



Committee for The Executive Office

OFFICIAL REPORT (Hansard)

Brexit Issues: Mr Declan Kearney MLA,
Junior Minister, Executive Office; Mr Gordon
Lyons MLA, Junior Minister, Executive Office

23 September 2020

NORTHERN IRELAND ASSEMBLY

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Members present for all or part of the proceedings:

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

Witnesses:

Mr Kearney	Junior Minister
Mr Lyons	Junior Minister

The Chairperson (Mr McGrath): Members, junior Minister Kearney and junior Minister Lyons are in attendance to brief us on Brexit issues and to answer questions. Ministers, you are welcome to the meeting, which will be reported by Hansard. I will pass over to you to let you give us an update, after which we will let members ask questions.

Mr Lyons (Junior Minister, The Executive Office): Thank you very much, Chairman. I am glad to be here again. We last briefed the Committee on 24 June, and you had officials before you on 29 July. We are happy to provide a monthly update on EU exit matters, as we resolved to do at the last meeting. Additionally, officials are scheduled to provide a briefing on common frameworks on 7 October. The First Minister and the deputy First Minister will also be there that day to provide an update on departmental issues more generally. We understand that the Committee has requested a more specific briefing on issues associated with EU exit, and we are working to agree a schedule of dates so that we can meet that request.

You will have received our briefing paper ahead of today's meeting, and we intend to update you on the progress that has made over the last number of weeks on a range of areas in relation to EU exit. I will start by providing an update on the meetings of the Joint Committee and the Specialised Committee since our last Committee appearance. We will also touch on the Internal Market Bill and the Northern Ireland protocol.

As you will be aware, an extraordinary meeting of the Joint Committee took place on 10 September. That meeting was requested by the European Commission to seek clarifications from the UK on the full and timely implementation of the withdrawal agreement, including the protocol, following the

publication of the Internal Market Bill the day before. The meeting was chaired jointly by the Chancellor of the Duchy of Lancaster, Rt Hon Michael Gove, and the European Commission's vice-president, Maroš Šefčovič. All 27 EU member states were present, and the First Minister and the deputy First Minister joined the meeting by teleconference.

During the meeting, both sides stated their positions, with the EU side requesting that the UK withdraw the internal market proposals and the UK underlining that it was fully committed to the implementation of the protocol and the technical discussions that were seeking to resolve the issues. The EU representatives were to report to the Commission's president, the European Parliament and member states, and they committed to come back to members of the Joint Committee in due course.

There has since been correspondence from Maroš Šefčovič to Michael Gove, asking that the UK withdraw certain articles from the UK Internal Market Bill that the EU considers to breach the substantive provisions of the protocol by the end of September. The next scheduled meeting of the Joint Committee is due to take place on Monday 28 September. We do not have details of an agreed agenda, but we expect it to cover all the outstanding issues relating to the withdrawal agreement, including an update on the implementation of the protocol, the other protocols to the withdrawal agreement, such as that relating to Gibraltar, and on technical discussions between the two sides.

There has not been a meeting of the Ireland/Northern Ireland Specialised Committee since before the summer, and the timing of its next meeting will depend on progress at the technical level.

On the Internal Market Bill, the UK Government consulted on their UK internal market proposals in July and August. The Executive considered the proposals and issued an agreed response to the internal market consultation on 12 August, prior to the introduction of the Bill to Parliament in September. The Executive believe strongly that our vital relationship with the markets of England, Scotland and Wales must be protected for the benefit of our businesses and consumers and that the proposals to legislate will be one of the most important determinants of our business market access for years to come. That position was reflected in the Executive's consultation response.

You will be aware that the introduction of the Bill has proven contentious, given the provisions in it to give UK Ministers powers to amend how the UK implements the protocol if key decisions are not reached with the EU through the Joint Committee. It will be important for the Executive to consider all aspects of the Bill, particularly its impact on its devolved responsibilities.

Clarity on the implementation of the protocol and its impact on our businesses and citizens remains the top cross-cutting issue for us. Our priority remains the securing of unfettered access for Northern Ireland goods to the GB market as well as the minimum possible friction on the east-west movement of goods. Access to the GB market remains of vital economic interest to our businesses, and we continue to press the UK Government to ensure that their commitment in the command paper is delivered to support current trade and the future strength of our economy.

The UK Government published NI business guidance in August, which was an important step forward. However, as the UK Government recognised in the guidance, there are outstanding issues on which discussion is ongoing. We continue to press the UK Government for clarity on those issues, including any that are causing confusion for businesses. The Trader Support Service, announced by the UK Government in August, will be a valuable support to businesses, and we encourage our businesses to avail of it.

We are all aware that our businesses and our economy face many pressures associated with the COVID-19 pandemic. Uncertainty around the implementation of the protocol and its interaction with the outcome of the negotiations is causing added pressure and anxiety. We are therefore extremely concerned about business readiness for the end of the transition period. We are also extremely concerned that the limited time that businesses will have to prepare will not be adequate and will likely result in a further negative impact on our economy. So, we continue to press the UK Government for progress to address the uncertainty for our businesses and our citizens.

I hope that that has been of some help. I hand over to Declan, who will continue on other issues.

Mr Kearney (Junior Minister, The Executive Office): Thank you, Gordon and Colin. In my remarks, I will cover the Executive's consideration of EU exit matters, operational readiness, negotiations, the Joint Ministerial Council on European Negotiations (JMC EN), EU exit related legislation, and the rights and dedicated mechanism issues.

The Executive Committee dealing with EU exit matters continues to meet each week. Recent discussions at the meetings have covered topics such as data exchange, EU programme participation, Peace Plus and open and fair competition, as well as regular updates on stakeholder engagement and the progress of negotiations in the JMC (EN) meetings.

As Gordon said, we agreed a response and issued it to the consultation on the Internal Market Bill. Since then, we have, as an Executive, discussed the implications of the Bill following its publication. We have also discussed the issue of points of entry in order to fulfil the obligations set out in the protocol. We are, of course, in agreement on the need to secure the best outcome for the North and the need to ensure that goods can legally enter the North on 1 January 2021. The Department of Agriculture, Environment and Rural Affairs has since commenced the procurement process for points of entry.

Negotiations on the future relationship between the British Government and the EU continued over the summer, with the most recent formal negotiating round concluding on 12 September. The final negotiation round will take place in Brussels in the week commencing 28 October. We understand that the negotiation teams have continued informal discussions in the interim.

From the statements on both sides, you will be aware that significant areas of divergence remain. Those relate specifically to open and fair competition, fisheries and subsidy control or state aid, and those gaps will be difficult to bridge without political intervention. Boris Johnson has stated his aim of completing the negotiations by the middle of October to allow for ratification by the Council meeting at the end of October. Whilst we welcome the continued commitment from both negotiation teams to reach an agreement on the future relationship, negotiations that stretch beyond that point will have an inevitable impact on the time available to prepare for either a deal or a no-deal outcome. As has been the case throughout the negotiations, responsibility for concluding the agreement lies within the competence of the British Government, and we have shared that assessment with the Committee in the past.

