Dear Secretary of State,

House of Lords EU Committee – Brexit: UK-Irish relations follow-up

Thank you for your letter, dated 26 March 2018, in reply to my letter of 27 February summarising the findings of the Committee’s recent follow-up inquiry into Brexit: UK-Irish relations. We are grateful to you for your letter, and for updating the Committee on developments since the Committee’s letter was published, including the publication of the draft Withdrawal Agreement, the statements by the UK Government and the EU on 19 March regarding Northern Ireland and Ireland, and the commencement of the commencement of an intensive work programme with the Commission to negotiate in detail all the issues and scenarios set out in the December Joint Report. We will scrutinise negotiations as they progress in the coming weeks, and we would therefore like to invite you, alongside Robin Walker MP, to appear before the Committee once more in the run-up to the June European Council.

In the meantime, we would be grateful for further clarity on a number of points not fully addressed in your reply. Our February letter stated that, “given that border regions already face a significant challenge in increasing historically lower levels of growth, what steps will the Government take to mitigate the effect on those communities that will be most negatively affected by Brexit? How will you work with the Irish Government and the EU to ensure that the economies of the border regions, in particular, do not suffer as a result of Brexit?” This reflects the concerns expressed to the Committee in evidence to its follow-up inquiry about the potential impact of Brexit on the day-to-day lives of those living and working near the border. However, your letter does not respond to these points, and we would be grateful if you could address them.

We also asked: “While we accept that a degree of constructive ambiguity can be helpful during a negotiation, we are particularly concerned at the significant difference in interpretation between the UK Government on the one hand, and the Irish Government and the EU on the other, of the meaning of the so-called ‘backstop’ commitment to full alignment. Can you clarify the Government’s understanding of the extent to which, and in which sectors, regulatory alignment will be required under this backstop option? Is it limited to the six areas of North-South cooperation that the Secretary of State has identified, or does it extend to the 142 (or more) areas of cross-border activity identified by the Government and EU in their mapping exercise? Will you share the findings of this mapping exercise, and details of the 142 (or more) areas of cross-border activity that could be affected by Brexit that have been identified?”
Your reply stresses the Government’s determination “to ensure that all of the commitments on Northern Ireland and Ireland in the Joint Report are turned into legally-binding text. This must cover all scenarios and commitments, not just single out one.” We note your statement that “there is agreement that the scope of the issues covered by the draft Protocol—focusing on goods and agriculture—reflects the right set of issues.” We also note that these matters are subject to negotiation. Nevertheless, are you able at this stage to provide further clarity of the Government’s understanding of the extent to which, and in which sectors, regulatory alignment will be required under this backstop option? Is it limited to the areas of North-South cooperation that the Secretary of State has identified, or does it extend to the 142 (or more) areas of cross-border activity identified by the Government and EU in their mapping exercise? What is your response to our request to share, in confidence if necessary, the findings of the UK-EU mapping exercise, and details of the 142 (or more) areas of cross-border activity that could be affected by Brexit that have been identified?

I would be grateful for a response to this letter by 1 May 2018.

I am copying this letter to Robin Walker MP, Parliamentary Under-Secretary of State, Department for Exiting the European Union.

Yours sincerely,

Lord Boswell of Aynho
Chairman of the European Union Committee