



Northern Ireland
Assembly

Committee for The Executive Office

OFFICIAL REPORT (Hansard)

Brexit Withdrawal Agreement Joint Committee:
Mr Declan Kearney MLA, Junior Minister,
Executive Office; and Mr Gordon Lyons MLA,
Junior Minister, Executive Office

13 May 2020

NORTHERN IRELAND ASSEMBLY

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Brexit Withdrawal Agreement Joint Committee:
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and Mr Gordon Lyons MLA, Junior Minister, Executive Office

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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 Lunn
Mr George Robinson
Mr Pat Sheehan
Ms Emma Sheerin
Mr Christopher Stalford

Witnesses:

| | |
|------------|-----------------|
| Mr Kearney | Junior Minister |
| Mr Lyons | Junior Minister |

The Chairperson (Mr McGrath): I welcome the junior Ministers from the Executive Office, Declan Kearney and Gordon Lyons, to update us on their attendance a number of weeks ago at the withdrawal agreement joint committee. We would like you to bring a message back: we asked for a paper on the specialised committee — the layer below the joint committee — which your officials attended about two weeks ago, but we have not received anything from them at this stage. If it is possible, we would like you to relay a message back that we are still waiting on some information about that.

I invite you to make a short presentation in the usual format, after which we will ask questions.

Mr Lyons (Junior Minister, The Executive Office): Thank you very much, Chair, for the opportunity to be here. It is good to be able to update the Committee on the joint committee meeting of 30 March specifically. I am sure that it will be the case that we will talk about joint committee issues more widely, however. We are happy to do that and fill you in on the work that we have been engaged in around the joint committee.

I will make some opening comments, and we will then move on to the specific update on the meeting. We want to put on record the fact that we value the role of this Committee in scrutinising the Executive's work on the UK's exit from the EU. We are grateful that you are fulfilling the scrutiny role that was envisioned in the 'New Decade, New Approach' document, which specifically recognised the interest of all the political parties in Northern Ireland in the work being done on Brexit through the establishment of a subcommittee on which all five Executive parties are represented.

We want to engage as fully as possible with you while, of course, respecting the usual principles in and around the confidential nature and conduct of Executive business. In addition, the joint committee and its official-level subordinate fora are going to be subject to confidentiality. I therefore hope that you will understand that there are limits on what it is that we are going to be able to say. I do not, for one second, suspect that that will stop you from asking the questions, but I hope that you can understand why we might not be able to give as fulsome answers.

Mr Kearney (Junior Minister, The Executive Office): We have a few remarks to make at the outset and will alternate. The Committee has had the opportunity to be briefed regularly by Executive Office officials. You have also received some written briefings. To reinforce Gordon's point, we want to ensure that that type of strong engagement continues and is improved on by sharing material and answering questions as fully as we or our officials can.

The most recent oral briefing took place on 29 April, which was the day before the specialised committee met. It focused on progress in the negotiations on the British Government/EU future relationship, as well as on discussions on the implementation of the protocol itself. Those are both very important issues, and the Executive are fully committed to ensuring that we get the best possible outcomes for all our citizens and for the regional economy, as that also extends into the island economy. Gordon and I understand that the discussion covered a range of issues and that the Committee is keen to have some more detailed information on a number of key points, extending to the change in arrangements for the Brexit subcommittee, EU funding, common frameworks and the democratic consent mechanism. You will receive a written briefing on all those issues. Where there has been a delay in getting some of that material to you, we apologise. Earlier today, I spoke with officials to establish the point at which we are in ensuring that you get that material.

Given what has been discussed in the Committee to date, it is fitting and in line with your invitation that we focus in more detail today on the engagement that we have had on the implementation of the protocol through the joint committee on the withdrawal agreement. At this point, Colin, I am going to let Gordon speak to the issue of the joint committee meeting.

Mr Lyons: Mr Chairman, as you will be aware, the 'New Decade, New Approach' document committed the UK Government to allowing representatives from the Northern Ireland Executive to be invited to be part of the UK delegation in any meetings of the UK/EU specialised or joint committee discussing Northern Ireland-specific matters, at which representatives from the Republic of Ireland Government are also there as part of the EU delegation. Minister Kearney and I joined that meeting on 30 March. We welcomed the opportunity to represent the Northern Ireland Executive at that first meeting of the joint committee on the withdrawal agreement, which, as you can understand, had to be held by teleconference.

It might be helpful first to say a little bit about the remit of the joint committee and the nature of its work. It was created, as you will be aware, under the terms of article 164 of the withdrawal agreement, and it is responsible for the implementation and application of all aspects of the withdrawal agreement. It covers citizens' rights, the detailed workings of the UK's involvement in EU programmes, and a wide range of other issues, including the Ireland/Northern Ireland protocol. There are also six specialised committees that report to the joint committee. They cover citizens' rights; finance; Gibraltar; the sovereign bases in Cyprus; other separation provisions; and the specialised committee on the Ireland/Northern Ireland protocol.

In practice, the joint committee is not going to give the same degree of attention to each of the six aspects of work. Minister Kearney and I were invited to the first meeting because there was significant interest from all concerned in issues to do with the protocol.

The joint committee is a key forum for decision-making on how the protocol is to be implemented. The committee provides the opportunity for discussion and agreement on any issue raised by the EU and the UK that relates to implementation. There are also four issues specified in the protocol for decision by the joint committee. The first is the applicability or otherwise of tariffs —. *[Interruption.]*

The Chairperson (Mr McGrath): May I just check who that is, in case it is somebody who is not meant to be here?

Mr Lyons: That is fine.

The Chairperson (Mr McGrath): May I just check who on the phone has either joined or left us?