The Executive continue to take every opportunity to engage with the British Government and the Taskforce Europe negotiators to ensure that the future relationship that we will have best reflects the interests of our people, our businesses and our regional and island economy. Indeed, the deputy First Minister, Gordon and I reiterated that very point to the EU ambassador to Britain when we met last Thursday. The joint heads of government also wrote to Michael Gove on 10 September to emphasise the critical importance of rules of origin in the negotiations and their potential impact on our economy. We continue to press on the impact of the interdependencies between the negotiations on the future relationship with the EU and, of course, in relation to the full implementation of the protocol. There is a huge potential for negative consequences, albeit unintended, for our people and businesses if a joined-up approach is not achieved.

Since our last appearance at the Committee, there have been two meetings of the JMC (EU Negotiations) subcommittee, on 16 July and 3 September. Gordon and I accompanied both heads of government to those meetings. The agendas have included negotiations with the EU, updates on transition readiness, including the legislative timetable and implementation of the protocol, as well as progress on work on the UK common frameworks. At the most recent meeting on 3 September, two frameworks received provisional confirmation by the JMC. Those related to hazardous substances, planning and nutrition, health claims and composition and labelling. Those frameworks will now move to scrutiny here by the relevant Assembly Committee and in other legislatures in Wales and Scotland.

The main points that we made at the meeting on 3 September included concerns about the limited time available for an agreement on the future relationship to be concluded, ratified and implemented before the end of the transition period at the end of this year. We also addressed the need for political intervention to reach an agreement and the need to take account of the interactions between the negotiations on the future relationship and the protocol, particularly in specific key areas, such as sanitary and phytosanitary (SPS) checks. As Gordon said, we understand that officials will provide a specific briefing to the Committee on the common frameworks programme on 7 October. They will be in a position to provide further detail at that session.

As we informed you at our last session, the Executive are undertaking operational-readiness planning, which includes the option of a non-negotiated outcome. The Committee has discussed the implications of a non-negotiated outcome in general, in particular how the protocol would work in practice with arrangements such as World Trade Organization (WTO) trading rules.

Whatever the outcome of the negotiations, the protocol will still come into force on 1 January 2021. We have some certainty on that, but the impact of a no-deal outcome would still be significant. In a non-negotiated outcome, it will be important to understand where mitigations lie, where they sit within our competence, and where they are within the competence of the British Government. That will be considered as part of our planning for a non-negotiated outcome.

It is vital that we prepare on a collaborative basis with the British Government, given the short timescale to the end of the transition period. To facilitate that, the British Government have agreed that our officials will be involved in all future meetings of the UK transition period readiness portfolio board. We welcome that development.

We also welcome the recent correspondence between the British Government permanent secretaries and our NICS counterparts on reciprocal information sharing in relation to operational readiness. That increased engagement with the British Government will go some way to help in aligning our energy and resources to resolve as many issues as possible in the short timescale available and to ensure that we have as sound a risk-informed planning and prioritisation process as possible.

We emphasised to the British Government that substantial and substantive engagement at ministerial and official level is essential. Ministers will continue to be involved in regular quadrilateral meetings with the Paymaster General, Penny Mordaunt, and devolved Administrations from Scotland and Wales, which will consider operational readiness issues.

Legislation is a key area in preparing for the implementation of the protocol and the future relationship, or, in the event of a non-negotiated outcome, for operational readiness. We have a significant challenge to effect a high volume of largely technical EU exit legislation before the end of the transition period on 31 December. Work is ongoing to capture the volume of legislation that is likely to be required to do that.

It will be necessary to manage that alongside the essential mainstream business of the Assembly, including non-EU exit legislative programmes. Our officials are liaising with Assembly officials to ensure that Committees are involved in a timely and appropriate manner in progressing that legislation. The Executive Office has, at this time, not identified any legislation to be brought forward under the EU exit legislative programme.

The Equality Commission and the Human Rights Commission have been asked by the Treasury to undertake a scrutiny and monitoring role that will form what we have been describing as the dedicated mechanism. That will ensure that our people are not subject to a diminution of rights, safeguards or equality of opportunity following Britain's exit from the EU.

The Executive Office, as sponsor for the Equality Commission, has been in discussions about appropriate funding for the commission to discharge that function. The commission has formally agreed that it is willing to act as part of the dedicated mechanism and that it will establish the dedicated mechanism itself. I touched on that in my last report to the Committee.

I hope that those updates are useful.

The Chairperson (Mr McGrath): Yes, thank you very much. We appreciate getting that information, and thank you for presenting it.

You mentioned the potential for a non-negotiated outcome or a no-deal scenario. Could you give us a flavour of the preparation in the Executive Office for a no-deal scenario, given that we are, as I understand it, 99 days from the end of the process, and that there is no deal, and little prospect of a deal, given many of the events over the past two weeks?

Do you have a special department in the Executive Office that is preparing for no deal? Do you have a special committee that meets on a regular basis? Who is involved in that process, and what preparations are being made for the disaster of a no-deal outcome?

Mr Lyons: First, it is important to say that that is not where any of us wants to be, and I know that it is not where you want to be either. It was always going to be the case that negotiations would go down to the wire. I certainly hope that we can get an outcome, because it is best for Northern Ireland to ensure that we have that agreement.

We meet regularly. The EU Exit Committee meets every week as the executive body that is looking at this, and, of course, all scenarios will be taken into consideration. We also liaise with the Government in London to ensure that we have the most up-to-date information that we need under all those scenarios. We are not looking towards that, and we do not want it to happen, but work is going on as part of that.

The Chairperson (Mr McGrath): I want to push a bit more on that. We had an almost-15-minute report from you on all the efforts, and thousands of people must be involved in preparing us for a deal, but it is still only a 50:50 outcome, at best. The other side is no deal, and there are implications of no deal on businesses, communities, those who travel back and forward across the border and on business that comes in and out through freight. We have heard about all the problems in preparing for a deal, but is there a committee or a group of people actively saying, "This is what we do if there is a no-deal scenario" and sort of war-gaming what those solutions would be, given that they may be the rules that businesses here will have to follow in 99 days' time?

Mr Kearney: There is a unit in TEO, which is headed by Andrew McCormick, that is specifically responsible, on the official side, for dealing with negotiations. That unit participates in the Specialised Committee, observes the Joint Committee meetings and is engaged directly with British officials on an ongoing basis. Before and after, there are quadrilateral meetings that are convened by Penny Mordaunt. Suffice to say that we are probably now in a perfect storm. Our officials are clearly sighted on the prospect of a no-deal outcome, but, even in the event of an agreed outcome, we are still some distance away from getting clarity and certainty in relation to the extant issues.

