goods. It has to fulfil a fundamental objective, which is precisely as you said: that is why the protocol exists. It has to work functionally, but it also has to be effective and not do economic damage. There are very big concerns in the business community, in retail and in agri-food that, if you look only at the letter of the law, we will end up with some pretty serious issues to deal with. For example, the obligation for export health certificates on goods moving from GB to NI has been raised with us by the business community as a serious concern.

What may be possible as an outcome on that is up for discussion. As far as I am aware, across the parties and in the Executive, the objective is to get the best possible outcome. There is some genuine lack of clarity. There is a need for that to be resolved, and that depends on further work between us and London and then with the European Commission, which will act, as it always does, on behalf of the member states, which are understandably very concerned. You will know from your previous contacts with MEPs that this is an issue of genuine and legitimate interest across the member states. There is a lot to be done on that. A lot of it is clear, but a lot needs to be resolved in detail. Genuine and detailed work has to be done to move all this forward and to get the best possible outcomes. I go back to the fact that there is a lot of consensus across the Executive about where we want this to land, as in an acceptable and effective outcome. Do Lorraine or Lynsey want to add to what I said about the common frameworks?

**Ms Lynas:** Common frameworks was one of the first impacts of the decision to leave the EU. The number of framework areas has varied over the years and some have become consolidated. It is a key part of the domestic policy and how these areas will be managed. The majority, or quite a few of them, sit within the agriculture space, such as nutritional labelling and SPS, and we need to find a common way of working within the UK that allows that internal market to function. It is complicated by the protocol, because, obviously, in those areas that I have highlighted, we will be aligning to EU rules and regulations. That is one of the complicating factors of the common frameworks project at the minute, but considerable work has been undertaken. The numbers that require legislation have dropped considerably, and many of those are seen as being a mechanism of management across the UK that can be achieved through dispute resolution or memoranda of understanding.

The common frameworks project has been one of the areas on which the four nations have worked very positively together. We have moved quite well in trying to find solutions.

**Ms Anderson:** By way of comment to you, Andrew, it is all very well trying to get the best possible outcome after being involved in creating untold damage for the business community and the sectors. It will be a difficult journey that they will embark on, whatever the future relationship. Whether we go over a cliff or not, there is no good Brexit.

Lynsey, with all due respect, the common framework is not the problem; Brexit is the problem. It is not the protocol that is the problem. What we have at moment are EU protections. When I sat on the Justice Committee, we looked at the implications for policing and justice and the common frameworks and what the implications will be, how all those areas will feel the impact in the time ahead. It would be good if we had an overview. If you are now saying that we do not have to legislate, what can we have a memorandum of understanding about and what are the implications of those? Chair, could we have a bit more information on that as we go forward?

In the paper, it states that there were discussions with other devolved Administrations. You said that those are ongoing. Maybe it is just how I am reading it, but the protocol does not require consultation. It is over. I am sure that, even at this late stage, if some of the devolved regions need to know more about it, Google will help them. I am sure that having those engagements can be helpful, but they will not and should not delay the need to put the work in place, to have the protections and precautions in place and do the preparation. As we all know, the protocol was a special case, and it gave us special status because of the unique circumstances that we live in — the all-Ireland economy, the Good Friday Agreement — and to avoid any hardening of the border on the island.

Those are pretty-serious issues that we have to deal with, and the clock is ticking. We cannot allow anybody to run down the clock so that we are pushed over a cliff edge. We are you struggling as it is here with COVID-19 and everything else. The preparation work needs to be done whether or not it is unpalatable, particularly for Brexiteers who do not want that outcome. No one wanted that outcome, but there are consequences to Brexit. We need to try to mitigate the damage, but we also have to deal with reality. The withdrawal agreement is done, the protocol is there and we need to move forward with implementing it.

**Dr McCormick:** Yes. I hear and understand all that. All those points are part of the discussions that are happening and need to happen further, both at ministerial level here and in our interactions, especially with London.

**The Chairperson (Mr McGrath):** OK. Thank you.

**Mr Lunn:** Hello, Andrew. Can you hear me OK?

**Dr McCormick:** Yes. Go ahead, Mr Lunn.

**Mr Lunn:** OK. "Mr Lunn", if you like. Earlier, you mentioned unfettered access. The way that you phrased it made me think that, perhaps, the question of access between Northern Ireland and GB had been settled. Is that what you meant?

