# WRITTEN STATEMENT

# BY

# THE WELSH GOVERNMENT

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| **TITLE**  | **The Northern Ireland Protocol Bill (NIP Bill)**  |
| **DATE**  | **28 June 2022** |
| **BY** | **Vaughan Gething, Minister for Economy** |

The Foreign Secretary, the Rt Hon. Liz Truss MP, introduced [The Northern Ireland Protocol Bill](https://publications.parliament.uk/pa/bills/cbill/58-03/0012/220012.pdf) in the House of Commons on 13 June. This was without any prior meaningful engagement by the UK Government with the Welsh Government about the Bill. This plainly breaches the principles in the Intergovernmental Relations Review that sets out how the UK and devolved governments should work with each other.

The First Minister wrote to the Prime Minister in May setting out his concerns that any proposals to disapply unilaterally parts of the Northern Ireland Protocol would “risk material damage to the British economy”.

The Bill is a matter of grave concern as the UK Government has chosen to introduce legislation that could, if enacted, lead to a failure to fulfil the international obligations it freely entered into when it agreed the Northern Ireland Protocol, as part of the Withdrawal Agreement with the EU. Indeed, in its own words, the UK Government has; “*decided to introduce legislative measures which, on entry into force, envisage the non-performance of certain obligations*”. The UK Government seeks to justify this on the basis of the international law doctrine of “necessity”. Independent expert legal commentators, including the UK Government’s former treasury solicitor, Sir Jonathan Jones QC have criticised the credibility of this approach and raised concerns about new Henry VIII style powers sought in the Bill as currently drafted.

The UK Government’s action risks doing lasting damage not only to the UK’s reputation internationally but also to the wider relationship between the UK and the EU and to businesses and people across Wales and the UK, as the EU takes action in response.

A deterioration of the relationship with the EU and increased trade friction – at worst, a trade war – is in nobody’s interests, particularly given it risks worsening the cost-of-living crisis. The UK Government should be focused on helping families and businesses who are struggling, not making matters worse.

The UK Government is seeking the consent of the Senedd for the Bill and we are giving it due consideration. In the Bill there are provisions which intersect with the competence of the Welsh Government and the Senedd. I have written to the Llywydd setting out that we will need to carefully analyse these matters and establish the implications for our devolved interests, powers and responsibilities, together with the wider impacts of the Bill. We will of course lay an LCM on the Bill when we are in a position to do so.