I will give you a flavour of the pinch points. At this point, there is divergence in the negotiations over rules of origin and in relation to fisheries and state aid. The Joint Committee has been mandated to address, before the end of the transition period, issues around tariffs, fisheries and aquaculture, the question of EU representatives in relation to the observation of customs and regulatory inspections, and exemptions for agricultural state aid. None of those issues have been closed out.

It is further complicated by the reality, which I touched on in my remarks, that there is an interdependency between those outstanding issues of negotiation and how the protocol will be implemented, and the Internal Market Bill now brings in huge ramifications for the current state of process in that we have not yet arrived at a point where we can be sure whether there will be an agreed deal. On the other hand, the door is open to the prospect of a no-deal outcome. At a meeting earlier in September, I noted the report given by David Frost, and I observed afterwards, in meetings with colleagues from Scotland and Wales and the British Government, that, in fact, we were hearing the acoustics for both a crash-out situation and a non-crash-out situation.

To come back to points that we have made in the past, the difficulty is that we are not directly involved in the specificity of the negotiations. We press for additional information and press for information from British Government on their planning assumptions, both in the event of an outcome but, more importantly, in the event of no outcome. I summarised those issues, which are points of divergence where there is disagreement and which now include state aid, the whole question of the free flow of data and issues relating to transport because it gives you some sense of the complexity of actually trying to prepare adequately for the prospect of a non-deal outcome. We are sighted on that prospect, but we are in a position to manage it only within our own competence. At this time — I know that it will not satisfy the Committee to hear this again — we are still not sufficiently engaged on the detail of the negotiations that would allow the Executive and our officials to say that we are sufficiently involved and that we have clarity about the direction of travel in these negotiations.

The Chairperson (Mr McGrath): OK, but again, and to make your point, the door is open to a no-deal outcome. I will put it to you that, if you look into that room, you will see that there are no TEO officials preparing for that outcome. Much of what you said is about the complexities of preparing for an outcome. I hear what you are saying about our engagement in preparing for an outcome that is not of the highest standards, but surely somebody somewhere in the Executive Office has said that there is a fairly high chance that we could have a no-deal outcome. We know what the ramifications of a no-deal outcome would be, and we knew that two years ago. Has anybody in the Executive Office said, "Do you know what? Can we put a few people into a room and start sketching out what will be required for a no-deal scenario so that we can help people to prepare for that?"?

Mr Lyons: It is unfair to say that there is nobody dealing with this. If that is the impression that we have given you, that is wrong. First of all, because we look at all these scenarios, there are officials that will then look at the non-negotiated outcome scenario as well. Additionally, an awful lot of work

was done a year ago in anticipation of the possibility of no agreement at the end of 2019. The hub that was dealing with that was established in the wider Civil Service. That has the ability to be stood up when necessary. I do not have some of the specific details that you are looking for, Mr Chairman, but if I can get that to you, I would be more than happy to pass it on.

The Chairperson (Mr McGrath): I think that we have officials coming next week to give us a presentation on contingency planning that will include a no-deal scenario. Can I suggest to them that they be well versed and well readied to give us answers on those preparations? That would be very useful.

Mr Lyons: I am more than happy to pass that advice on to them.

The Chairperson (Mr McGrath): Ministers, the future EU relations Committee in Westminster has been meeting with the devolved regions to listen to the issues that they are having with Brexit and to take on board their views. I understand that Scotland and Wales met with that Committee in Westminster on 15 September. The Executive Office was invited, but I understand that you have not yet responded to that invitation. It is an open invitation, as I understand it. Given that the other devolved regions accepted the invitation in good spirit and went along to discuss the issues, is it your intention to take up the opportunity for the views of the Executive to be relayed at those meetings?

Mr Lyons: I certainly have no objection to that, Mr Chairman. I am happy to share our experience of engaging with the Government. I have no problem with that.

The Chairperson (Mr McGrath): I think that you had an invite in the Department with the aim of having the three devolved regions at the one meeting. The impression seems to be that there is difficulty securing an answer from you. That would be incredibly important, but we have missed the boat for the three regions to come together to express their views. I am sure that they would meet with you if you were to get to that invite.

Mr Kearney: They would be very clear, Colin, in the message that they would bring. There is a regular, continuous engagement on a quadrilateral basis between us, our Scottish and our Welsh colleagues, specifically along with the mechanism that is in place with Penny Mordaunt. Separate to that, there is an increased uptake in the engagement with Michael Gove and his people through the JMC.

The Chairperson (Mr McGrath): As a good custodian of Select Committees and in Committees that are in legislatures, if they were looking for an opportunity to meet you, it would be nice for them to get a flavour of what your thinking is in order to help them inform their work in putting pressure on the Government. Finally, maybe you have additional time on your hands now that you have passed on responsibility for health regulations, and the amendments for which you would have taken responsibility for passage through the House have gone to the Health Minister. May we get a flavour of your priorities as junior Ministers with regard to Brexit? Where do you see the most important work being done in the 99 days ahead? What key areas are you working towards?

Mr Lyons: Let me say, first, that we were happy to take the health regulations through the Assembly on behalf of the Health Minister. The health regulations were from the Executive, and we were happy to step in at the time to help the Health Minister in that way. We are now at stage now where the workload, especially that of officials in our Department, is increasing. That has made it necessary for our officials to concentrate on that other work.

As far as we are concerned, Brexit is certainly not the only issue that we deal with. However, the majority of the time that we spend on Brexit-related issues is spent on engagement with the UK Government. We engage with them regularly. As Declan outlined, we meet in a number of formats, and we will continue to do that. Last week, we also had the opportunity to meet the EU ambassador to the UK. We are not direct participants in those negotiations, although we can go along to Joint Committee meetings, and have done so.

Certainly, I see it as my role, and I think that Declan will share this view, to secure the best outcome that I can for Northern Ireland. That is our common purpose. We understand the issues at play here. We want to ensure that those who are negotiating are aware of the special circumstances that we face as a result of the withdrawal agreement and protocol. We want to ensure that the views of people in

Northern Ireland are heard. We do that through engagement with the Government and, where appropriate, the EU. We will continue to do that. I am sure that Declan will want to add something.

Mr Kearney: Yes. I will add that we have engagements, where appropriate, with the Irish Government. In the context of North/South engagements, our clear objective is to find an agreed outcome to this negotiation, to the conclusion of the withdrawal agreement itself and its full implementation. However, it is outwith our competence and authority to ensure that that happens. We are dealing with a British Government who have, probably, set themselves on the trajectory of a non-agreed outcome — a crash-out Brexit. In those circumstances, our function and job must be to ensure that the protocol, which will still come into force on 1 January 2021, is, in fact, fully implemented and that the interests of our people, deal or no deal, continue to be protected with regard to the economy, businesses and the livelihood of citizens.

With regard to the bigger picture, those are the guiding objectives that we will be responsible for taking forward, directly on behalf of the Executive, and deputising, where appropriate, on behalf of the joined heads of Government.

