

# DÁIL ÉIREANN

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## AN COMHCHOISTE UM GHNÓTHAÍ AN AONTAIS EORPAIGH

### JOINT COMMITTEE ON EUROPEAN UNION AFFAIRS

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*Dé Máirt, 16 Feabhra 2021*

*Tuesday, 16 February 2021*

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Tháinig an Comhchoiste le chéile ag 10 a.m.

The Joint Committee met at 10 a.m.

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Comhaltaí a bhí i láthair / Members present:

Teachtaí Dála / Deputies	Seanadóirí / Senators
John Brady,	Lisa Chambers,
Dara Calleary,	Regina Doherty,
Francis Noel Duffy,	Sharon Keogan,
Seán Haughey,	Vincent P. Martin.
Brendan Howlin,	
Ruairí Ó Murchú,	
Neale Richmond.	

Teachta / Deputy Joe McHugh sa Chathaoir / in the Chair.

## **Northern Ireland Protocol (Article 16) (resumed): Engagement with Mr. Maroš Šefčovič**

**Chairman:** Deputy Duffy and Senator Doherty will join the meeting virtually. I welcome European Commission Vice-President Mr. Maroš Šefčovič to our meeting today. We welcome our engagement this morning and the opportunity to ask questions about the sequence of events that ultimately led to the Commission triggering Article 16 before it made a U-turn on the decision.

Before we begin, all witnesses are reminded of the long-standing parliamentary practice to the effect that they should not comment on, criticise or make charges against a person outside the Houses or an official either by name or in such a way as to make him or her identifiable or otherwise engage in speech that might be regarded as damaging to the good name of the person or entity. Therefore if their statements are potentially defamatory in relation to an identifiable person or entity, they will be directed to discontinue their remarks. It is imperative that they comply with such direction.

For witnesses attending remotely outside the Leinster House campus, there are some limitations to parliamentary privilege and as such, they may not benefit from the same level of immunity from legal proceedings as a witness physically present does. Witnesses participating from a jurisdiction outside the State are advised that they should also be mindful of their domestic law and how it may apply to the evidence that they give.

Members are reminded of the long-standing parliamentary practice to the effect that they should not comment on, criticise or make charges against a person outside the Houses or an official either by name or in such a way as to make him or her identifiable.

I also remind members that they are only allowed to participate in this meeting if they are physically located on the Leinster House complex. In this regard, I ask that all members participating via Teams to confirm they are on the grounds of the Leinster House campus prior to making a contribution.

I call on Vice-President Šefčovič to make his opening statement.

**Mr. Maroš Šefčovič:** I thank the Joint Committee on European Union Affairs for its kind invitation. I will begin with a very general but also fundamental remark. Members understand best that the United Kingdom's withdrawal from the European Union presents unique and significant challenges for the island of Ireland. They will also know very well that the United Kingdom not only decided to leave the European Union but also the Single Market and the customs union. We have been working very hard to find all the solutions to the problems which these decisions have brought about.

The solution that we found to address these challenges is the protocol on Ireland and Northern Ireland. It is the only way to protect the Good Friday-Belfast Agreement in all its dimensions, preserving peace, stability and preventing a hard border on the island of Ireland while preserving the integrity of the Single Market and the customs union. The protocol on Ireland and Northern Ireland, that is, the entire island of Ireland, has been the core of the discussions on the withdrawal of the United Kingdom and it remains the centrepiece of the new relationship of the Union with the United Kingdom as a third country. This was clearly the most difficult part of all the Brexit negotiations, especially on the withdrawal agreement and only the complete unity of all EU member states and the European Union actually guaranteed the success in concluding the withdrawal agreement and developing the protocol on Ireland and Northern Ireland.

I assure the committee that the full, faithful and effective implementation of the protocol is of paramount importance to the Union and it constitutes a top priority for EU-UK relations.

There can be no doubt that the Union is and remains fully committed to the protocol and its full and faithful implementation. Nothing, including the events two weeks ago, can put into question our commitment and determination to make this one solution work. When we speak about Article 16, particularly with regard to 29 January, I would like to be very clear. The bottom line is that mistakes were made in the process leading up to the decision and we deeply regret this. However, in the end, in a matter of three hours we got it right. Article 16 was never activated. I reassure the committee that the Commission has learned its lesson and it will do its utmost to protect peace in Northern Ireland, as it has done throughout the entire Brexit process. I am sure committee members will ask me how can I prove or guarantee this. The best proof is our track record of unwavering political, economic and financial support for the peace process since the Belfast Agreement was signed and agreed upon. There is also how we conducted the entire Brexit negotiation process. I would like to underscore the fact that Ireland and Northern Ireland were not only on our minds all the time but also in our hearts. Therefore, I believe we achieved a very good result.

We should also look forward, and this is what our discussion should also be about. We need to make sure that mistakes are not repeated. To this end, the European Commission has set up a clearing house where all of the issues with an impact on the UK, Ireland and Northern Ireland will be assessed and evaluated.

There is also the commitment that I will continue permanent contact with the Minister, Deputy Coveney, and representatives of Ireland. Together with Mr. Michael Gove, we decided to establish a hotline so we can be in frequent touch and, hopefully, deal with problems when they are still at a technical level so they do not reach a political dimension. I realise the relationship between the EU and UK and proper implementation of the protocol on Ireland and Northern Ireland require day-to-day care.