Mr Robinson: Hello. It is George here.

The Chairperson (Mr McGrath): All right, George. You are very welcome. We are just in the middle of the presentation from the junior Ministers.

Mr Robinson: That is OK. Thank you.

The Chairperson (Mr McGrath): Please continue.

Mr Lyons: Thank you, Mr Chairman. It is good to hear from you, George. I was just explaining that the joint committee has four specific aspects to consider.

The first is the applicability or otherwise of tariffs for goods that are coming to Northern Ireland that may be at risk of going into the EU. The other three are agriculture support, fisheries and decisions around EU oversight of the UK's implementation of the protocol.

It is critically important to us that any provision of the protocol be implemented in a way that causes the least friction North/South and east-west, so the withdrawal agreement specifies the basis for decision-making, the remit of the joint committee, how there might be disagreements between the two sides and how those might be resolved.

The meeting on 30 March was co-chaired by the European Commission and the UK. The Irish Government were also represented at official level, as were a number of other member states, as part of the EU delegation. The focus of the meeting was to start work in a number of areas relating to the implementation of the withdrawal agreement, including the Ireland/Northern Ireland protocol. I made it very clear in my intervention that the most important issue from our point of view — a view that is shared across the political spectrum in Northern Ireland — is that the withdrawal agreement must be implemented in a way that secures the best outcome for our citizens and for our economy.

Mr Kearney: In an intervention at that meeting, I welcomed the commitment that the Executive would be directly involved and engaged in the work of the specialised committee on the protocol and in that of the joint consultative working group itself. It is important that we are all fully engaged in the implementation of the withdrawal agreement. It does not need to be said here, but I will, for the record, say that it has unique and major significance for everyone in this region. It is also important to recall that the withdrawal agreement and the protocol prevent any question of there being a hard border between North and South. They seek to safeguard the all-island economy and, of course, all dimensions and elements of the Good Friday Agreement.

The protocol also preserves the integrity of the EU single market. Consumers and businesses here are going to benefit through having access to that market and its protections. At the same time, it maintains the North's position in the British Government's customs territory. The clear intention is that exporters in this region will be able to benefit from future free trade agreements between the British Government and other countries across the world, if one is in fact developed.

At the meeting, the European Commission explained that it is seeking further clarity and a very detailed timetable from the British Government on the necessary measures to ensure full implementation of and adherence to the protocol. We are engaged with the British Government on the promises that they have made on the issues that are under their control. The joint committee endorsed a decision to establish the specialised committee, which Gordon spoke of, and that will become the forum for more detailed discussions on the issues on which the joint committee has still to make decisions, as set out in the protocol itself.

I also emphasised at that meeting that there is agreement across the Executive, notwithstanding differences on other issues, on what we are seeking from this particular process. We need to minimise the barriers to trade in all directions and secure clarity and certainty for our businesses, whether their relationships are North and South or east and west or, indeed, going in each direction. We also need to ensure that the outcome reinforces the rights and expectations of all our people, as provided for under the Good Friday Agreement. That extends to the protection of employment rights, the environment and, of course, the most vulnerable in our society. I welcomed the opportunity to contribute, and I look forward to a future constructive and positive engagement on all the issues, especially as the more detailed discussions take place on the decisions that will have to be made by the joint committee itself.

I reiterate that there are four issues that are identified in the protocol that require discussion and agreement at joint committee level. The first relates to the goods that are brought into the North from outside the EU that are considered "not at risk" of moving into the EU. Gordon touched on that. That is in article 5 of the protocol. The second issue is the conditions for customs exemption for fishery and aquaculture products. Those relate to a separate subset of the protocol. The third issue is the maximum exempted overall annual level of agriculture support, which is reflected in article 10 of the protocol. The fourth issue is the detailed arrangements for governance of all of that, as provided for under article 12 of the protocol. We expect that the British Government and the EU will seek to convene a further meeting of the joint committee later in June, at which it would be our expectation that the Executive will once again be represented.

June is going to be a pivotal month in the discussions between the British Government and the EU, because we will, at that stage, be into a six-month countdown to the conclusion of the transition period. That meeting of the joint committee is likely to be the point at which any consideration of an extension of the transition period would take place, given the deadline of 30 June to request an extension. We are into a countdown of seven weeks to that period. That then indicates a six-month countdown to the end of the year. There will also be a UK and EU stocktake of future relationship negotiations in June, and that will assess progress after the four rounds of negotiations that should have taken place by that point. The third round is taking place this week and there will be a fourth round, which will commence on 1 June.

Are you going to touch on the specialised committee, Gordon?

Mr Lyons: Would you like an update? I think that you got briefing on the specialised committee, but I am more than happy to reinforce that the Northern Ireland/Ireland specialised committee held its first meeting on 30 April. The meeting was co-chaired by officials from the UK and the EU. Dr Andrew McCormick, the director general for international relations, represented the Northern Ireland Executive in the UK delegation. The Irish Government were represented by officials as part of the EU delegation.

The specialised committee was formally established at the joint committee meeting that we attended on 30 March. The purpose of that first meeting was mainly to start preparatory work between the UK and the EU on a number of issues, including a stocktake of the implementation of the protocol, the four issues in the protocol that we have identified as requiring discussion, agreement at the joint committee and formally establishing the joint consultative working group, which is the next level down from the specialised committee.