The Chairperson (Mr McGrath): Minister Kearney, I could not agree with you more on that sense of moving towards a no-deal outcome. I am not entirely comforted by the answers that I have heard from you. I hope that that is because you have been put on the spot and do not have the detail. Hopefully, next week, we will extract much more detail about the preparations that the Executive are making for that outcome. If it is a reality, we do not want, on 1 or 2 January, the accusation to be made that the Executive were asleep at the wheel, too busy focusing on another outcome and not preparing for the one that could be hurtling toward us. We certainly do not want to go there.

Mr Kearney: It would certainly be a very unfortunate outcome because it would reflect very badly on all five parties that are members of our power-sharing coalition.

The Chairperson (Mr McGrath): And the British Government.

Mr Kearney: Of course.

The Chairperson (Mr McGrath): I will pass to —.

Mr Lyons: And the EU.

The Chairperson (Mr McGrath): Sorry?

Mr Lyons: And the EU.

The Chairperson (Mr McGrath): And the EU. *[Laughter.]* I will pass to the Deputy Chairperson.

Mr Beattie: Gordon and Declan, thank you for that really informative brief and for all the work that you are doing. This is complex, high-end international politics. As you said, we are not sufficiently involved, for whatever reason — I do not know. I have real concern that what we have is a game of football between Boris and Barnier, and Northern Ireland happens to be the football. The concern is that somebody will press the nuclear button, and there will be a non-negotiated outcome. I have to say this because it has to be on the record: I am staggered that we do not have a committee of people whose sole purpose is to look at what a non-negotiated outcome will mean for us. In your own words, Declan, you believe that the British Government are intent on a non-negotiated outcome. If we believe that they are intent on that, why are we not preparing for it? I have to say that I am concerned. I honestly thought that you would say, "Yes, there is no problem. We have set aside a Department, and it is looking at the upshot of what a non-negotiated outcome would mean." Echoing the Chair's point, I am concerned. I hope that you will take that back to the Executive Office and say that we have a concern.

Mr Lyons: It is important for me to come in on this point.

Before I do, may I say to you, Doug, that I am very disappointed to hear about the threat that has been levelled against you? It is completely unacceptable and needs to be condemned by all right-thinking people. I did not want to let the opportunity go without saying that.

It is important to clarify this. I do not want any misinformation going out of here. It is not the case that nothing is going on. As I said, the issue, with the problems and potential issues that we could face, is on our dashboard. Officials in the Department were dealing with the possibility of a no deal at the end of 2019 and, now, they are dealing with what we may face at the end of 2020. I do not want to give the impression that this is not being considered as an option and that appropriate steps are not being taken. I do not have the number of people working on it, or further detail or data on it, but we are happy to give that to you, and, no doubt, the officials will fill you in further on it.

Mr Beattie: Gordon, first, thank you for your kind words.

May I follow up on what you said? I do not want you to think that I do not think that you are working on that. I think that you are. That is not what I am saying, but I honestly thought that there would be a dedicated, cross-departmental group with, for instance, someone from Justice, Health and Infrastructure looking at what will happen if there is not a negotiated outcome. That is what I thought we would be doing, especially since the Internal Market Bill has made everything so incredibly toxic, and we think that we are going towards a non-negotiated outcome. My deduction from that, or analysis of it, is this: as soon as somebody said that to me, I would ramp up my preparations for a non-negotiated outcome, including some form of committee or cross-departmental working group to look at all those issues. I am not saying that you are not working on it, Gordon and Declan. Please do not think that I meant that. I am just saying that I thought that we would have been ramping up our preparations.

Mr Kearney: On that point, Doug, I can tell you that, in the aftermath of the civil contingencies structure being stood down as we began to deal with the health crisis, a review process was undertaken. Its specific forward focus was on repurposing that structure, still based on the civil contingencies model, for the Brexit scenario, whether that scenario was in the context of a deal or the prospect of no deal.

That review has been carried out. The report, I presume, is being drafted. It has not been brought forward yet. The review had two broad objectives: assessing what worked within civil contingencies as we dealt with the complexities of the health crisis; and determining what effective learning should be introduced to the new structure, which would be cross-departmental and inter-agency, to deal with the repercussions and the headwinds of whatever lies on the other side of the transition period.

Mr Beattie: Thanks, Declan. It would be interesting to see that because, when we did not have an Assembly, there was also a civil contingency body looking at a no-deal Brexit. What we had when looking at a no-deal Brexit could nearly be transposed to looking at a non-negotiated outcome. It would be interesting to see that report, I must say, and, as time ticks on quite rapidly, it would be really good to see it.

Mr Kearney: Arising from this discussion, I will go back to those who were responsible for overseeing the process, those who carried out the interviews and those who gathered the information and data. I will enquire where the drafting of that report is at. Its forward focus was on the Brexit situation.

Mr Beattie: You can see that there is a real concern here. I really am concerned. It is not blame; it is a concern. You say that officials are gathering up all the exit legislation that needs to be achieved before the transition period is over, yet Northern Ireland has not identified any exit legislation. There is nothing at all: there is nothing in the Executive Office, in Justice, in Health or in Infrastructure. Are we saying that we have identified no legislation that we have to amend before the end of the year?

Mr Kearney: No.

Mr Lyons: No.

Mr Kearney: Three pieces of legislation have been identified at this stage.

Mr Beattie: OK. Sorry.

Mr Kearney: Those are an education Bill, a health and social care cross-border healthcare Bill and an infrastructure omnibus Bill. There is an indicative requirement for those three Bills to be brought forward and completed during or shortly after the EU transition period.

Mr Lyons: In addition to that, the Departments believe that there are 72 Assembly statutory rules (SRs), 13 of which have been laid, 90 Westminster statutory instruments (SIs), 21 of which have been laid, and nine Westminster primary Bills. It is not that those have not been identified; they certainly have, and there may be more to be identified.

Mr Beattie: Is it the Assembly's responsibility to work through those before the end of the year? That is a chunky old bit of work, is it not?

Mr Kearney: It is, and it is a very daunting prospect to expect that it will be done by 31 December. It is a very challenging workload that faces us in the midst of all the uncertainty.

Mr Beattie: Yes. Very briefly — thanks for your indulgence, Chair — I take it that there is no issue with some of that legislation being dealt with after the transition period, that we do not suddenly stop dead on 31 December and that there is stuff that can be followed up on.

Mr Kearney: It is inevitable that there will be carry-over into 2021, Doug. It is unavoidable.

Mr Beattie: So, as an Assembly and an Executive, we will still be doing Brexit in 2021?

Mr Kearney: We will be dealing with the consequences of it, whatever arises.

Mr Beattie: That is for sure. Thank you.

Ms Anderson: Thank you, Ministers, for your presentation. I have a few questions. Minister Lyons, I will come to you first, if that is OK?

Mr Lyons: Yes.

Ms Anderson: Will the Executive take account of the two motions that went through the Assembly on Monday and Tuesday on upholding the protocol and rejecting the Internal Market Bill, given that they were agreed to by an overwhelming number of Members?