I also want to highlight that my priority is still the same as it was throughout the last year, which is that the protocol must work well on the ground. As committee members know, I received a letter from Mr. Michael Gove a couple of weeks ago in which he presented a high number of requests for additional flexibilities. Here again, I want to stress that our commitment to the protocol is unwavering but we must also understand that implementation of the protocol is a shared responsibility and it must always be a two-way street. Therefore, we also have to recognise the fact that we knew from the beginning that the United Kingdom leaving the European Union, customs union and Single Market is a massive operation and it is not possible to prevent all of the disruption. We do our best, and we are working on it, to minimise the negative impact on the people of Ireland and Northern Ireland but it was quite obvious from the beginning that there will be teething problems. I believe we can resolve them if we work very well together.

This was my response to various proposals coming from the Chancellor of the Duchy of Lancaster, Mr. Gove. I wanted to underline that before any discussion of additional extended flexibilities took place we also needed to make sure that the UK does its part. We would like to see more information on how border crossings are being built and when they will be finally operational. As we still do not have real-time access to the IT systems, it is very difficult for us to judge whether the trusted trader scheme, which the United Kingdom has insisted upon, works or not and how many businesses actually benefit from it. Because we do not have access to the IT system, we still do not know whether the simplified export health certificate is being used and how complicated it is. Therefore, I decided, together with Mr. Gove, that we will have di-

rect outreach to Northern Irish business leaders and Northern Irish civic society representatives. These meetings will take place on Thursday. I am very glad the Minister, Deputy Coveney, was kind enough to organise a meeting with a Brexit stakeholders group by the end of this week. We want to listen and learn and work on solutions. I also would also like to make clear that for overall success, we need close co-operation with the UK.

I will now make some points on what we agreed with Mr. Gove at our last meeting in person. We adopted the joint statement and I am very happy about it. It went in a very constructive way. We have been very open and frank with each other, as we always are, but we agreed first and foremost to reiterate full commitment to the Good Friday Agreement and proper implementation of the protocol. We also made clear that we would spare no effort to implement the solutions mutually agreed on 17 December because they form the foundation of our co-operation. We also agreed that we would intensify the work of the specialised committee on the protocol in order to address all outstanding issues, with the shared objective of finding workable solutions on the ground. Therefore, the meetings, which we planned for the end of this week, will be very important for Mr. Gove, the Minister, Deputy Coveney, and for me. We also want to have the joint committee, which is the proper body to address all of these issues, meet no later than 24 February. As I speak, our expert teams are talking. I hope we will have a specialised committee on the protocol doing its work by the end of this week so we can be well prepared for the discussion of the joint committee next week.

I know the committee has limited time for introductory remarks. I will stop here because I know the Chair and committee members will have questions and comments. I am, of course, very eager to hear them. I hope this will be one of a series of meetings we will have where we can discuss issues linked to Brexit, the implementation of the protocol and the later stage of what I hope will be successful implementation. I thank members for their invitation and for their attention.

**Chairman:** I thank Vice-President Šefčovič. I will go straight into questions and, with the agreement of members and Vice-President Šefčovič, I will take members individually and ask the Commissioner to respond to each member on an individual basis. I encourage everybody to keep it tight, specific and efficient and we may get a chance to come in a second time.

**Senator Lisa Chambers:** I thank the Chairman. Commissioner Šefčovič is very welcome to the meeting this morning. We appreciate his time with us today. I listened very carefully to his opening comments and I fully appreciate and accept that he understands the importance of the Northern Ireland protocol. He referred to it as a centrepiece of the Brexit negotiations. He accepts and understands that a mistake was made on behalf of the Commission and that that mistake was colossal and had huge political implications for the island of Ireland, North and South. We hear the Commissioner on that point. What we are still trying to figure out, and what we are very keen to hear from him this morning, are the events that led to the Commissioner making that decision. Did he make it alone? Did he consult with his Commission colleagues, with the President or other Commissioners? When did he inform the other Commissioners of his intention to invoke Article 16? This is the crucial piece of information we require from him this morning.

To move on from this point, the Commissioner referred to the joint partnership council and its work in implementing the Brexit deal for the foreseeable future. Concerns are being raised in Northern Ireland and I want to make the point strongly that the election lines have now been drawn in Northern Ireland. We now know the key issue on which the Assembly election in Northern Ireland will be fought, namely, the question of whether one is for the pro-

to col or against the protocol. That will be a key factor in the next election. While I think that would have happened in any event, the Commission's seeking to invoke Article 16 has certainly brought that issue into clear focus. The concerns that have been raised concern trade in Northern Ireland and the clear problems there in importing goods into Northern Ireland from Great Britain. I believe - I acknowledge Mr. Šefčovič himself has said this - that those issues are fixable, that they are teething problems, but we would like to hear from him this morning what the Commission and the European Union will do to address those concerns and difficulties that we can address and fix. Can he assure us this morning that he will make addressing those trade issues for Northern Ireland a key priority?

Does the Commissioner believe that a member state should be consulted in advance of invoking Article 16? Does he think Ireland should have been consulted before the Commission made that decision?