**Dr McCormick:** The commitment from the UK Government is that they will legislate to underpin the access of Northern Ireland goods to markets in GB. There is also a commitment — it is referred to in the protocol and in NDNA — to ensuring that Northern Ireland exporters will be able to participate fully in future UK trade deals with third countries in the rest of the world. Those are clear commitments by UK Government. They will not be fully settled unless and until the legislation is brought forward and implemented, and that is not happening very quickly given the preoccupations in London with COVID and so on, but the very clear promise was that those provisions would be in effect by the end of the year; in other words, before the protocol comes into effect. There has been strong and positive assurance on those points from the UK to us and to our Ministers. That is very clear. It is not settled in that sense, but there is no doubt about the commitments.

**Mr Lunn:** Yes, I understand that the Northern Ireland Executive and UK Government might be able to come to some agreement on this, but where does the EU stand on it? Surely, there is a clear difference of opinion about what unfettered access would mean.

**Dr McCormick:** In relation to the movement of goods from NI to GB, most of the issues are within the UK's discretion. As Secretary of State Barclay said soon after withdrawal agreement was published, there is a general international obligation — there are probably some other detailed and specific

international obligations — in relation to the need for what are called exit declarations on goods leaving Northern Ireland to go to GB. That is a technical requirement and is an existing obligation, but it need not stand in the way of making sure that goods can get to the GB market. There is nothing much else that is an EU responsibility.

The EU responsibilities are much more significant in relation to, as came out very clearly in the conversation with Martina, a lot that is necessary for the protocol to work properly and to fulfil the basis of the agreement, which is to allow a lot of things to work in the way that is intended. There is much more EU locus on movement of goods from GB to NI than from NI to GB.

**Mr Lunn:** We mentioned the concerns of the business community. You, rightly, did not identify the organisations that are expressing concern and, effectively, pleading for an extension, but we all know who they are. They are probably the ones that pleaded not to go for Brexit in the first place. This is now a stalling operation to try to get the best possible deal that they can before the inevitable happens.

**Dr McCormick:** *[Inaudible.]* Is it possible to provide better sound?

**The Chairperson (Mr McGrath):** Speak up.

**Mr Lunn:** I think that you want me to speak up. I will leave that one hanging.

Can you say any more about timescale? The real deadline is surely 1 May; that is when the stocktake has to begin to decide whether the Government will ask for an extension, is it not? The Government are implacably opposed to an extension. It is not the first time that they have been implacably opposed to something and had to give way, but I get the feeling this time that they probably mean it. Given the timescale of between the end of June and the beginning of January or February and given the changed circumstances that will apply in the event that we are refused an extension, it does not really bear thinking about.

Look at what has happened to date. I will go back to the start of this conversation, when the Chair was asking you about the Brexit subcommittee and the change to the Executive approach because the subcommittee did not have any decision-making powers. The subcommittee would surely have reported to the Executive with recommendations. That would have been a far more natural way to do things. Given what has happened with coronavirus and the attention and diversion of attention by the Executive towards that crisis, which is every bit as big as the one we are talking about, perhaps bigger, I cannot help thinking that we would have done things in a different order, or perhaps not done some of them at all, if we had clearly seen Brexit coming over the horizon.

Are you satisfied, and I do not want to make this a political question, that the Executive Committee approach, even if it is separate meetings, can possibly deal with all these issues at the level of detail with which they need to be dealt?

**Dr McCormick:** This is a very challenging set of issues, but that is what it is all about. It is up to us, as officials, to provide all possible support and advice analysis, to do the detailed work on analysing issues and options and to distil that into issues — where people who will come at it with very different political perspectives and aspirations — and, nevertheless, to see what the options would mean, on the effect on the economy, on how society works. It is no different from any other aspect of government work. It is difficult and challenging, but this is what it is all about and what needs to be done.

Time is short; the high-level stocktake between the EU and the UK is to take place in June, after the next two negotiating rounds, which are scheduled for 11 May and 1 June. That high-level discussion will be mid- to late June, and that is the last opportunity within the terms of the withdrawal agreement for the possibility of extension to be settled in that context.

As you said, and as I said earlier, there is a very clear position being taken by the UK, and, yes, there are very-well-articulated arguments from the business community about the detrimental effects of extension. It is also true that if there were to be an extension, that would create other uncertainties, and there are certainly issues around the way in which it would affect the financial position.

It is not a black-and-white argument by any means. There would be complications arising from an extension. The urgency, is to get to precisely what implementation of the protocol means — yes, there

are a lot of things that are very clear, but there are still details to be worked out — and for there to be the best possible progress on the mainstream negotiations on a free-trade agreement and related side agreements between the UK and the EU.

