



Department
for Exiting the
European Union

Northern Ireland

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EU (Withdrawal Agreement) Bill

PHOTO REDACTED DUE TO THIRD PARTY RIGHTS OR OTHER LEGAL ISSUES

OVERVIEW

The UK has agreed a new Brexit deal with the EU. The EU (Withdrawal Agreement) Bill will implement this new deal in UK law, and deliver Brexit by 31st October 2019.

*The **Bill** will: take back control of our laws by reaffirming the sovereignty of Parliament; end vast annual payments to Brussels; protect the Union by ensuring we leave as one United Kingdom; protect the rights of EU, **EEA EFTA** and Swiss citizens living in the UK; and secure an **implementation period** to give businesses certainty.*

The **Protocol on Ireland/Northern Ireland**, which is contained in the **Withdrawal Agreement**, recognises and addresses the unique circumstances of Northern Ireland.

The EU (Withdrawal Agreement) Bill will give effect to the **Protocol on Ireland/Northern Ireland** in UK law. The following elements will be addressed through the **Bill**:

- Provisions relating to the protection of rights, safeguards and equality of opportunity contained in the Rights, Safeguards and Equality of Opportunity chapter of the **Belfast (Good Friday) Agreement**.
- A mechanism, subject to the consent of the people of NI, enabling Northern Ireland to align with the EU in a limited number of areas relating to the movement of goods and in order to protect pre-existing areas of North-South cooperation (such as the **Single Electricity Market**).

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PROTECTION OF BELFAST (GOOD FRIDAY) AGREEMENT RIGHTS AND EQUALITIES

The **Bill** implements the UK's commitment to ensure that there is no diminution of rights, safeguards and equality of opportunity contained in the Rights, Safeguards and Equality of Opportunity chapter of the **Belfast (Good Friday) Agreement** in Northern Ireland resulting from the UK's withdrawal from the EU.

This is an important commitment which recognises that the guarantee of equality and rights for all communities in Northern Ireland is a fundamental part of the **Belfast (Good Friday) Agreement**, which must be guaranteed whatever the UK's relationship with the EU.

To make sure that the elements of the **Belfast (Good Friday) Agreement** identified in the **Protocol on Ireland/Northern Ireland** are protected, the **Bill**:

- Places a restriction on the legislative competence and powers of the Northern Ireland Assembly and Northern Ireland Ministers and departments to ensure that they cannot do anything that is incompatible with the no diminution commitment.
- Gives new function to two statutory bodies - the **Northern Ireland Human Rights Commission** (NIHRC) and **Equalities Commission for Northern Ireland** (ECNI) - enabling them to specifically monitor, advise and report on, and enforce the UK's adherence to the no diminution commitment.

ALIGNMENT PROVISIONS

The **Northern Ireland Protocol** ensures that the whole of the United Kingdom will be a single customs territory outside of the EU customs union. It replaces the backstop provisions in the old **Withdrawal Agreement** negotiated by the former Prime Minister and rejected by Parliament with a system whereby Northern Ireland remains aligned with EU regulations on goods (including certain laws for VAT on goods).

No tariffs will need to be paid on goods moving from GB to NI, which are not at risk of moving to the EU. Thus the **Protocol** applies EU tariffs in Northern Ireland except for movements within the single customs territory of the United Kingdom. This system will remain in place only for as long as the people of Northern Ireland wish this system to continue. Rules for defining this ongoing democratic consent are set out in the **Protocol**. This system also achieves the common aim of avoiding a hard border on the island of Ireland.

The **Protocol** allows Northern Ireland to remain aligned with specific EU rules in customs, goods, VAT, and the **Single Electricity Market**, provided that there is democratic consent for those arrangements. It also provides that Northern Ireland is in the United Kingdom's customs territory, outside the EU customs union, and may be included in the United Kingdom's future trade deals with third countries, while ensuring that there is no hard border between Northern Ireland and Ireland. The **Bill** provides for these arrangements in domestic law.

PROTECTIONS FOR NORTHERN IRELAND

The **Bill** contains additional provisions that give effect to commitments to the people of Northern Ireland, to protecting the **Belfast (Good Friday) Agreement** and to maintaining the constitutional and economic integrity of the UK.

The **Bill** also allows the UK Government and the **devolved administrations** to ensure that Northern Ireland goods can access the market in Great Britain. It also clarifies that the arrangements for North-South co-operation in the **Belfast (Good Friday) Agreement** remain unaffected by the **Bill**.

KEY TERMS

BELFAST (GOOD FRIDAY) AGREEMENT

The Belfast (Good Friday) Agreement is a multi-party agreement by Northern Ireland's political parties and an international agreement between the UK and Irish Governments in 1998. It forms the basis on which Northern Ireland is governed, and was central to establishing lasting peace in NI. The Agreement sets out provisions relating to a number of areas including:

- The status and system of government of Northern Ireland within the United Kingdom, including the creation of a new assembly and power-sharing Executive, with protections for both communities (Strand 1)
- The relationship between Northern Ireland and Ireland (Strand 2)
- The relationship between Ireland and the United Kingdom (Strand 3)

BILL

A proposal for a new law or an amendment to an existing law that has been presented to Parliament for consideration. Once agreed and made into law, it becomes an Act.

COMMON TRAVEL AREA

The Common Travel Area (CTA) is comprised of the UK, the Channel Islands and the Isle of Man, and Ireland. The CTA arose to facilitate the principle of free movement for British and Irish citizens between the UK, Ireland and the Islands, and the reciprocal enjoyment of rights and entitlements to public services of citizens when in the UK and Ireland.

DEVOLVED ADMINISTRATIONS

These are the Scottish Government, the Welsh Government and the Northern Ireland Executive.

EQUALITY COMMISSION FOR NORTHERN IRELAND

The Equality Commission for Northern Ireland is a devolved equality body, established under the Belfast (Good Friday) Agreement. It is responsible for monitoring, advising, reporting on, and ensuring compliance with equality and anti-discrimination legislation in NI, and enforcing the public sector equality duties under section 75 of the Northern Ireland Act 1998. It is sponsored by the Northern Ireland Executive Office.

IMPLEMENTATION PERIOD

Time-limited period following the point at which the UK leaves the EU. During this period, EU law will continue to apply in the UK subject to the terms set out in the Withdrawal Agreement.

JOINT INSTRUMENT

The Joint Instrument issued by the UK and EU in March 2019 is a legally binding text which outlines several key commitments in relation to the backstop, and the alternative arrangements to replace it.

NORTHERN IRELAND HUMAN RIGHTS COMMISSION

The Northern Ireland Human Rights Commission (NIHRC), established under the Belfast Agreement, is the national human rights institution for Northern Ireland (accredited with 'A status' under the UN Paris Principles) and is responsible, primarily, for keeping under review the adequacy and effectiveness in Northern Ireland of law and practice relating to the protection of human rights. The NIHRC is sponsored by the UKG Northern Ireland Office.

PROTOCOL ON IRELAND/ NORTHERN IRELAND

The Protocol on Ireland/Northern Ireland is the part of the Withdrawal Agreement which contains the arrangements following the UK's exit from the EU that relate to Northern Ireland and addresses the unique circumstances that exist in Northern Ireland as the only part of the UK to have a land border with the European Union.

SINGLE ELECTRICITY MARKET

The Single Electricity Market is the wholesale electricity market for the island of Ireland. It guarantees an all-island supply of electricity to over 2.5 million households.

WITHDRAWAL AGREEMENT

The international agreement between the UK and the EU that sets out the respective rights and obligations of both parties following the UK's withdrawal from the EU.

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