My final point is that we now have an impending vote on the consent mechanism in the Northern Ireland protocol. I want to know, from Mr. Šefčovič's perspective and the Commission's perspective, what the Commission will do to ensure that that vote is successful and in favour of maintaining the protocol. As we have all said, getting agreement on that point was the most difficult part of the negotiations. Without the protocol there is nothing else to avoid a border on the island of Ireland. That is all that is on the table. If it is removed, there is nothing left. We therefore need to do everything we can to address that issue.

**Mr. Maroš Šefčovič:** I thank Senator Chambers for her questions. I was noting them down so I hope I will not skip any of them.

We did not take the decision. Article 16 was never triggered. To describe a little to the Senator the situation on that fateful Friday, the primary objective of the day's work was to make sure that Europe was getting its fair share of vaccines. We are the major producer of the vaccines and we had a feeling we were not always getting our fair share from the production, which takes place in the European Union. We felt we had this very important agreement signed, we had invested a lot in the vaccine development and we simply did not have enough transparency as to where these vaccines were going. That was the idea behind the export authorisation scheme and, therefore, this was the thrust of the proposal which was on the table. As I said, the mistake was made but once we realised it on the political level, and there had been immediate contacts with the Taoiseach and the Minister for Foreign Affairs, Deputy Coveney, as well as with the UK, we corrected it before it had been activated, before it was adopted, within three hours. We made a mistake, we acknowledged it and we corrected it. Therefore, this also has to be viewed in this context and, as I pleaded in my opening remarks, on the grounds of our track record. We have always been very loyal in the EU with Ireland and Northern Ireland in supporting the peace process and stability. Looking at the withdrawal agreement negotiations, I hope I am not exaggerating when I say 70% or 80% of the time was devoted just to find a solution in the form of the Northern Irish protocol. In addition, it is now the key point upon which the future relationship with the UK and with Northern Ireland will be based. We made the mistake but I ask the committee to take it into the perspective of how close the relations between the EU and all EU member states that supported this very complex decision have become and how strong the support Ireland and Northern Ireland always got from the EU is.

Coming to the other issues concerning trade and, as Senator Chambers rightly pointed out, the issues linked with the daily lives of the citizens in Ireland and Northern Ireland, here we did our utmost to the extent possible to limit or minimise the disruption or negative consequences of the UK leaving not only the EU but also, as I said, the Single Market and the customs union.

It seems to have come as a surprise to many that the UK, as of 1 January, is a third country. Different suggestions we have made throughout the negotiation - remaining part of the Single Market and remaining part of the customs union - have been rejected, so we had to find a new solution based on the United Kingdom's wish to have a relationship as between sovereign equals. Therefore, we are now in a much more complex relationship.

If the Chairman will allow me one additional point, we look, unfortunately, at the protocol very often as an obstacle and a problem. I am 100% convinced, being part of these negotiations, that the protocol on Ireland and Northern Ireland is the only solution to resolve to the best possible level the problems on the island of Ireland linked with the peace, stability and the avoidance of a hard border. I hope our next session with the committee will allow us to focus on the future and on the fact that, as I see it, this protocol is an opportunity for Northern Ireland business leaders to benefit from the fact that they are part of the Single Market and at the same time, of course, part of the UK internal market. I think that represents a lot of opportunities. Now, however, we are at the early stage, where the adaptation of economic life is needed, certain rules are just kicking in and we see that it is administratively extremely challenging. We are fully aware of that and, therefore, when we had this very intense negotiation with the UK in December, we fully understood that it is not that easy to change or develop the IT database from one day into another. Therefore, we had full understanding of the export health certificates and even some additional experience because we realised that they need time to adapt. This is the time to adapt because they insisted on a particular state of our co-operation and on a particular model. Therefore, it is the joint responsibility of the UK and the EU to make the protocol work and to be very pragmatic. I am solution-driven and can promise the committee I will do my utmost to look for a workable solution on the ground which will be good for the people but which, at the same time, will of course protect the integrity of the Single Market and be supported by the member states and the European Parliament.

**Chairman:** I will now pass to Deputy Richmond. Without intervening at this stage, I will say there has to be some clarification. There is an acceptance that the President, Ursula von der Leyen, apologised for triggering Article 16. I know that the language being used today is that it was never activated. We all accept that it was not fully implemented but there has to be an acknowledgement that Article 16 was triggered. We are grateful for everything the European Union and our partners have done to get us to where we are in terms of the Northern Ireland protocol and the deal that was done, but we are trying to focus today on the process that led to the decision that Friday afternoon.

**Deputy Neale Richmond:** I thank the Commissioner for his comments. I will not add to the Chairman's remarks or to those of Senator Chambers other than to say I agree fully. Interestingly, the Commissioner said in his remarks that he would like to look to the future. Part of that - and this was alluded to by Senator Chambers - is the possibility, when it comes to Article 16 and a potential future triggering, of an early warning system for the member state most affected, namely, Ireland. Senator Chambers asked the Commission Vice-President if he would commit that a member state would be made aware. However, for clarity, can the Commission Vice-President guarantee that an early warning system is being prepared? We have heard reference to it from the Minister of State with responsibility for European affairs, Deputy Thomas Byrne, and from the Minister for Foreign Affairs, Deputy Simon Coveney. That is crucially important. Everyone makes mistakes but, as the Chairman stated, it is how one learns from those mistakes that is important.