A lot of that is in London's hands, but the responsibility on us, as officials and advising ministers, is about how we make sure that our issues are explained clearly and fully to the UK Government and that they are, to the best extent possible, taken into account in their decisions. There are a lot of big challenges, but we have to pursue and seek the best possible way forward.

**Mr Lunn:** OK, thanks for that. One more, quick question, Chair, around fishing, fisheries and fishing rights. They are mentioned in your response, but it is only a mention. I heard Mr Barnier recently practically blowing his top at the notion that we had not managed to settle the upcoming fisheries disputes and that the British position of taking back control of its own waters was absolutely untenable. We know the argument. It is not, perhaps, the biggest economic issue, but it is a huge issue for the fishing community here. Is there any progress to report or any light at the end of the tunnel that would give some comfort to people in Portavogie or Kilkeel?

**The Chairperson (Mr McGrath):** Ardglass.

**Dr McCormick:** I am not sure whether Lorraine or Lynsey can help with that one, please.

**Mrs Lynas:** Under the negotiations, fisheries sit outside the free trade agreement. I think that you could tell from the read-outs of the negotiations last week that there are very different positions on that. There are a number of areas where there is a lot of divergence between the EU and the UK. At this stage, we can feed in our views on that, but it is something that probably needs to play through in the negotiations. We are aware that it is a big issue.

**The Chairperson (Mr McGrath):** OK. Thank you. What I intend to do, because we have no other method of doing this, is to call the members who are on the phone in the order in which they shouted out. It was Emma, then Pat and then Trevor. I appreciate that that may not be the order in which you joined the call, but it is the only system that I have at this stage to call you. I will go first to Emma to ask whether she has any questions.

Emma may not be there, so we can go to Pat to ask whether he has any questions.

**Mr Sheehan:** Yes, Colin. I think that most of the issues have been covered, but how are we going to access and participate in future EU-funded programmes such as ERASMUS, R&D, clinical trials and so on? Has any priority been given to that?

**Dr McCormick:** Lorraine, can you help with that, please?

**Ms Moore:** I could maybe do it.

**Dr McCormick:** Lynsey, yes. Go ahead.

**Ms Moore:** One of the very important things that we have been looking at is exactly how some of those EU programmes will continue and what access to them Northern Ireland might have. What we know at the moment is that the two that you mentioned — Horizon, which is the research and innovation funding, and ERASMUS — are both on the table and are being discussed as part of the negotiations at the moment between the UK and the EU. They are looking at how the UK might continue to have access to those programmes, and on what basis. We have been quite clear that we wish to continue with and still participate in those programmes. We know that they are very important, particularly to our universities, given that the research funding supports a lot of collaboration. It is not just about the funding, which, of course, is important, but also about the fact that it requires you to be in partnership with other researchers across Europe, and that has been very important in bringing together experts in certain areas to put together projects and bid for funding. We do not know what the outcome of that will be. That is currently under discussion, but we have definitely indicated that we would like to see that continue.

**The Chairperson (Mr McGrath):** OK. Thank you. Pat, do you have any more points?

**Mr Sheehan:** No, that is all I have. Thanks.

**The Chairperson (Mr McGrath):** Trevor Clarke, are you still there?

I think that we have lost Trevor.

**Ms Anderson:** Chair, Emma is listening. She said that she found it easier to look at us online than to hear it because the sound was not great. She says that she does not have a question, but she was trying to get in to tell you that.

**The Chairperson (Mr McGrath):** OK. That is grand. We will say hello to Emma in 30 seconds' time.

There are one or two smaller points that we have got from the top desk. On page 15, there is reference to the democratic consent and the consultation regarding that. It says that it is an issue regarding the UK Government and, therefore, the Assembly might want to write regarding that. Is the suggestion that the Assembly might want to write an indication that the Executive do not intend to do so?

**Dr McCormick:** That has not come up in recent discussions, so let me take it away and see what I can find out about it.

**The Chairperson (Mr McGrath):** Sure. You can come back to us. Also, you had mentioned that you will be attending the Specialised Committee tomorrow on behalf of the Executive. Might you be able to give us a written update on the outcomes of that meeting for next week?

**Dr McCormick:** It is a confidential meeting, but I will do what I can according to what Ministers would be content with me sharing, but yes, I will do my best for you.

**The Chairperson (Mr McGrath):** Finally, there was reference earlier to the existing EU funding programme and the new shared prosperity fund that will replace it. Is there currently a list of all funded projects and jobs that are in existence as a result of EU funding? Do you have that as a centralised list that we can say, "This is what needs to be replaced in the future", notwithstanding that there was more than a hint that it would be increased or enhanced? Is there at least a status quo that we know is in existence that can be compared to what there will be this time next year or the year after?