Mr Kearney: We understand that, in the aftermath of that meeting, the European Commission made it clear — this was reflected and codified in a technical notice that was issued on the same day, 30 April — that it expects a comprehensive plan from the British Government on the approach to the implementation of the protocol. That technical note sets out a summary of what the EU expects the British Government to fulfil to ensure that the protocol is completely implemented. The committee agreed that the joint consultative working group, which will consider the more technical and detailed policies on implementation under the protocol, will continue under the remit of the specialised committee, which should be convened soon. It has not been, and we understand that the date has yet to be agreed to do that. I hope that is helpful, Chair, by way of an intro.

The Chairperson (Mr McGrath): OK. Thank you very much for the presentation. We will move quickly to questions to try to stick to the 3.00 pm finish for you. First, on a technical note, the paper that we received refers to the joint committee meeting that took place on 30 April. I am thinking that it took place on 30 March. Has there been another meeting that we are not aware of?

Mr Lyons: No. The joint committee took place on 30 March. The specialised committee took place on 30 April.

The Chairperson (Mr McGrath): The paper says that the joint committee took place on 30 April. I thought it was a typo, but I just wanted to check that.

Mr Lyons: That was a mistake.

The Chairperson (Mr McGrath): The joint committee, which you attended, receives reports, as you said, from the specialised committee, and that information will then be provided by the joint consultative working group. That is what you detailed to us today. Now, none of those meetings are required to have their agendas or minutes published. The most that we will get is just a read-out of

what is happening. Given the secretive nature of the meetings and the limited reporting that is provided afterwards, does the Executive Office have secret meetings to plan for your attendance at those meetings? By that, I mean that we do not have scrutiny of what is happening at each of these levels or scrutiny, in a greater sense, of the Executive or of those meetings because the subcommittee has been subsumed back into the main Executive. How do we scrutinise, in an open and transparent way, what is happening?

Mr Kearney: Perhaps I could take that, Gordon, to begin. In relation to our attendance at the joint committee, the nature of the agenda was established in advance, Colin. It was quite limited in its scope, and it basically authorised the establishment of the specialised working groups. To that extent, the purpose of the meeting was clearly cited on the agenda and the outcome was, effectively, predetermined. The specialised committee meeting, which took place on 30 April, was its inaugural meeting. *[Interruption.]*

The Chairperson (Mr McGrath): I think that was somebody telling somebody else that they were on their Committee call. Please keep going.

Mr Kearney: It set in motion the process of business that will be undertaken by all those specialised committees, and, to that extent, no preparation was required, Colin.

Your concern about transparency is core. Insofar as we are fettered by matters that are being negotiated between the British Government and the EU, which we are not in a position to brief the Committee on, the Executive subcommittee or the Executive's ensuring that this Committee is fully briefed and informed on all matters going forward will not be infringed upon. Brexit matters were the subject of a dedicated subcommittee. You will have been briefed on the reconfiguration of that arrangement in the Executive. All parties are represented on the Executive. Therefore, there was no concern about all parties not being involved in those discussions. Aside from what is being discussed in confidence between the British Government and the EU, the Executive are fully committed to ensuring that the Committee is kept briefed and across the detail.

This is a critical period that we are moving through. It is essential that the Assembly is in a position to apply maximum democratic scrutiny and that we develop as much consensus as possible on all the relevant issues and challenges that we have going forward. That is the commitment that we give you today, hopefully, to reassure your concerns about the Committee or the Assembly not being sighted on decisions that, in some way, will be made and on meetings that will take place that will determine an Executive approach to Brexit and the withdrawal agreement.

Mr Lyons: Yes, and just to reiterate that, there is a need for confidentiality. These are very difficult conversations that have the potential to take place, and we want to be able to go into them and respect the confidentiality. At the same time, we want to be very open and transparent where we can. You asked us to come to the Committee. We have appeared, and we are more than happy to do that and to be held accountable, assisted and advised, as is your role in these matters. We do not shy away from that at all or from the Brexit committee in the Executive that is looking at this. We are willing to share information where it is appropriate, and we do not shy away from that in any way.

The Chairperson (Mr McGrath): Maybe afterwards we will have a conversation amongst members on how we envisage that and then maybe write to you to detail that, because you have come today, and we are grateful for that, but we had to ask you about some matters. In so asking, we found out that the subcommittee had been scrapped and was moved back into the Executive. That was not communicated from the Department to us. We want to have the communication, but we want it to be a two-way street so that when you feel that you have information that you would like to update us on, you actually provide it to us and it is not us constantly having to ask you to come up to give us the information. We will maybe discuss afterwards how we as a Committee would like to get some of that information, and then we can raise it with you.

The specialised committee is allowed to consider proposals, as we understand it, from the Equality Commission and the Human Rights Commission and other North/South bodies. We are not seeing minutes, agendas or proposals, so is it the case that various groups external to the Assembly can make recommendations to the specialised committee that the joint committee could adopt, but unless there is a legislative impact, we would never know that those decisions and discussions have been taking place?

Mr Kearney: You are referencing the Human Rights Commission and the Equality Commission as two instances?

The Chairperson (Mr McGrath): And the North/South bodies. There are various people out there other than the Assembly who can contribute to the agenda and the discussions.

Mr Kearney: To clarify that, the expectation is that the two commissions, for example, would have the latitude to put into the public domain any recommendations or positions that they feel are relevant to the withdrawal agreement. Similarly, North/South bodies will report directly to the North/South Ministerial Council, and from there on the North/South Ministerial Council will keep the Executive, the Assembly and, in turn, the Oireachtas informed of any representations that are made by North/South bodies to the specialised committee.

The Chairperson (Mr McGrath): OK.