The Commission Vice-President mentioned the need at the next meeting of the joint imple-

mentation committee for the United Kingdom to follow up on its responsibilities. I welcome that and fully agree with him. However, would he agree that, in future, it would be opportune if the European Commission and the United Kingdom agreed a set timetable of meetings between him and Michael Gove, as well as set meetings of the committee itself? This is so these meetings are not, as is sometimes portrayed in media outlets, watershed moments where everything is hyped up, the drama is increased and people are waiting on tenterhooks. If we knew that every month the Commission Vice-President and the Chancellor of the Duchy of Lancaster, Michael Gove, were to meet, be it virtually or in person, that would be really important.

Senator Chambers alluded to the situation in Northern Ireland. I accept fundamentally the Commission Vice-President's responsibility as a member of the European Commission is to the European Union and to us as parliamentarians of a member state. However, the Northern Irish protocol directly impacts on Northern Ireland. Would the Commission Vice-President commit, as Senator Chambers said, to engaging to point out the positive benefits of the protocol in Northern Ireland? It would be really useful, as he is appearing here this morning, and we are very grateful for his presence, if he met with the executive committee of the Northern Ireland Assembly. I appreciate that it is Michael Gove's remit, but there is a huge opportunity for the European Commission and the European Union to play a very proactive role. It is something that would be welcomed. Many people who have concerns about the protocol, or are flat-out against it, have said they feel that their voices are not being listened to in Dublin, Brussels and elsewhere. However, if we provide them with the opportunity to have their voices heard, even though strictly it should be provided by Michael Gove, that could go a long way to de-escalating much of the tension relating to the protocol.

**Chairman:** Vice-President, I am reverting to Irish because I made a mistake earlier in calling you President. I will call you *leas-uachtarán* and will refer to Ursula von der Leyen as an *t-Uachtarán*. *Leas-uachtarán* is Mr. Šeřčovič's new title today.

**Mr. Maroš Šeřčovič:** I thank the Chairman. It is very kind of him. I thank him for his question and the subsequent questions from the committee. First and foremost, I would like to say that all channels are open. After that Friday, I was ready to have immediate meetings with First Minister, Arlene Foster, and deputy First Minister, Michelle O'Neill. At the same time, having fully realised how sensitive and political all these issues had become, I consulted with Chancellor Michael Gove to make sure that we would have a proper meeting organised. I clearly underlined my availability at any time. In the end, the suggestion from the Chancellor was that we should meet on Wednesday, which was a couple of days later. I was hoping for an earlier meeting to discuss all these pertinent and very sensitive matters, but we had a very open and frank discussion about which I am sure the committee is very well informed.

I can tell the committee that since then, if I am not mistaken, I was in the European Parliament seven times explaining our action and proposing the way forward. I met three times with the ambassadors of all the member states and this issue has also been discussed with the ministers for foreign affairs. I am in almost daily contact with the Minister for Foreign Affairs, Deputy Simon Coveney, for whom I have very high respect. What I can promise the committee is that any mechanism we establish will be based on this horizontal overview of the clearing house within the Commission, where not only our Irish partners but also the political level of the Commission will get the early warning about potentially difficult issues. We are communicating with our Irish partners on a daily basis.

The outreach suggested by the honourable member was also my suggestion to Chancellor Gove when we discussed these issues over the phone for the first time. It is very important to

hear from Northern Irish business leaders and civic society how they see the protocol, to convince them that we are absolutely convinced this is the best way forward and to listen to what they see as the key issues. It is then our joint responsibility, along with Michael Gove, to be very honest with them about what we can fix or repair which would still be in line with EU legislation and the fact the UK has left the Single Market, the customs union and the EU. If there are practical, pragmatic possibilities on how to solve the problem, I am sure we will find them.

However, it is also important to get support from Ireland to make it clear to our UK partners that it is a two-way street. There has to be engagement and delivery from their side. They knew very well that 1 January was coming. We proposed an extension of the transitional period which was not accepted. Therefore, we are now in the difficult implementation period where the border crossing points are not fully operational and we still do not have access to the IT customs system, which makes it very difficult for us to carry out all the necessary checks and controls. However, I am extremely thankful for the good co-operation on the ground between our experts on customs phytosanitary controls and their Northern Irish counterparts. The inter-human, professional relationships are very good. They are learning from each other and they are working together. I am glad that we found a way to resolve the security and safety issues so they can carry out their duties because they are very important for the future of our relationship.

I am also ready to engage with the Irish Brexit stakeholder group. I think it will happen this week. As I said, we will be meeting the civic society and business leaders of Northern Ireland this Thursday. As regards the Northern Ireland Executive, I am open to all the meetings but am trying to follow good order in organising things and respecting all the internal arrangements of the UK. Therefore, the counterpart for the EU and for me is Michael Gove. If he engages in organising such a direct exchange with the Northern Ireland Executive, I will be there for sure. I am ready to listen, to explain what we can do together and look for the best solution for the people of Northern Ireland and Ireland.