**Mrs Lynas:** Andrew, do you want me to answer?

**Dr McCormick:** Yes, please.

**Mrs Lynas:** To come in on that, on the shared prosperity fund that is being led by the UKG, it will be very much, from what I understand, looking at replacing EU funding for some of the programmes. One of the issues may be that this could end up looking at replacement funding in the COVID crisis and how it might assist with recovery of the economy. There is, from what I can remember when I used to do rural development, an EU database which has a published list of beneficiaries from EU programmes every year. The whole point of the shared prosperity fund was not to take what programmes were there already, but to do a fresh business case on what the need was and where that money would go. There is probably not a direct read-across from the types of projects that were funded under the previous programmes to what might be funded under the shared prosperity fund. We are still pushing for details of what that shared prosperity fund will look like. Overall, it is probably just the amount of money that has gone into the various programmes, if we get that back through a shared prosperity fund, CAP funding or any other direction, rather than the types of project that it would be spent on, because I think they are looking at taking a fresh look at where it would be economically best placed to put the money.

**The Chairperson (Mr McGrath):** So there is no list?

**Mrs Lynas:** There will be a list, but it is not a list under the shared prosperity fund, we do not have that level of detail yet. We understand that they are looking at business cases and where that money might go. I would say that might shift a bit in light of the current COVID crisis and how they would use those funds.

**The Chairperson (Mr McGrath):** I apologise for probing, but in case we are at sixes and sevens with this, what I mean by the shared prosperity fund is that it will replace the EU funding. What I am saying is, do the Executive know how much funding comes from the EU into the North and how many jobs

that directly sustains? If in a year's time there is no EU funding and you have to go the shared prosperity fund, you can say, "We need x amount of millions to maintain the employment of x amount of people", and that then means that we are at the status quo, or else we are better or worse off. Is that benchmark there in terms of the amount of jobs and money available?

**Mrs Lynas:** Yes. One of the things from EU programmes is that there is a comprehensive monitoring around those, and they collect information on jobs created. They used to collect jobs sustained, but I am not sure if they still do that, because it is very hard to actually count a job sustained. Certainly, there is information. I would have been aware on the rural development side that there would have been that. It would be a request that we could coordinate through the Department of Finance. The amount of funds is easy to get, in terms of how much we get in EU receipts, and we can certainly look at the key indicators that come out of those programmes.

**The Chairperson (Mr McGrath):** OK. Is it possible to get that? Even just the headline, "X amount of millions, x amount of jobs"? I am sure, give or take a bit, it could be an estimation, just to give us a ballpark figure of, (a), what we are looking at losing, and, (b), what we are needing to replace.

**Mrs Lynas:** We can certainly request to see how available that information is.

**The Chairperson (Mr McGrath):** OK. That is grand, thank you. And thank you for clarifying that. I appreciate it is not always easy when we are not face-to-face to explain these matters.

Folks, that took about half an hour longer than we would have wanted it necessarily to be, but, given that we have not had the opportunity to have the conversation with any of the Executive Ministers or with yourselves, probably from the end of January or the early weeks of February, I think it was important to allow us to have that conversation. I appreciate that, as it is such a wide area, it is difficult to prepare for what you are going to be asked, so I understand that it can be a difficult presentation to give. We certainly appreciate your attendance via telephone today. Thank you very much indeed.

**Dr McCormick:** Thank you, Chair.

**Mr Sheehan:** Sorry, Chair?

**The Chairperson (Mr McGrath):** Yes, Pat, go ahead.

**Mr Sheehan:** Sorry Chair, just before the officials go, is it possible to ask another question?

**The Chairperson (Mr McGrath):** Yes, of course, sure. Go on ahead.

**Mr Sheehan:** Around the issue of democratic consent in paragraph 15, the briefing paper says that it is a British matter and that the Assembly should write to the NIO. Does that mean that the Executive are not engaging with the matter?

**Dr McCormick:** I do not think it is seen as an immediate issue, in that the question would not arise for a number of years. It is not yet translated into UK legislation. Another thing that they committed to do was to make specific provisions for how the consenting would operate in UK legislation. That will come.

I need to break off. Something has come up here, and I am very sorry that I have to go. I am happy to reflect the Committee's questions about this issue back to Ministers. If it is OK, Chair, I need to break off. I am very sorry.

**Mr Sheehan:** Can you come back to us on that, Andrew?

**Dr McCormick:** We will indeed, yes.

**The Chairperson (Mr McGrath):** Folks, we appreciate your time today. That is great. Thank you very much.