Mr Lyons: I slightly disagree with your characterisation of it being secret. Read-outs were produced and statements were issued by the European Commission and the UK Government on this. It is not the case that meetings are taking place in secret. You know that they happened and that we attended. We have said that we are coming along to explain the points that we have made and how we have inputted to those committees, and then there has been a read-out of the meetings. It is perhaps going a little too far to say that they are secret, and, as Declan said, those organisations have the latitude to say what they have or have not been saying in the committee.

Mr Kearney: For example, Colin, the EU published its own technical note in the aftermath of the last specialised committee, so that is in the public domain. The British Government did not do so, but I think that that reflects the latitude that is shared by those who go in and make representations in that they can then indicate what their aspiration or their intention was arising from attendance at the meeting.

The Chairperson (Mr McGrath): I suppose the concern is that, if there is not an official record, you do not have to include everything that was discussed, and, therefore, that is where the issue would be. *[Interruption.]*

Mr Stalford: A very European way of doing things.

The Chairperson (Mr McGrath): Has another person joined us or left us on the telephone?

Mr Robinson: I am still here, Colin.

The Chairperson (Mr McGrath): Pat and Emma?

Mr Robinson: George is still here.

Ms Sheerin: I am still here, too.

The Chairperson (Mr McGrath): Maybe we have lost Pat there, have we? We are just keeping a record for the minutes.

Finally, from my perspective, the UK Chancellor announced today that we are facing a significant recession as a result of coronavirus. Given the impact that we are going to experience economically across the world, is this the right time for Brexit? Do you see any reason why it would be wrong to ask for an extension in order to avoid the additional catastrophic economic hardship that businesses might suffer as a result of a no-deal Brexit? I am not talking about the politics of it, and we are all well rehearsed on where the politics are here, but is adding a no deal to the table not grounds for asking for an extension?

Mr Lyons: I think that it is hard not to get into the politics of all this. I think that we have to deal with the reality that we find ourselves in at the minute, which is that the UK has taken the decision to leave the European Union. I am well aware that there are other views around the room on that, and I respect that different people have different opinions. However, that is not ultimately going to be a decision for the Executive Office. It is ultimately about the fact that the UK has taken the decision to leave the EU

and any decision on an extension is not one for us to make; rather, it is an issue between the UK and the EU at this time.

Mr Kearney: As I indicated earlier, and just to chime with Gordon's point, we will all have individual political views on that matter. If I may step outside my responsibilities as a Minister, I think that we are in uncharted territory. We are talking about a global recession of the type that some have speculated has not existed in over 100 years. It is an unprecedented level of economic and social catastrophe across the globe in the northern and southern hemispheres. It is essential that those geopolitical realities are very strongly taken on board. Clearly, Colin, the decision on whether to proceed to deal with transition needs to be addressed. If taking it forward is to be considered, it needs to be addressed in the next few weeks and by the end of June.

The Chairperson (Mr McGrath): Do you feel that not taking a position on it indicates that you are happy to not have an extension? I think that you have to ask for an extension, and then that articulates —

Mr Kearney: The Executive are very focused on the scale of the health, social and economic emergencies combined that we face. The corollary of all that is that it is critical that the Executive assess all those crucial challenges, so I think that probably is a discussion that the Executive need to have. They have not, and therefore there is not a unified Executive view on the issue of transition, but it is very difficult not to contemplate the essential need for that discussion to take place, given the level of challenge that we face in Ireland, on these islands and across the globe.

The Chairperson (Mr McGrath): Just to push that point, if you do not ask for an extension, I think that it is perfectly reasonable for London to take the perspective that you do not want one. Therefore, having differing political views means that you need to come to a political view and you need to articulate whether you do want an extension or you do not. If you do not offer an opinion, it will automatically be assumed that we are happy to proceed without an extension, and I do not think that is the full flavour of it.

Mr Kearney: If you do not put your running shoes on, you are not in the race, so there is good logic in what you are saying. I do not think that it is conceivable for us not to have that kind of discussion at the Executive, given the scale of the challenge that we face. Whatever is decided by the Executive on the other side of that is a different matter entirely, but this is a scale of economic challenge the likes of which we have never seen before. COVID-19 has changed everything for us, so our perspective on Brexit, the withdrawal agreement and the transitional arrangements has fundamentally changed and shifted from six and 12 months ago. The context has been fundamentally shifted and changed, and that arises from the last period of months, as we move through the pandemic.

The Chairperson (Mr McGrath): We will open it out to the Committee. Trevor, you want to ask a question.

Mr Lunn: I am happy to go first, but perhaps the Deputy Chair should ask a question before me?

The Chairperson (Mr McGrath): Sorry, my apologies. That is my miss. I should go to my Deputy Chair first, sorry. *[Laughter.]*

Mr Beattie: I am new.

The Chairperson (Mr McGrath): I was looking for Mike. Go ahead, Doug.

Mr Beattie: Do not worry. Listen, Declan and Gordon, thank you for that. That was really useful, actually. It is a complex issue, and I know that you are dealing with a complex issue, and we need to be prepared for changes, so thank you for that. I get a real sense, from what you have told us, that the first meeting was really "small map, big hands" type stuff, with a very broad brush on the setting up of that committee and the specialist committee.

Are you concerned that, nearly halfway through the year, we are not moving quickly enough in regards to that? Those key milestones — I know that you mentioned it, Declan — do have to be met, and those decisions do have to be made around the extension. Not taking away the fact of the Executive and the necessary confidentiality — I know that it is not secrecy — but we need as much buy-in as we

can possibly have in regards to this from all the political parties. How do we try to get that buy-in to the Executive so that they give you those briefing notes that hit those key milestones?