**Deputy Brendan Howlin:** It is good to talk to the Commission Vice-President again. There is an absolute understanding and an enormous appreciation of the solidarity the member states of the European Union have shown to Ireland during the Brexit negotiations. That is absolutely understood. It underscored the degree of shock that happened, politically, when it was announced late on a Friday evening that Article 16 of the Northern Ireland treaty was to be enacted. That really sent shockwaves. Unfortunately, the harm done continues. It was not a single event and I know that is appreciated. Forgive me for going back to trying to understand the process. In his presentation, Commissioner Šefčovič said mistakes were made in the process leading up to the decision. We are trying to understand what mistakes were made. Commissioner Šefčovič went on to say that it was undone when political level awareness happened. How can such a fundamental issue happen without political awareness? Who made the decision and who signed off on it, politically? We need to understand, so that the processes of decision making will improve into the future.

I refer to the clearing house mechanism Commissioner Šefčovič. Who constitutes that clearing house? Where is it? How will it be put into operation, in reference to member states and Commission members? How will that work?

I refer to the Commissioner's ongoing dialogue with Michael Gove. He rightly talked about the future because the protocol is a settlement that will not be removed. We need to work out the detail of its implementation. Commissioner Šefčovič mentioned real-time access to UK customs being an outstanding UK action. What other UK actions in the protocol are yet to be implemented? What technical issues has Commissioner Šefčovič discussed with Michael Gove

that can be sorted? Is it in Commissioner Šefčovič's mind to have a further derogation in the timelines for the full implementation of the protocol?

I wish to expand on Deputy Richmond's question on how we achieve ongoing dialogue. We have been grappling with the UK leaving the European Union and how we can have much closer political interaction. One of the processes is the British-Irish Parliamentary Assembly. I do not know if Commissioner Šefčovič is aware of it. It may be useful for Commissioner Šefčovič or the Commission to present to the economic committee of the British-Irish Parliamentary Assembly the benefits to Northern Ireland of being part of the Single Market and the United Kingdom's internal market.

**Mr. Maroš Šefčovič:** I thank the Deputy Howlin for these questions. I repeat that no decision was taken. Article 16 was not activated. It was a draft proposal which was quickly corrected. It would be better not to engage in the blame game anymore. We acknowledge the mistake was made and we have apologised. It is important to look to the future and at how we can work constructively together to guarantee the people of Ireland and Northern Ireland the benefits and possibilities the protocol presents for new business opportunities, jobs and economic growth, if one focuses on that aspect.

The clearing house is the structure we are setting up in the Commission. It is also because of the enormity of the trade and co-operation agreement. The implementation of the agreement requires 19 specialised committees. For example, transport will be covered by three of them. There will be massive implementation work to be carried out. Of course, it has to be co-ordinated and properly organised. Therefore, we need several things.

Each Commissioner will now have one cabinet member who will look after our relationship with the UK and implementation of the protocol. The Commissioners, the Directorates-General, and our secretariat general will serve as a clearing house to have horizontal oversight and make sure we are well co-ordinated. Once the issues are properly identified, they will be brought to the attention of the political level.

We have regular meetings with member states. There are expert meetings of an EU-UK Brexit working party. I am in the European Parliament on a biweekly basis, in briefings and discussing the issues with the UK co-ordination group. This now an almost regular item on the agenda of ministers for European affairs and will continue as such.

What are the shortcomings I pointed out to Michael Gove in our conversation and my response to his prior communication? The first thing which is very important for the integrity of the Single Market is the border control posts. I have to say they are not yet fully operational. Official controls at the border control posts, BCPs, are not performed in compliance with the withdrawal agreement protocol and European Union rules. We see few identity checks and a limited number of physical checks, other than on live animals, fish and plants. We agreed on certain packaging labels, including UK health certificate declarations and so forth, which, again, is not done as we agreed.

It is very important for everyone involved in trade to work on making customs clearance and operations as smooth as possible. We need fully operational border control posts, BCPs, but also access to IT systems as agreed and as the UK unilaterally declared it would do in December. We still do not have access to real time operations in IT systems. The most important ones for us are import clearance systems, CDS, which would help us to better assess how the trusted trader scheme or simplified health certificates are being used.

The trusted trader scheme was one of the key asks of the UK in our November and December discussions because it believes it will be possible to guarantee supermarkets in Northern Ireland are fully supplied through this scheme. We agreed to that but we do not know how much this scheme is used. We agreed on a simplified version of the health certificates but we do not know how this flexibility is being used, due to non-access to IT systems.

We have been creative when it comes to exports from Northern Ireland to Great Britain. We agreed we would use the ferry documents but they had to contain the equivalent information, which the export declaration would usually have. This is also not happening. I could go on and on about parcels, mail and so on. This is also an odd happening. I can go on and on about the parcels, the mail and so on. There are many things that we agreed we would do. We did our utmost on our side. Now we also need the response from the UK authorities so we can really assess how these flexibilities are working. Have they been sufficient? What is the problem on the ground and how can we find the solution?

Concerning the ongoing dialogue, as I said, it is quite clear that the EU-UK-Ireland-Northern Ireland relationship requires day-to-day care. We must all be focused on it and we need to do our best. An important part of that is having frank and open communication. I am ready to be part of such discussions. I have already mentioned several times the meetings and discussions we will have this week. If there is an invitation to the British-Irish Parliamentary Assembly, of course, I would be very happy to participate and provide the necessary answers. That is the response to Deputy Howlin's questions.

