

## The Protocol on Ireland/Northern Ireland and The Windsor Framework

### KEY:

N: Narrator

N: The Protocol on Ireland/Northern Ireland is an agreement signed by the UK and EU that came into effect on 1 January 2021.

It meant Northern Ireland continuing to follow certain EU rules. This removes the need for controls on the border between Northern Ireland and the Republic of Ireland.

Instead, goods are checked when they arrive at ports and airports in Northern Ireland from Great Britain. They can then move freely into the EU single market.

Some people saw positives in the Protocol, because local businesses have easier access to customers in both the EU and the UK than businesses in Great Britain.

Others saw negatives, like more paperwork and problems for some businesses, especially those that buy and sell goods across the Irish Sea.

And unionist politicians expressed concerns about Northern Ireland being treated differently from Great Britain.

Following months of negotiations, in March 2023 the UK and EU agreed a new deal, the Windsor Framework, which made changes to the Protocol.

The Framework reduces the amount of EU law which applies in Northern Ireland. It creates different channels for goods moving to Northern Ireland from Great Britain.

Goods using the UK's internal market system are subject to fewer checks and controls – although some supermarket foods need a 'Not for EU' label.

Goods which are considered at risk of moving to the EU single market move through a red lane with more checks and controls.

The Windsor Framework also introduces new systems for the movement of parcels, pets, and plants to Northern Ireland from Great Britain; resolves issues around the supply of human medicines; and allows the UK to set VAT and excise rules on certain goods in Northern Ireland.

In January 2024, the UK Government issued a command paper with further information aiming to alleviate concerns about the Framework.

Mechanisms put in place first in the Protocol and then in the Windsor Framework seek to give Northern Ireland a say in the rules which apply here.

The 'democratic consent mechanism' in the original Protocol involves the Northern Ireland Assembly voting on whether the EU single market rules should continue to apply in Northern Ireland.

If a majority of MLAs votes that they should continue, there's another vote four years later – or, if the majority reflects cross-community support from both nationalist and unionist MLAs – eight years later.

But, if MLAs vote that the EU single market rules should no longer apply here, they would cease to apply after two years. It's uncertain what would happen next.

The other articles in the Windsor Framework would remain in force regardless of the outcome of the vote, for example those on the rights of individuals and the Common Travel Area.

The Windsor Framework introduces a procedure called the Stormont Brake.

It means that 30 MLAs from at least two parties can notify the UK Government that they wish to 'pull the Brake' on changes to EU law that apply to Northern Ireland.

Certain conditions have to be met for the Brake to be pulled.

The role of the Windsor Framework Democratic Scrutiny Committee is to provide information to MLAs about this EU law.

Other than in exceptional circumstances, the UK must only agree for new EU legislation to apply in Northern Ireland if the Assembly has passed an applicability motion giving cross-community support.

The UK Government says that all this together addresses the 'democratic deficit' in the original Protocol.

Since the Brexit vote, the relationship between the EU and UK has been strained at times. In February 2023, the EU and UK said that the Windsor Framework was a 'turning point' and that they want to 'maximise the potential of the relationship between the EU and the UK