Mr Lyons: There is an obvious difference of opinion in the Executive Office on the Internal Market Bill. Look, there are things that we are united on. We want to make sure that we can get the best outcome for Northern Ireland. We do not want any additional barriers to trade, North/South or east-west. We are united on getting the best outcome for people here in Northern Ireland. The different opinions on the Internal Market Bill were expressed in the debate. Our starting point, Ms Anderson, is that we want to make sure that we get the best deal for people in Northern Ireland.

Ms Anderson: Minister Kearney, on that point, will you give us your blunt and honest analysis of the Internal Market Bill?

Mr Kearney: There is no good Brexit, regardless of the outcome. As Gordon said, we have political differences in relation to Leave and Remain, but we are, in fact, united on what is necessary to protect our economy, jobs and citizen's livelihoods. We had the option of securing an extension in June, but, despite representations from some of the parties here, the British Government refused to ask for that. My sense is that, at this point, the British Government, with the introduction of the Internal Market Bill, are probably pressing one of the EU's most sensitive buttons. By that I mean that they foresee the prospect of a post-Brexit Britain becoming a more agile, deregulated and free-market competitor with access to EU markets by using selective state aid.

There has been much punditry on the way that this is shaping up. Some have talked about a game of chicken and a stand-off between the British Government and the EU. The British Government have said emphatically that they are not going to blink — they said before that they were not going to apply for an extension — and that the EU does not grasp the gravity of that intent. That is what leads me to the consideration that we may well be dealing with elements in the British Government that have the whip hand who are prepared for no deal; a non-negotiated outcome. Boris Johnson has said that, if nothing is sorted out by 15 October, nothing will be sorted out at all, because the clock is ticking towards 31 October.

Leaving the EU on 31 December without a deal will have serious repercussions for jobs and the local economy, regionally and on the island as a whole. This morning, I was reading in a report on a study carried out under the auspices of the London School of Economics that there could be serious repercussions for the economy in the British state. That is why I said that there is no good Brexit for any of us, regardless of whether you come at this from a Remain or Leave perspective.

The legislation very clearly breaches international law, and the Secretary of State indicated as much in his remarks, acknowledging that it represents a departure from an international treaty and is therefore a breach. While some might say that the Bill is nothing more than a negotiating ploy to exert some additional leverage and squeeze Michel Barnier's approach, it has provoked a huge outcry in this state and on the island. The reaction from the United States has seen people like Nancy Pelosi and Richard Neal stating that, if there is no deal and a threat to the Good Friday Agreement, there will be no British-US free trade treaty struck as a consequence. It is also notable that elements in the British establishment and the Tory Party itself have come out very forcefully to say that the Bill breaches international law, has done huge reputational damage to the British Government and the British state and should never have happened.

Our colleagues in Scotland and Wales are describing it as a full-frontal assault on devolution and a power grab. If you drill down into the Bill, you see that clause 49 provides for amendments to our own 1998 Act, which is the legislative basis for the Good Friday Agreement, and has implications for other devolved regions' statutes. That effectively creates a situation in which the Internal Market Bill, if it became law, would be firewalled from any future amendment or judicial challenge. That is a pretty stark and worrying situation.

The protocol is imperfect. It is not the finished article, but it is at least an insurance policy that gives us basic protections for our peace agreement, political stability, the rights of citizens, the island economy and the jobs and livelihoods of our citizens. However, to be blunt in response to your point, I say that it has repercussions for the Good Friday Agreement. I think that it is dangerous ground for the British Government to consider abandoning those safeguards and mitigations, regardless of whether it is a negotiation tactic. It is dangerous ground to get into when you start to mess with that level of political sensitivity and stability. I believe that Boris Johnson and some in his Government have been negligent in their approach to the Good Friday Agreement. That has been a hallmark of every Tory Government since 2010, with negligence towards the agreement and oversight for the agreement.

To go back to something that Doug said, I think that this British Government are treating the North, the peace process and our power-sharing arrangements as a commodity in a bigger picture. I think that that is wrong and that what is really at stake in all this is the political and economic progress that we have enjoyed on this island and in this region and how it has improved relations between Britain and Ireland. All of that is potentially up in the air as a result of what has happened.

Mr Lyons: To answer that question, Chair, I take a very different view on the Internal Market Bill, as I believe that it is a step forward. I believe, first of all, that it recognises some of the damage that has been done by the withdrawal agreement and the protocol. I do not believe that it is everything that we need, but it is a step forward compared with where we were previously. We all sit here and talk about how we want to make sure that there are no issues North/South or east-west, but we do not have that certainty yet with regard to east-west. Considering that the rest of the UK is our biggest market, we need to make sure that there can be that free flow, that we can deal with issues such as the export declarations and that we can move our goods to the rest of the UK. I do not believe that that is a problem with regard to the Command Paper on what has already been set out. In fact, it is in keeping with what the EU and others have said that their objectives are.

I think that people have got themselves very excited about this Bill, and we have heard an awful lot of scaremongering out there about how it affects the Good Friday Agreement. I put on record that I think that it is absolutely wrong for people to do that. I am fed up of Northern Ireland being used as a pawn in all of the European negotiations, but it has been made worse by some people in what they have said about the Good Friday Agreement and how it damages the Good Friday Agreement. I have a copy of the Good Friday Agreement here; it is not my copy, Chair, because I lent my copy to the former Secretary of State Julian Smith during the talks process and, unfortunately, he never gave it back to me. When he is next here, maybe we could ask him about that.

The Chairperson (Mr McGrath): He must be rereading it and enjoying it.

Mr Lyons: He must be.

The Chairperson (Mr McGrath): Good. That is a positive move for a British Secretary of State.

Mr Lyons: I have been reading it, as well, and it says that:

"it would be wrong to make any change in the status of Northern Ireland save with the consent of a majority of its people".

I believe that that is what the protocol does. It is the protocol that goes against the Good Friday Agreement, not the Internal Market Bill. In fact, the Internal Market Bill tries to support what we find in article 6 of the Act of Union, which is about the free flow of goods and trade between Northern Ireland and the rest of the UK. We have all committed to making sure that we have free movement North/South and east-west. What we need to do is to take the heat and hyperbole out of it all and to try to work together to get a deal that delivers for the people whom we represent.

Ms Anderson: Chair, you will not be surprised that I do not concur with that analysis, because the section that has just been read out from the Good Friday Agreement is the section that deals with the constitutional question, and that is the only area in which the principle of consent was to apply. Given that a lot of people, including many in the international community, regard the Internal Market Bill as putting us, as Minister Kearney said, on dangerous ground, the step forward that you talk about is taking us towards the cliff. In 99 days, we are in danger of going over that cliff.

Whatever plans you are looking for, Chair, I do not know how you plan to dig yourself out of the rubble, because that is what we face. That is not scaremongering. We were dismissed when we talked about all of this as we campaigned to remain in the EU. We were dismissed and told that we were scaremongering. Unfortunately, Project Fear, as we were accused of then, became Project Fact.