**Deputy Dara Calleary:** I thank the Commission Vice-President. Like all my colleagues I acknowledge the record of the Commission in supporting Ireland since the Brexit vote. Indeed in 2017 Mr. Barnier spoke in this Chamber and addressed a joint session of the Dáil and Seanad which is a rare honour. It was a recognition of his role and also the importance of the matter. In his remarks the Vice-President said that Northern Ireland was on the mind and in the hearts of the Commission during the negotiations. While that is true, it was not so on 29 January. I know he does not want to engage in that and does not want to engage in what he sees as a blame game. Our job here is parliamentary scrutiny of our relationship with the European Union institutions. We would be remiss in our job if we did not pursue what happened in the days leading up to 29 January. I am concerned that he has not engaged with my colleagues who have previously asked about those issues. It is part of our job to try to get there.

The Vice-President said Article 16 was never activated. With complete respect I say he is splitting hairs because the signal was given that it would be activated. Were it not for the intervention of the Taoiseach and the Minister, Deputy Coveney, it probably would have been activated. However, giving the signal was enough to do the damage my colleagues have mentioned. Who inserted the signal into the documentation?

We are led to understand that notification was given to Commissioners and their cabinets half an hour before it became public. Will the Vice-President confirm if that is true? Was notification given to individual commissioners or their cabinets before it was published? Was it the Vice-President or the president who was involved in inserting the original signalling of the article in the document? The export process was signalled for a number of days. Therefore, presumably the intention to trigger Article 16 was being discussed beforehand. It is our job to try to understand that so that it does not happen again. That brings me to my second question.

I accept the Vice-President has very strong personal relationships with the Minister, Deputy Coveney, and other officials. However, particularly in politics, people move on, as we know.

Article 16 will still be there and the protocol will still be there. I welcome the Vice-President's reiteration of support for the protocol. We need a permanent mechanism that will withstand the changes in personnel and will withstand the changes in relationships between the Commission and a potential future government. Senator Chambers and other colleagues have put it to the Vice-President that there should be a formal mechanism involving the Irish Government, and dare I say it the Northern Ireland Executive, such that when Article 16 is to be discussed, and it is to be hoped it will never be triggered again, the Commission cannot do so on its own and cannot even signal that it will be done without the co-operation and consent of the Irish Government and by consultation with the Northern Ireland Executive. I ask the Vice-President to give us his thoughts on a more permanent solution that is not based solely on personal relationships, which are important but transient. If we are to avoid the damage that has occurred on our island as a consequence of what happened on 29 January, we need a permanent reaction.

I reiterate that we acknowledge the support. However, the committee's job is parliamentary scrutiny of the work of the Vice-President and of the Commission. We have a responsibility to our colleagues in both Houses of the Oireachtas and the people we represent to get to the detail of what happened on 29 January and on the days leading to that date so that the committee can make recommendations to ensure it does not happen again. It is not a blame game; we are doing our job.

**Mr. Maroš Šefčovič:** I thank the Deputy for pointing out how sensitive this issue is, and I acknowledge that. I think I repeated myself several times and I can do it here. What happened in that week was that we had been under enormous pressure to ensure the European Union gets its fair share of vaccines. I will put it into perspective, and I ask the Deputy not to take me wrong here. When it came to the latest crisis triggered by Covid-19, within just a few months we adopted more than 1,000 legal acts. Therefore, it might happen that mistakes are committed in this way. This was the case also on that Friday.

In the draft which was presented where purely the vaccination element was covered, an administrative mistake was made. I want to make it 100% clear that this article was never activated. There was immediate communication between the Taoiseach, the President, the Minister, Deputy Coveney, and me. I fully respect the committee's right to scrutiny and that it is doing its job. I understand that and therefore I am participating in this discussion and doing my best to explain to the committee the state of mind and how the decisions were taken on that date.

I also want to reaffirm once again, as I did on that occasion, that the protocol on Ireland and Northern Ireland remains unaffected by the European measures to ensure transparency of vaccine exports. These measures will never entail a hard border on the island of Ireland. In addition, this has been acknowledged several times today by me and by the President of the European Commission in the European Parliament and on multiple other occasions.

At this stage what is important is to ensure that we avoid anything like this happening in the future. Therefore, we are setting up the new mechanism within the Commission. I can absolutely promise the committee that we will respect fully all the elements linked with Article 16. I agree with the Deputy; we also hope that we would never trigger it. For that to happen, there are very precise ways how to do it, what the consultation time should be and how it should be discussed. Of course, Ireland will always be consulted on this issue especially if there are sensitivities concerning the Northern Ireland protocol. If asked, the Taoiseach, Tánaiste and Minister for Foreign Affairs would confirm that we have absolutely open channels of communication. Ireland's permanent representatives in Brussels are fully informed about what we do. We are working together to get out of the current situation and to ensure the protocol is properly

implemented.

Speaking of scrutiny, I will be very happy to meet the committee again at a time it finds convenient to outline how we have learned from the mistakes, how we are implementing the protocol and how we are dealing with many challenges. The change is fundamental. The transition that is needed is massive and the number of issues for which we need to look for solutions is enormous. It is also a matter of having a standing relationship between the Irish Parliament, the Commission and me. I would also be very happy to facilitate interaction with the Commissioners who are leading on certain files and areas that are important to the implementation of the trade and co-operation agreement. I would very much like to underscore our willingness to have permanent engagement, to ensure we understand each other well, and to have the lines of communication always open in order to discuss any matter the Irish Parliament or the Irish feel is important.