Mr Lyons: First and foremost, what we want to see happen is to make sure that we get an outcome from the implementation of the withdrawal agreement that leaves us with as little friction as possible as we seek to trade. After that, we would like that to happen as soon as possible so that businesses have time to prepare as we move towards the end of the transition period. Those two can sometimes be in conflict as we are trying to get the best outcome, but getting it as soon as possible can also cause difficulties. What we also need to be aware of is that the future relationship and the possibility of the free trade agreement between the UK and the rest of the EU will also have implications for what the protocol is going to look like and how it is going to have to be implemented, so those things are all going around.

I accept your point that time is moving on. In terms of a timeline, the specialised committee will be meeting again soon to consider those four issues. Then it has the opportunity to make recommendations in mid-June to the joint committee altogether. In a large part, this is out of our hands; we are not in charge of the timing of all of that. In addition, you have the other negotiations that are taking place. I know that we have talked about some of the disagreements that might exist between the parties in the Executive, but we have a very clear message on what we want to see. On the unfettered access, the frictionless trade and all the rest of it, we are very clear of where it is that we want to get to, and the Executive are united in that.

Mr Beattie: Thank you, Gordon, and that is very clear. To reiterate what the Chair has said, there is a real concern about that scrutiny piece because, yes, we are getting the information, but we are getting it after the fact. It is about having that scrutiny before the information is fed in, if you know what I mean. Of course there will be disagreements. There will be disagreements about asking for an extension and about the Belfast office. They are Executive disagreements, but it is about how you get that scrutiny piece into this before it goes to the committees, so that is scrutinised and looked at, and issues are identified and problems fixed, beforehand. Is there a place where the party leaders' group, when they meet, have an opportunity to discuss some of those very live issues before the meeting, so that they can feed into it? Is that a possibility? I think the real concern that we have is scrutiny.

Mr Kearney: The Executive agreed, with the reconfiguration of the arrangement from the Brexit subcommittee, that it was important, in a very discrete and carefully moderated way, that parties would be involved in the process of being briefed and having foresight, in order that the representatives of parties on the power-sharing Executive, in the Government, could, in fact, give a broader view on the concerns that would be shared in their parties around the issues going forward and the information that was required in order to inform decisions. That is with a view to then trying to maximise the level of consensus that could be shared without, at the same time, breaching the confidentiality of the Executive on separate Executive matters.

Mr Beattie: That is the dichotomy: trying to keep both. Can I just ask you a question? Please do not take this as personal slight or anything like that. On your part in the committee, are you absolutely clear that you have got a speaking role and that they are not forcing you into a corner; that you have good guidance notes that come from the Executive and that you have the opportunity to ensure that they get pushed into that committee? Is that fair?

Mr Lyons: Yes. It is not just the case that we are just observers on the committee. In fact, first of all, we are invited to attend the meeting and then we are invited to speak. We both get the opportunity to do that and to feed into every issue that is being discussed. We have only had one meeting so far, so I hope that that continues, but I do not feel either that this is just about lip service towards us; I feel that there is the desire there for genuine engagement.

Mr Beattie: Thank you.

Mr Kearney: There are shared Executive negotiation priorities, and we have reflected on a number of those. Our function when going in is, in a very robust way, to represent those interests. That is why we deliberately drew from our speaking notes that were shared on 30 March in our opening testimony to the Committee, to give you a sense that those shared negotiation priorities were very clearly tabled and articulated. There was some discussion in what was a reasonably limited meeting. You are right, in some respects, that it was light touch, but it was about authorising the need for those committees to be established so that the train could start moving in relation to dealing with the modalities and the issues that would arise in how we ensure that the protocol is fully implemented.

We could, and should, expect much greater communication from the British Government's approach in relation to the engagements that are under way. It is fair comment, and not a breach of confidentiality, to say that while there is communication, and the two joint First Ministers have been engaged in a series of conversations with Michael Gove, Penny Mordaunt and other officials — our officials are very closely engaged with British officials — and we have, at the same time, had close contact with our colleagues in the Scottish and Welsh Administrations, and also in Dublin, truth be told, at the stage where we are at, it would be much better if our officials and our Government were sighted on the type of planning assumptions, for example, that the British Government is bringing into the negotiations, and how, in fact, they intend to deal with a number of the issues where the European Commission has set a very high level of expectation that must be met. As with everything, communication is key.

Mr Beattie: Thank you, Declan. That is really useful, because what I think you are saying is that you are not necessarily getting sight of some of the higher-level planning assumptions from the UK Government. Is that —?

Mr Kearney: Correct.

Mr Beattie: Thank you.

Mr Kearney: I would add to that, Doug, that we have made that very explicit. Gordon and I said that earlier this year in London, and we made the very point that it is imperative that we are sighted on all those issues and that there are no surprises. Certainly, that is a view that is also shared by the Welsh and Scottish Governments.

Mr Lunn: On the question of unfettered access — sorry to go back to it again — east-west and North/South, there has already been a contradiction, has there not, between the EU position, particularly on trade between Northern Ireland and GB, and the British Government's position? Just today, I see that the Road Haulage Association (RHA) has come out very forthrightly and said, "Look, this timescale is now impossible for us". It probably has a bigger vested interest in this than a lot of businesses do, because it has to transport the stuff and do all the paperwork. You have to go back to it. The timescale for the conclusion of the negotiation was set before we realised that there was going to be a pandemic. I fancy that, if you were setting it now, you would not set it with a six-month cut-off point to make a decision and 12 months to implement that decision. Are the British Government, in your experience and in what you are getting from those talks, still absolutely wedded to the notion that we conclude the negotiations, one way or another, on 31 December, or even that we may pull the plug at the end of June if it does not look likely that we are going to make progress?