As we take in what has been said about the dangerous territory that we are in and what we are heading towards, I ask Minister Kearney this: you spoke about border control posts and mentioned procurement briefly in your commentary. Given what Minister Poots has done about the implementation of border control posts, can you give us a further update on procurement for those?

Mr Kearney: Briefly, the Executive have discussed the issue at length, and the procurement process has commenced to put in place whatever infrastructure is required to fulfil the obligations that flow from the protocol.

Ms Anderson: That is therefore going forward.

Mr Lyons: Again, I feel that we are getting things the wrong way around. In the negotiations, we should first have got the free trade agreement in place and then worked on the withdrawal agreement. I think that it is the same with what has taken place here. Obviously, it is right that we try to get that agreement first. That is why it is so difficult for us to legislate and to do some of the things that we may need to do. We do not have an agreement yet, we do not know what an agreement will look like and we do not know what types of checks, if any, will be needed. We just need to be very careful about how we proceed on that issue.

I will go back to your previous point about the Good Friday Agreement. I am not a supporter or a defender of the Good Friday Agreement, and my party's position on it is clear. I will, however, read to you the words of David Trimble, who had something to do with that agreement. He said:

"The astonishing and disturbing fact is that the WA and, in particular, the Protocol completely undermine the central premise of the Good Friday Agreement. The whole purpose of the agreement was to give stability to NI by embedding in this international accord a promise that it was up to the people of NI to choose the constitutional status of the country."

I urge people to be careful with their language. I recognise that there is a difference of opinion in Northern Ireland on Brexit, and I respect the fact that different people have taken a different view on it. What I am calling for is for us to ensure that we respect the constitutional status of this country, as all parties here have agreed to do. That is important as we move forward.

I am sure, Mr Chairman, that you do not want to go any further on that at this time, but I thought that it was worth putting it on the record.

Ms Anderson: Of course, the constitutional question is laid out in the Good Friday Agreement and can be tested. If everyone thinks that it is OK and safe, let us test it. Let the people decide, but that is for another day.

Mr Lyons: Yes. It needs the consent of the people.

Mr Kearney: If I may, I will come in so that we can have a bit of balance in how we are receiving or filtering people's reactions to what has happened. In the past few days, the Lord Chief Justice, Declan Morgan, stated that such a flagrant disregard for the rule of law will no doubt engender:

"a domestic effect on the confidence the public will have in our regional legal system".

Many have commented on the repercussions, and I do not think that they are all coming at it from an ideological or partisan political perspective. In recent days, a very significant consortium of civil society groups in the North, including the Committee on the Administration of Justice (CAJ), has warned that the implementation of the Internal Market Act will have repercussions and consequences for the basis on which our political process is established.

We have to take account of all of those views, notwithstanding the differences that the parties have about the situation. There is a bigger picture here, and it would be foolhardy of us to dismiss criticism of the Internal Market Bill — potentially the Internal Market Act — as people simply sabre-rattling, being partisan or being critical for the sake of it.

Let us bear in mind that this has been in the making since 2018. Boris Johnson picked up on a negotiation that was closed out by Theresa May. There is very little substantive, material difference between what was in her original backstop and what is now in what you might describe as his front stop. Now that he has seen the ink dry on the paper, he is effectively stepping back and saying, "No. Listen, boss, I'm not up for that any more". You cannot take a pick-and-mix approach to how you conduct international negotiations. You are either in for a penny or in for a pound. This British Government have been down this road for two years and have signed up to this. I do not accept for a moment that Boris Johnson, Michael Gove and others in that Administration did not know what they were signing up for.

Ms Anderson: In response to Minister Lyons, I say that it is important that we all realise that you cannot have a future relationship before you get a divorce. You cannot say to somebody, "I'm not going to divorce you unless you tell me how you're going to treat me in future". That is what this is about. The withdrawal agreement is your divorce, and your future relationship is what you do afterwards. You cannot therefore say, "We should have had the future relationship sorted out first and then worked out how we were going to divorce each other". What you described there is the wrong way around.

We have heard a lot of talk about the customs union, the Internal Market Bill and the analysis of that Bill. We are all involved in that and are, of course, concerned about it. We have cows, sheep and pigs going across the border. They are produced on one side and processed on the other. We hear about all the protections, but we need to hear about the non-diminution of rights. We need to hear how the Executive are collectively going to ensure that the clause in the protocol that states there will be no diminution of rights is upheld. Given that we live in a place that will not even have a single equality Bill or a bill of rights, how are we going to protect, for instance, those people who live in your constituency and mine and those —

Mr Clarke: I thought that you wanted the divorce first.

The Chairperson (Mr McGrath): Order.

Ms Anderson: — across this island —?

Mr Clarke: Martina, I thought you wanted the divorce first.

The Chairperson (Mr McGrath): Order.

Ms Anderson: I am asking a question —

Mr Clarke: I thought that you wanted a divorce first. Make your mind up about what you want.

Ms Anderson: — about people across this island. For instance, in your constituency —

Mr Clarke: What about the divorce that you wanted? Get the divorce done. Those were your own words.

Ms Anderson: — there may be people who are blind and dependent on a dog. They may work in one jurisdiction and live in another. For instance, they may live in Strabane and have to cross the bridge. We are talking about rights not being upheld and protected and about a diminution of those rights. The dog may need to go to the vet, and every time that people cross the border from one side or the other, they are going to have to ensure that the dog is checked by the vet to make sure that it does not have rabies, and they will have to pay for that check. Those people need their disability rights upheld under the Charter of Fundamental Rights, but it has been scrapped already. We know that we have lost that charter, which upholds the rights of people who are disabled. As has been said, there is no good outcome for anyone. There is no good outcome for people in your constituency or in mine.

I am concerned about our hard-won rights. Last week, the Equality Commission and the Human Rights Commission appeared in front of the Committee. They have a dedicated mechanism — there is a lot of confusing jargon — to watch this to ensure that there will be no diminution of rights in the event of us going over a cliff. What happens to our hard-won rights?

Mr Lyons: There are a number of issues there in reply to your comments. First, it was the EU that set preconditions. It wanted the divorce bill sorted out first. It wanted citizens' rights sorted out first. It wanted the border issue in Northern Ireland sorted out first.

I completely disagree with you that it would have been wrong for us to have sorted out the free trade agreement first. With a free trade agreement, you would know what the future relationship would be like, so you would then know how the UK would disengage from the European Union. Secondly, my constituents voted for Brexit, so they will take a different view from you. It is up to you whether you would like to test that and stand for election in East Antrim. Declan has already set out where we are in respect of rights and the dedicated mechanism that has been put in place, but, again, this will take goodwill on all sides. Some of the issues that you referred to, such as the dog example, and whatever else, can be sorted out.

Ms Anderson: Dogs for people who are blind. It is very important.