**Deputy John Brady:** I thank Vice-President Šefčovič. I welcome him warmly. His presence is very much appreciated.

Everyone agrees that the decision by the European Commission to invoke Article 16 as part of the vaccine export authorisation scheme was a huge error of judgment. It would not have happened had the Commission taken the time to consult any of its Irish colleagues. I listened to Mr. Šefčovič's comments to the effect that mistakes were made. Regrets have been stated and apologies have been offered. I commend Mr. Šefčovič on attending today. It speaks volumes about the commitment of the EU to the Irish protocol and its protection. It is imperative that the Commission examine the decision-making process to ensure what happened does not happen again. This meeting is an integral part of that process. While Mr. Šefčovič outlined some of the measures that will be put in place and touched on the clearing house mechanism to ensure that what happened will not recur, it is unfortunate that he did not answer the key questions that a number of my colleagues have put to him. The questions concern learning from the mistake and the matter of who made the decision to invoke Article 16. Mr. Šefčovič outlined the rationale as to why it was considered, but the critical part has not been addressed. I look forward to our ongoing engagement on the structures that will be put in place, such as the clearing house mechanism, and I hope we will have Mr. Šefčovič before us again to scrutinise these measures.

It is unfortunate, but all too predictable, that forces have seized on the error of judgment for local political purposes in the North. The DUP has always been opposed to the Good Friday Agreement. This is part of the reason for its support of Brexit and its opposition to the protocol. It is also the reason for the opposition to the protocol, for wider strategic purposes, of the British Government. It is crucial that action be taken to de-escalate the situation as it stands. It is time for calm heads to prevail. We need to stabilise the circumstances in the North and to ensure the Good Friday Agreement is protected. The experience of the Irish when dealing with the British has been that they are fundamentally untrustworthy. It is their practice to reach an agreement and immediately ignore key parts of it. Examples are the non-implementation of the citizenship provisions of the Good Friday agreement, the language Act section of the St. Andrews Agreement and the legacy proposals of the Stormont House Agreement.

There is a tendency to start negotiating the dilution of agreements immediately. Therefore, I urge vigilance in the implementation of all agreements, including the withdrawal and trade and co-operation agreements.

Not all issues in Ireland have been resolved. Some of these have been discussed here this morning. The all-Ireland economy is still being damaged by the removal of the free movement

of EU nationals, limits to cross-Border services and, indeed, divergence on labour standards and workers' rights. Given the likelihood of an Irish unity referendum in the coming years, it is important that the EU be prepared for it. Part of this involves keeping the North as close as possible in regulatory terms. This will make it easier to bring the North back into the EU if there is a successful referendum on unity, as I believe will be the case. The EU needs to work with the anti-Brexit parties in the Northern Executive. In this regard, there is a particularly significant role for Ms Michelle O'Neill, the joint First Minister, who is from the largest anti-Brexit party.

I have a number of proposals that I would like to put to Mr. Šefčovič for his consideration. I would appreciate his comments on them. The first concerns the granting of MEP observer status to representatives from the North of Ireland. Representatives could also participate in the European Committee of the Regions. We should consider MLAs in this regard. I propose representation at the European Economic and Social Committee. Representatives could include employers and representatives of trade unions and other bodies from civil society. Allowing Executive Ministers to participate in Council of Ministers meetings as part of the Irish delegation could be considered. I would appreciate Mr. Šefčovič's views on those proposals. What are his views on allowing civil servants from the North of Ireland to participate in relevant Council working groups and on the creation of an office for representatives from the Northern Assembly in Brussels? These are key areas that need to be considered. I would appreciate Mr. Šefčovič's views on them. I thank him again for engaging with us this morning. I look forward to hearing his views.

**Mr. Maroš Šefčovič:** I thank the Chairman. I thank Mr. Brady for all the questions. I wish to highlight that we have obviously been doing our utmost to de-escalate or calm down the situation. The tone of my letter really shows that we have been doing our utmost to be constructive in responding to the communication from Mr. Gove. We have demonstrated we are working on some of the issues that are pertinent to the all-Ireland economy, such as the issue of steel, and many other elements. We will continue to do so. I was very pleased that in our meeting with Mr. Gove, we agreed on the joint statement. De-escalation, stabilisation and the reiteration of our utmost commitment to the proper implementation of the protocol on Ireland and Northern Ireland were clearly underscored. We are very much focusing on all outstanding issues on the table with a view to finding a solution to them. Of course, the solution will have to be in accordance with the agreements we have signed, with EU law and with the understanding we agreed upon already in December.

We are all for any step forward to calm the situation, de-escalate it and show a constructive spirit. We are also ready to engage with business leaders and civic society in Northern Ireland, to listen to them carefully and to present this transformation as a possible business opportunity, given the fact that Northern Ireland is part of the Single Market and part of the internal United Kingdom market. Northern Ireland actually operates in two markets. I believe that for business leaders, this is a major opportunity. Yet, I understand that until we get to the opportunity part we have to make it through all the adjustments and adaptation to the new reality that was brought about by the UK leaving the customs union and the Single Market.

