



NI Brexit deal: DUP to test Windsor Framework at Stormont

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The Democratic Unionist Party (DUP) has said it will attempt to veto a new EU law applying in Northern Ireland by using one of the democratic consent processes in the Windsor Framework.

The framework is the special Brexit deal which applies to Northern Ireland.

It means NI continues to follow some EU laws relating to goods.

The framework also provides ways for the Stormont Assembly to show if it consents to new or amended EU laws applying in NI.

The better known of these is the 'Stormont Brake', which relates to updated or amended laws.

It allows 30 or more MLAs from two or more parties to petition the UK government to block an update to EU law from applying in NI.

There is also an 'applicability motion' which concerns the application of a completely new EU law.

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The DUP has tabled an applicability motion to be debated on Tuesday, with the party's leader Sir Jeffrey Donaldson saying it will be "a watershed moment".

He explained the legislative process meant the DUP motion had to be brought "in the affirmative", meaning it proposes that the law should be applied in NI.

But he added there should be "no doubt" about the party's motivation.

"We will vote decisively against the motion and against the imposition of this EU regulation," Sir Jeffrey said.

"A decision by the assembly to withhold consent for this new EU rule will practically demonstrate that we have removed the democratic deficit within our devolved context."

The introduction of new EU laws under the Windsor Framework is ultimately a matter for the UK government.

However, if the assembly has not expressed cross-party support for the law, via an applicability motion, the government will normally veto it.

The veto will not be applied if the government assesses that the new law would not create a new regulatory border between GB and NI, or if exceptional circumstances apply.

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If the government vetoes the law the EU could ultimately take “appropriate remedial measures”.

The DUP motion concerns a new EU law on the protection of geographical indications, external (GI) for craft and industrial products.

That means legally defining and protecting certain products which are tied to a geographical area.

There are already GI indicators for food and drink – for example, only sparkling wines from a certain area of France can be called Champagne.

The new law would extend this to cover manufactured goods, such as Italian Murano glass. Certification issues ‘unlikely’

The UK government analysis of the law suggests that in theory this could mean some products which are legally marketed in GB could not be moved to NI to be sold in the same way.

For example, a GB product could be labelled as ‘Murano glass’ and placed on the GB market in line with GB standards.

But if it did not also meet the EU GI definition then it could not be moved from GB and placed on the NI market – unless it were to be relabelled, so as not to indicate itself to be ‘Murano glass’.

However, the government suggests this scenario is unlikely.

It said: “Given that the UK’s collective and certification marks offer broadly similar protection to that of a GI scheme, we expect there would be few products marketable in GB but not NI.”

In contrast to the UK government, Sir Jeffrey said he believed the law could have serious implications for trade between GB and Northern Ireland, and could mean new checks at NI ports.

“That is not only harmful to our economy but a threat to the United Kingdom internal market as a whole,” he added.

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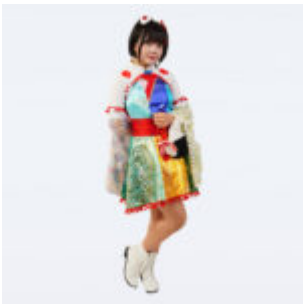
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