Mr Lyons: Yes, that is very important. There is no reason why those issues cannot be sorted out. We want to see that. We want to make sure that that is going to happen. That is why TEO is the sponsor for the ECNI and has been involved in discussions around rights with the Human Rights Commission. I do not see why that needs to be a problem or sticking block.

Ms Anderson: There is probably a lack of understanding of article 50 of the EU treaty. It states that you can take account of, but not set, the future relationship. Article 50 was clear; it is EU law. I know that people are not supporting the upholding of international law, but it is international law, and, according to article 50, if you are leaving the EU, you have a withdrawal agreement and then you discuss the future relationship. That is set in law. However, I suppose, we are in the territory now of people not upholding or not supporting the upholding of international law.

Mr Lyons: The member shows a complete lack of self-awareness when she talks about upholding the law. It is the member who was a member of an illegal organisation; it is the member who has served time in prison; and it is the member who, not more than a few months ago, found herself in the position of breaking regulations that had been set by the Assembly and Executive. I am more than happy to have the debate on international law, but it is hypocritical of the member to come to — [*Interruption.*] Chair, I understand that I am testing your patience.

Ms Anderson: Chair, I need to be able to respond to that. We all have come from a past. War is a terrible thing, but it is about how you get out of it and how you build conflict resolution. This is about how we discuss sharing a different Ireland, going forward. Of course, we can talk about incidents that happened in the past. If that is the conversation that we want to have, I am sure that the Chair will facilitate that, but we are talking about the future. That is what I am talking about. Every day since I was released from jail, I have worked to make this place better so that no one feels that they have to

make a decision or choice that I made. Let us move away from that and work together to build that better future.

The Chairperson (Mr McGrath): For all the talk of divorce, it feels as if a certain amount of relationship counselling has been going on between the three of you as part of that section. I am going to move on, because we are into the time for our next evidence session, and Trevor would like to ask questions.

Mr Lunn: Thanks, gentlemen, for your presentations. It was hardly uplifting, but at least it was interesting. I do not get involved in what you have just been talking about. Since I came here in 2007, I have taken the view that everybody around the table is here for the same reason. They were voted into position, and they got their mandate from the electorate. Frankly, whatever happened in the distant past, within reason, is not really relevant any more. We need to move on. I totally agree with what Martina said. That said, is it fair to say that the internal market Act will not come into force until we know whether we are going out of Europe on a no deal, or non-negotiated, or crash out, or whatever you want to call it? It is the cart before the horse. According to what you said, we will know by 15 October whether it is Britain's intention, which it clearly is, to drag out the negotiations to the point at which he can say, "We're getting nowhere. We're going to crash out and make our own arrangements". Would that make the Internal Market Bill irrelevant? If Britain is going its own way, it could make its own rules, within reason. More than half of us disagree with what is in the Internal Market Bill, and so does civil society. The measures would not be necessary. Also, do the devolved Administrations have to agree to the Internal Market Bill? I see a letter in our papers from the Welsh Government asking that question. Perhaps this is not a fair question for you guys, but is it a fact that, because this Bill was not included in the Conservative manifesto, the House of Lords could block it?

Mr Lyons: Where to start with all those questions? Obviously, the Government have said that this Bill is to try to create a safety net. In the event that there is not an agreement and in the event that the protocol is not implemented in such a way that protects us, these provisions will come into force. That is obviously meant as a safety net and a type of mechanism to ensure that that is protected.

Mr Kearney: I will share with you, Trevor, a quote from the House of Lords Constitution Committee, which has written to Boris Johnson, Michael Gove, Dominic Raab, the British Attorney General and Robert Buckland. It has said that the Internal Market Bill proposes to confer ministerial powers that conflict with international law, the ministerial code and the Cabinet manual in Britain. It cites in its letter that the Internal Market Bill:

"puts the entire Withdrawal Agreement, and the other related agreements, at risk, potentially unravelling the policy of the European Union (Withdrawal Agreement) Act 2020. This would have far-reaching consequences."

That is coming from within the British House of Lords.

Mr Lunn: Yes. Does it give any clue as to whether the House of Lords thinks that the Bill could be blocked? That would be unprecedented, but could it be blocked by the House of Lords?

Mr Kearney: It gives no clue. I am just sharing that quotation with you, because I said earlier in my remarks that there are differences of opinion within the British political system, within the Tory party itself and within the British House of Lords. Is there sufficient critical mass within all of that opposition and concern to bring forward a block to the legislation? I do not know. I do not have a crystal ball.

Mr Lunn: Fair enough. It is fairly obvious that, if there is a crash out, irrespective of whether we have an Internal Market Bill or not, straight away the effect will be on the North/South border. It has to be. Europe will not take this lying down, and there is a clear contradiction of our Good Friday Agreement and all of the other agreements that we have had over the years. There is currently free access to and fro across that border, and that will become a European border. What is going on is outrageous. As you know, I was predicting for some months that, inevitably, we were going to get to this point, and that was before I had ever heard of the Internal Market Bill. It is getting worse.

On the back of what the Chair and Doug asked about preparations, I see no evidence whatsoever, not that I am privy to the sort of information that you are, of any serious preparation for what is now an inevitable no deal Brexit. Let us be fair. At our local level, perhaps, I think that you did indicate that some preparations were going on. What about national level, where it really matters? We are entirely

in the hands of the national Government here. People have talked about Northern Ireland being a pawn in the game. Absolutely; that is what we are. Boris Johnson and his Tory Government are not really interested. We are a side issue in all this. I do not think that they care much about the Good Friday Agreement, which your party never signed, Gordon, fair enough. They are just relying on the majority to get through whatever they like and hang the consequences. They actually think that they can still develop in these circumstances, despite the warnings and the damage to their international reputation as a result of what they are doing now, and strike a trade deal with anybody they like. What have they got so far? A tiny increase in what is available from Japan, which is not as good as what the EU has, and probably something from San Marino. God knows where it is. I am sorry: I am ranting.

Mr Lyons: No, that is OK. Maybe I could answer some of those questions.

My understanding of the House of Lords issue is that, yes, the Bill could ping back and forward between the Commons and the Lords. I am not an expert on those legislatures, but it could bounce back and forward.

Where North/South trade is concerned, the UK Government have made it clear that they are not going to be putting in any infrastructure on the border, so that will be —.

Mr Lunn: It is not them that I am worried about, Gordon. The pressure for a border control on the Irish border will come from the EU.

Mr Lyons: That will be up to the European Union.

Mr Lunn: But it will still happen as a result of the activities of our Government.

Mr Lyons: I am still hoping that there will be goodwill on all sides so that we can prevent that happening.

Mr Lunn: I can see that.

Mr Lyons: Yes.

On preparedness, yes, the Executive Office oversees cross-departmental working on the possibility of a non-negotiated outcome. As I said to the Chairman and to Mr Beattie, we will endeavour to get you more information on that, and the Committee will be furnished with it when the officials come next week.