Mr Kearney: There has been no indication of a British Government intention to seek a transition. In fact, I think that they have indicated that they are wedded to the withdrawal date, notwithstanding all the challenges that you have summarised.

Mr Lunn: Sorry, Gordon, maybe you wanted to —.

Mr Lyons: No, you are OK. Go ahead.

Mr Lunn: The British Government position is really, frankly, untenable. They may be able to conclude something, but if they do, it is going to be completely unsatisfactory. I go back to the road hauliers. What are they supposed to do? They are not yet in a position to know what type of formalities they are going to have to go through to move stuff around, be it east-west, North/South or across the channel. It is not just the Northern Ireland RHA; it is the national RHA. I just really do not know where we are going with this. There seem to be an awful lot of committees, which seem to meet at fairly irregularly, but where is the action? We are six or seven weeks away from 30 June. Are you generally satisfied with the progress here and with your ability to input into decisions that are going to be made on a UK-wide basis?

Mr Lyons: The Government said, as part of New Decade, New Approach, that there will be unfettered access — that was repeated today by the Secretary of State for Northern Ireland — for goods that are travelling from Northern Ireland to the rest of the UK. On goods that are travelling from the UK to Northern Ireland, that is the work that is going to take place in the joint committee that has been set up; it is going to look at that. The specialised committee is going to meet again in a couple of weeks to look at the progress that has been made and to put potential recommendations back to the joint

committee. It is over the next period of weeks that we will see what progress has been made and what potential road map there is for us to move forward, so that is when we will get more sight of things.

Mr Kearney: I could, perhaps, helpfully add to that, Trevor. I think that Gordon mentioned that we have had only two rounds of negotiations, and that is a consequence of COVID-19. The periods were 2 March to 5 March, and then 20 April to 24 April. What we do know is that the British Government and the EU have exchanged legal texts on a free trade agreement and a number of other areas. The EU text was published, but the British Government's texts have not been made public and they have not been shared with us. They have not been shared with us or the Scottish or Welsh Administrations. There are suggestions of convergence on core areas of —

The Chairperson (Mr McGrath): George, will you just be careful when you are talking? Maybe put your phone on mute because you are coming through the speakers here.

Mr Robinson: Right. That is OK. Sorry about that.

The Chairperson (Mr McGrath): Good man. Thank you very much.

Mr Kearney: The indications are that there has been convergence on a number of core areas relating to the free trade agreement on goods and services, energy and transport, but no convergence between the EU and the British Government on matters relating to governance.

Building on the negotiation principles that we summarised earlier, which the Executive have adopted, we will need to consider our priorities for the negotiations to ensure that our position is as fully represented in that context as possible in the positions that the British Government are taking forward in the withdrawal negotiations. That was discussed by the Executive on Monday past, and those issues will be brought back to the Executive next Monday.

The next round of negotiations takes place contemporaneously. As I indicated, another is due on 1 June. That is before what they have described as their high-level meeting, which takes place later in June. It is about taking stock of progress at that stage, Trevor, but, hopefully, that is helpful by way of indicating convergence/divergence, a decision by the British Government not to publish text, unlike the EU, to date. Then, all of that will have to be assessed in the round at the high-level meeting later in June, which is the stocktake.

Mr Lunn: OK. I will not pursue it. I will wait with expectation for what happens before the end of June. Thanks very much.

Ms Anderson: Thank you, Declan and Gordon, for your presentation. We have received a lot of information from the officials, and there are technical notes out there, so, as an MLA on this Committee, I feel very well informed. The one thing that I would like to pick up on is the comments that have been made around the full adherence to the protocol. On 30 April, the Commission asked for comprehensive plans. What preparation is under way or, indeed, has been completed to ensure the full implementation of the protocol in Ireland in relation to the withdrawal agreement? Businesses and others need to hear about what preparatory work has been completed.

Mr Kearney: In my response to Trevor, I said that the Executive had been given a briefing by TEO officials on Monday on the latest stage of negotiations between the British Government and the EU. The sum total of that — this is without breaching Executive confidentiality — is that after those exchanges between the European Commission and the British Government over recent weeks, the British Government have confirmed that they will urgently put in place detailed plans with the Executive that include physical posts at ports of entry. They have signalled that, in order to implement the protocol for 1 January 2021 in a way that we all want — that is, of course, in a way that avoids disruption to trade, does not slow our businesses down and does not put the cost of doing business on to the consumers so that they carry that burden — delivery on that infrastructure needs to start as soon as possible. The British Government have indicated that they will provide advice on the requirements and funding to put that in place.

I refer you to the technical note that was published on 30 April by the European Commission. It sets out in detail the requirements from the EU and its expectations that the British Government would provide very detailed timelines and implementation measures to fulfil their responsibilities as a matter of urgency.

This goes back to your question, Colin, about where we are in the face of this perfect storm. These are all critical issues that the Executive need to consider immediately because it is clear that time is closing in and the clock is ticking. There are seven months left to implement the protocol and to secure the future relationship between the British Government and the EU. Our objective, as a united Executive, has to be to protect jobs, trade, the economy and the Good Friday Agreement, and to ensure that there is no hard border between North and South and that there is free movement of trade, North/South and east-west.

The Committee, in following those events, will also be aware that the British Government will hold that stocktake conference at the end of June, as I mentioned earlier. That is the point at which we all need to focus our attention on the British Government following through on those responsibilities. The expectation of the EU is that those detailed measures and time frames will be implemented to the satisfaction of the European Commission, as set out in the technical note.

Ms Anderson: That is important information to hear today. Do I understand correctly that the physical posts that you are talking about will be at the ports of Larne, Belfast and Warrenpoint? You said that, moving towards that, there are financial requirements for the operators at those ports to get them ready for the border in the Irish Sea. We are talking about unfettered access from here into Britain, as Gordon said, but the last comment that I read from Minister Gove was on 27 April, when he said that he wanted:

"to make sure we can have the smoothest possible access"

for British goods into here. Will the funding requirements and preparation for those physical posts be done in the timeline that we face, which is the seven months' extension from now until then?

Mr Kearney: The European Commission's expectation is that the Official Controls Regulation will be met. That means that the required standard of infrastructure must be established at all those points and ports of entry to ensure that its expectations are completely fulfilled. For example, we do not yet have the infrastructure that would allow for the passage of livestock. It is about ensuring that the necessary checks are operated according to the standards set down in the protocol by the European Commission and that the necessary infrastructure is in place to allow that to be fully enabled.

Ms Anderson: On the financial requirements that you mentioned, will the British Government assist with the cost of the infrastructure to be built?

Mr Kearney: The indications are that they will be prepared to do that.

Mr Lyons: The question that you ask is around implementation. It is important to note that that is what the joint committee is there for. It is not as though there is a road map for how this will be implemented. That is the role of the joint committee to decide. How it can be implemented is a decision that will have to be taken together by the UK and the EU. It will also be dependent on what the future trade agreement looks like. We have to look into all those issues. It is not as though we already have something ready to go. It will depend on the outcome of the free trade agreement — that is important to note — as well as further conversations that will take place as part of the joint consultative working group, the specialised committee and the joint committee.

Ms Anderson: The joint committee will not determine whether there will be posts; it will determine what is compliant with EU rules and can come in. My understanding from the technical note and information at the weekend is that 700 vets have been recruited in Britain, and some of them are here. At those ports of entry, there needs to be physical infrastructure for vets and customs officers.

Mr Lyons: Again, that will depend on the outworking of the work of the joint committee looking at those products designated at risk of going into the EU.

Ms Anderson: It will determine what is at risk and what is not at risk.

Mr Lyons: The joint committee.

Mr Kearney: There is a lead-in period for all of that to be delivered. That is also part of the European Commission's expectation. We spoke about the clock ticking towards the withdrawal date over the next seven months, and the clock ticking from this point towards a stocktake meeting in June, but the

European Commission also has an expectation relating to the protocol. It is operating to a timeline by which it expects the necessary requirements and infrastructure to be put in place to ensure that all the necessary customs checks, livestock checks, health checks etc can be carried out.

Ms Anderson: Is that before the deadline of seven months — the end of this year and 1 January?

Mr Kearney: As I understand it, it has a timeline by which it needs to proceed in order for all the stages that would take us to that point of preparation to be fulfilled.

Mr Stalford: They may have a deadline, but we are no longer an EU member state and, therefore, no longer obligated to live under its rules and conditions. It is important to make that observation. The EU no longer faces a Prime Minister without a majority and a Parliament that is hamstrung and unable to make any decisions. That is important in this context. We are no longer in a situation similar to that which Theresa May was in. We have a Government who are capable of governing and going ahead without the consent of the European Commission.

What proposals are in place to ensure the protection of east-west and west-east trade with regard to minimising the logistical challenges associated with the operation of the protocol?

Mr Lyons: Those will be issues for the joint committee to look at, but, if you read the protocol, you will see that the preamble states:

"nothing in this Protocol prevents the United Kingdom from ensuring unfettered market access for goods moving from Northern Ireland to the rest of the United Kingdom's internal market".

It goes on to talk about Northern Ireland remaining part of the UK customs territory. The job that we have, as we work in the joint committee, is to make sure that the protocol is implemented. That is the shared view of every party in the committee: the protocol needs to be implemented in such a way that it does not cause friction, east-west or west-east.

Mr Stalford: It is a statement of fact that east-west trade is significantly more important than North/South trade, is it not?

Mr Lyons: Absolutely, nobody would deny that. It is still the case that the rest of the UK is our biggest trading partner. A lot of focus was kept on wanting to keep the North/South border open so that there could be continued trade; we all wanted that. However, with the sheer number of jobs, and the number of goods that pass between us, GB is, by far, our most important market, and that is realised by all parties in the Executive when we say that we do not want friction. People's jobs and livelihoods depend on this, as does our prosperity. We are facing enough challenges as a result of COVID-19; the last thing that we need are additional barriers between us and our largest trading partner. We need to be united on this and do everything that we can to get the right outcome to ensure our future economic prosperity.

Mr Stalford: What link is there between the joint committee's work and the substantive UK/EU trade agreement negotiations?

Mr Lyons: It is important that we look at those as two separate silos. They will affect each other, but they are separate. The joint committee does not have any responsibility in the negotiations on the future relationship. Those are ongoing and separate. The role of the joint committee relates to the implementation of the withdrawal agreement.

Mr Stalford: How will our feeding into the development of a future trade agreement work?

Mr Lyons: There is continued and ongoing collaboration with not just the UK Government but other devolved Administrations. As Minister Kearney said, regular calls take place between the First Minister and the deputy First Minister and the Paymaster General; and between the First Minister and the deputy First Minister and the Chancellor of the Duchy of Lancaster. Those discussions are ongoing. We have the ability to feed into that, as well as through the Joint Ministerial Committee meetings that take place at devolved level. *[Interruption.]*

A Member: That is your voice.

Mr Stalford: Perhaps it is. Excellent. Stalford in surround sound. Very good.

Mr Lyons: As if we are not suffering enough.

Mr Stalford: Yes. That is right.

Mr Lyons: We have that opportunity to continue to feed into Her Majesty's Government.