Mr Lunn: OK.

Mr Lyons: I understand where you are coming from. There is a lot of uncertainty. I am hoping that an agreement can be found and that we can have a trade deal in place so that we can do away with a lot of those problems.

Mr Lunn: I will finish there except to say that it will be interesting to see the expression on Her Majesty the Queen's face if she is being asked to sign into law a Bill that is clearly in breach of international law. That would be an interesting picture to have. I know that she cannot refuse.

Ms Sheerin: Thank you both for your presentation. Following on from what you said about preparing and the fact that there is a difference of opinion in the Executive Office — you referred to the Good Friday Agreement and the constitutional question and to how the principle of consent relates to that — how do you square that with the fact that the North did not vote for Brexit?

Mr Lyons: The referendum result was taken on a UK-wide basis.

Ms Sheerin: I understand that, but we are talking about the North. We are talking about the rights that are going to affect people here, people who live along the border and all the things that Martina referred to. A majority of people in the North did not vote for Brexit.

Mr Lyons: We have made it clear time and time again that we want to get an agreement so that those issues do not become issues and that the fears that are being expressed do not come to fruition.

We knew when we voted in the referendum in 2016 that there was one question and that the result would be on the basis of whoever got the most votes across the United Kingdom. That was always going to be the case.

In the agreement, we have a very established and clear way of how things are changed. It is very clear that the consent principle applies not to whether we stay as a member of the European Union but to whether we stay as a member of the United Kingdom. It is very clear that, on any change that takes place in the Assembly on who makes our rules and laws, the cross-community consent mechanism is also built in.

We knew when we were voting that we were voting as one nation and that that was going to be the result, whereas the Good Friday Agreement —

Ms Sheerin: You referred to the principle of consent, and you are talking about potential division down the Irish Sea, the impact of the Internal Market Bill and how it is against the spirit of the Good Friday Agreement because of the principle of consent. That has arisen only as a result of something that the people of the North did not vote for.

Mr Lyons: Yes, but that was always going to be the case. We were voting in a national referendum.

Ms Sheerin: You acknowledge that there is an inconsistency in what you are saying.

Mr Lyons: No, because there is no consent here. We have not even been asked the question here about whether we want the border in the Irish Sea.

Ms Sheerin: Then why were you referring to the principle of consent?

Mr Lyons: Because people have made the comments that, in some way, Brexit damages to the Good Friday Agreement. It does not. We are still a member, and we will remain a member, of the United Kingdom. We took a vote as full members of the United Kingdom. Your vote was worth as much as anybody else's.

Ms Sheerin: The North did not vote to leave the EU.

Mr Lyons: Yes, but the UK as a whole did.

Ms Sheerin: The UK as a whole did, but there will be impacts for people in the North. We are talking about a land border, and that impacts on people who live here.

Mr Lyons: I am saying that I do not want to see any borders. I do not want to see anything that stops trade North/South or east-west. That is what we are united on here as an Executive, and that is what we want to achieve.

Ms Sheerin: There are definitely difficulties there.

Mr Lyons: I do not think that we are going to come to common cause on that at all.

Ms Sheerin: No, we are not, but I think that there is a lack of sense in referring to it in one instance and not acknowledging that we —.

Mr Lyons: I am saying that they are two different —.

The Chairperson (Mr McGrath): We are straying into the territory of a conversation rather than all comments being made through the Chair, please, with one person speaking at a time. That certainly helps those who are taking the notes to be able to understand what is happening. Have we decided that we are not going to get agreement here but that points have been made?

Ms Sheerin: Yes. Chair, can I just ask one more question?

The Chairperson (Mr McGrath): Yes.

Ms Sheerin: It does not relate to that. I know that you met the Derry Chamber of Commerce. The constituency that I represent, Mid Ulster, has a small area across the border. Are you going to talk to business groups in other council areas about people in the border region who will be impacted on?

Mr Lyons: At the last meeting, we agreed to Ms Anderson's request to meet the group from the north-west.

Ms Anderson: I appreciate that.

Mr Lyons: We have probably got ourselves into the situation where we are going to be meeting all sorts of groups from all your constituencies. Look, engagement is a big part of what we do on Brexit. I am more than happy to continue to do that, and I am sure that Declan is as well. If invitations are sent in, we will, of course, consider them.

Mr Kearney: And positively so, because part of the weekly business when we deal with EU-exit affairs specifically addresses ongoing engagements that are being carried out by other Ministers, other Departments and our own Department. That particular engagement was very instructive. We are engaging with the labour movement and other business organisations on an ongoing basis. We have no difficulty meeting with business organisations, labour organisations or agricultural producers from any of the counties in the region of Antrim, Derry, Fermanagh, Armagh or Tyrone. We are happy to do so.

Mr Robinson: Apologies for my lateness. I know that there is a time limit, but I just want to support my colleague, junior Minister Lyons. He is giving very clear answers here today, and I congratulate him on everything that he has said. I agree entirely with Gordon.

I have one small point that I would like to raise. Could a second wave of the virus affect the future outcome?

Mr Lyons: Do you mean of the negotiations?

Mr Robinson: Yes. I should have clarified that. Is there any possibility that a second wave could affect the overall outcome of the negotiations?

Mr Lyons: George, it has certainly affected the nature of the meetings. The meetings were more online than in person. However, the Government have made clear their desire to get this finished. I do not think that even a second wave would limit the work that needs to be done to the point where this would be pushed back any further. Obviously, it is too late for the extension now anyway, so I think that 31 December will be the date; 15 October has been mentioned as well. I hope that we can get to the point where it is finished because the most important thing —.

Mr Robinson: The sooner, the better.

Mr Lyons: That is right, George, because, as you know, businesses want certainty. We need to give that certainty to businesses, and that is why I hope that we can get that agreement in place as soon as possible so that businesses can prepare for whatever needs to come after.

Mr Clarke: George's question and Gordon's response make an interesting point about where we are. Doug asked about what is next and what the planning is, but is there a financial package to stimulate business on the other side of this?

Mr Lyons: Yes.

Mr Clarke: What does it look like?

Mr Lyons: Funding has been made available. I do not have the exact figures here, but I believe that, through the business support service, a sum of money was made available to try to help businesses to transition during that time, Trevor.

Mr Lunn: I think that it says £155 million.

Mr Lyons: It is £155 million? OK.

The Chairperson (Mr McGrath): Junior Ministers, I know that you look forward to coming to visit us, and I hope that that was an enjoyable enough session. We appreciate your answers. We took a little more of your time than we anticipated, but we appreciate that it is a complex issue, that the answers can be detailed and that there are varying views in the Chamber and in the Executive Office, so it can take a little longer to present them. We certainly appreciate you coming along.

There are a number of follow-ups, not least that, next week, officials will be here to discuss readiness for a no deal. Could they be well prepared so that we do not get officials saying, "We need to go back to Ministers to clarify that for you"? We would appreciate it if we could get that information. Thank you very much indeed.