Mr Stalford: I am not surprised that the European Commission published its opening position because it was so unreasonable. One of the sticking points has been access to fisheries, which is obviously an important enterprise in Northern Ireland. What is our view on EU fishermen continuing to have access to Northern Ireland waters? You will recall that a Northern Ireland fishing boat was apprehended by our nearest neighbours and taken to port not so long ago.

Mr Lyons: Obviously, we believe that we should be able to have the benefits of fishing in our own waters. It is fair to say, and I do not think that anyone would disagree, that our fishermen have suffered a great deal over the last number of years. I certainly do not want to make their lives or livelihoods any more difficult.

The Chairperson (Mr McGrath): Thank you very much. Every member in the room has asked a question, but we have a few members on the telephone system, including Christopher, apparently [*Laughter.*] Unfortunately, we will not take additional questions from him.

Emma, you were on first. Have you any questions?

Ms Sheerin: I do not.

The Chairperson (Mr McGrath): Grand. Pat, have you any questions?

Mr Sheehan: No, Chair, thanks.

I just want to make a point about the connection today. The reason that Christopher heard himself talking on the phone line was because I am watching the live stream, or trying to, because the phone line is so bad. [*Laughter.*] I had just unmuted in anticipation of you coming to me. That is the reason for that. It is very difficult to follow the meeting on the phone. There needs to be some improvement if we are to continue with this system.

Ms Sheerin: I want to confirm what Pat is saying. [*Inaudible*] to come out for half a minute at a time and then back in again. I can barely hear. I have found this in past weeks as well. I could hear you clearly when I dialled in, but I cannot hear you guys in the room. It is difficult to follow.

The Chairperson (Mr McGrath): Pat, I wish that it was as simple in life and that there was a little button that we could use to minimise Christopher, but that is not allowed. I understand the difficulties. There is a delay in watching the live stream on your computer screen. We had a presentation this week about another system that we could use for Committee meetings. Hopefully, it will be online in the next fortnight and should eradicate all those problems. I am sorry that there has been a dropout.

George, you are still there. Have you any questions?

Mr Robinson: I am the same. My sound is up and down; I can hardly hear a thing. I have one question for whichever one of the junior Ministers wants to answer.

The Chairperson (Mr McGrath): OK.

Mr Robinson: I thank the junior Ministers for coming to the Committee. How many civil servants have been redeployed from work on EU-related issues to deal with COVID-19?

Mr Kearney: Thanks for the question, George. Can you hear me?

Mr Robinson: You are up and down all the time. I am trying to listen.

Mr Kearney: We do not have an exact figure for you, George, but it could be as many as 10 who have been redeployed to work on COVID-19-related matters. However, that is not exceptional to this section of the Civil Service.

Mr Robinson: That is right [*Inaudible.*]

Mr Kearney: You will find that there is a quota or factor of personnel across every Department that has been redeployed to the overall priority of fighting COVID-19.

Mr Robinson: Are there any plans to amend that to get back to the quota?

Mr Kearney: Absolutely. We need to maintain the resilience of the Civil Service. You will appreciate that we made a decision, some months ago, that the scale of the pandemic facing us would require an all-of-government approach.

Mr Robinson: Of course.

Mr Kearney: As a result, we have remodelled structures and redeployed personnel to meet that demand.

Mr Robinson: Thank you very much for your answer.

The Chairperson (Mr McGrath): Ministers, we had pre-discussed some of the questions that we might ask. I will just add to what George said about how many civil servants have been moved from EU duties — Brexit duties — to COVID-19 duties. Everybody was taken aback — perhaps aback is the wrong word — because we were so focused on COVID-19 and then, all of a sudden, about three to four weeks in, it was suddenly announced that Brexit is happening whether you like it or not, COVID-19 or not. Suddenly, a lot of civil servants who might have been involved in Brexit preparations were moved. Rather than reorganising the whole Civil Service, is any effort being made to move those EU-focused people back into their roles at this stage?

Mr Kearney: I enquired earlier whether we had a figure for how many personnel might have been moved away from EU-specific, Brexit-related duties to COVID-19. It was confirmed that a number have been; some of them are quite senior civil servants. It could be as many as 10, Colin, or it might be slightly more, but it is reflective of an overall demand. Some of the personnel who have been moved away from this particular responsibility have been redeployed because of their expertise and experience and because of what they can offer the Executive's fightback against COVID-19. These decisions have not been taken in an ad hoc way; they have been carefully calculated.

However, as you said at the outset, we face an ongoing national and international pandemic and health emergency. We also have the challenge of Brexit looming; it is coming at us like a juggernaut. We need to find the capacity within the Civil Service and the Government to ensure that we can meet the demands of each challenge. We will take this point back to the Department, following the meeting today. The bottom line is that we need to ensure that we have the organisational resilience not only to meet COVID-19 but to meet the complexity of the challenge presented by withdrawal from the EU.

The Chairperson (Mr McGrath): Ministers, thank you very much for your attendance today. The Executive have been up and running again for four months, but it feels like four years because of the pressure on everybody and the work on coronavirus. Ministers and representatives are working round the clock to deal with concerns and queries.

I cannot remember whether this is your first or second visit to the Committee. If it is your first, I welcome you; if it is your second, thank you for coming back. We appreciate you joining us today and giving us as much information as you have. Hopefully, we can set a schedule to get an update from you in a few weeks' time.

Mr Lyons: We are happy to do that on a regular basis, Mr Chairman. You said earlier that we had to be asked to come. I always thought that that was the case. We are happy to make ourselves available. There is no problem with that.

The Chairperson (Mr McGrath): That is very welcome. Thank you very much.