As I said, I am open to any consultations and communications. However, in all our contacts we have to respect the constitutional arrangements, how we signed the agreements and the treaty signed between the EU and the UK. This involves our counterparts for the implementation of the withdrawal agreement and, as recently announced, the partnership council for overseeing the implementation of the trade and co-operation agreement, including the UK's Chancellor of the Duchy of Lancaster, Mr. Gove. Of course, we are always ready to engage in discussions

with everyone who can contribute to ensure that we are looking for a good solution, but it is on the basis of partnership between the UK and the EU.

**Chairman:** Next is Teachta Ó Murchú. We still have four of five people looking to contribute and we have fewer than 50 minutes left. Deputy Ó Murchú will be followed by Senator Regina Doherty.

**Deputy Ruairí Ó Murchú:** I thank Vice-President of the European Commission, Mr. Šefčovič, for appearing today. It shows the interest that the European Commission has in dealing with this issue. I welcome what he says.

We all accept that Brexit was going to be a disaster that needed to be mitigated, and the Irish protocol was a major part of that. I accept the support of the European Commission in ensuring that no hard border will be re-erected on the island of Ireland and its support for the Good Friday Agreement.

I note that Mr. Šefčovič does not want to go into the individual acts which led to the mistake around the threat to trigger Article 16. If this body is not going to be given that information, that is one thing. I would like to get clarity from Mr. Šefčovič that the European Commission will absolutely investigate and break down how that happened, because we all get the absolute seriousness of it. We need to look into exactly what the mechanisms are to ensure it does not happen again. I welcome the comments of Mr. Šefčovič about a horizontal overview and a clearing house. I assume that would also involve checks with Dublin and Belfast. Can Mr. Šefčovič give any indication of how this would work? If not, can Mr. Šefčovič come back to this committee and others? I believe it is vital that this information is put out. To a degree it might lessen some of the concerns that exist.

I am keen to get some information on the interaction of Mr. Šefčovič with Michael Gove. Obviously, the British Government has threatened several things at different times. I welcome what Mr. Šefčovič says in respect of his conversations with Michael Gove. They have been useful in respect of support for the Irish protocol and the fact that it is part of an international agreement that is not going anywhere. What has Michael Gove said in respect of Mr. Šefčovič asking questions about the real-time access to customs databases and the issue the European Commission has with border control posts? This fits in with what the Revenue Commissioners and the Department of Transport say to the effect that one major issue still is the lack of preparations in Britain. This extends to the lack of preparations by British firms and that is impacting on this situation. In fairness, Mr. Šefčovič spoke about 24 February being a major date. What does he expect at that point? Will we have dealt with a considerable amount of any modifications or leeway that are necessary in respect of the movement of freight and other issues? These are all issues that we want to see dealt with.

I welcome the fact that Mr. Šefčovič is open to ongoing dialogue with stakeholders and dealing with modifications. Political unionism has made its decisions on how it will play its hand in the next election. To a degree, it is operating a playbook it used in the 1980s and the 1880s, and that is unfortunate. If the European Commission wants to sell the Irish protocol to businessmen and farmers from a unionist and nationalist background, it may need to aim above political unionism. I would welcome any interaction with the necessary stakeholders. I am seeking some clarity from Mr. Šefčovič that he will engage with some groupings in Ireland who have been engaged in campaigning against Brexit and for mitigations. I would like to think that Border Communities Against Brexit is one of these organisations. If not, it should be considered in that regard. I would welcome any information that could be given in respect

of what Deputy Brady has asked about Northern representation. Sinn Féin has been clear. The argument that Irish unity is the only solution to dealing long-term with the issues of the British Border in Ireland is being understood and believed by far more people now.

If we finally get to a better time, post pandemic and post vaccinations, I would like to think we could invite Mr. Šefčovič to visit the Border region. Obviously, the most important part of the region is where County Louth, my constituency, touches the Border.

**Mr. Maroš Šefčovič:** My thanks to the Deputy for the invitation. I hope that, Covid permitting, progress on the protocol will allow us to have that visit as soon as possible. Of course, it would be an occasion to come again to the committee. I would prefer to do it in person rather than via my computer. My thanks to the Deputy for the invite.

One of the questions concerned the mechanism. As I said, we want to ensure that we learn from the past and, therefore, we want to introduce a horizontal oversight mechanism, including the clearing house and the central role on the level of services that is played by the Secretariat General. This will ensure that it will have proper assessment of the situation and that the proposals for political decisions are properly done and assessed.

Another question concerned the work of the joint committee or specialist committee. Before we arrived at any decision of course we discussed it in great detail with member states. I can tell the committee that Ireland is one of the most vocal, active and engaged member states. We talk to our Irish friends and partners frequently at expert level, at ambassadorial level and at the top level of political representatives, including the Taoiseach, Tánaiste and the Minister for Foreign Affairs. This will continue in the future and the high quality relationship the Commission has with Ireland prevented us from making that mistake graver because, as I said, we never activated Article 16 thanks to the intense interaction which took place between the Irish top-level representatives and the European Commission.

Concerning the border crossing points and IT systems, we agreed with Chancellor Gove - and this should be the topic for the next joint committee - that we will get the proper overview of where the UK is with the implementation of the protocol and the commitments and engagements agreed upon in our meeting in December. For example, for border crossing points we agreed a so-called open book approach, which has worked well since last summer. This approach means that UK authorities have been transparent about how construction works are continuing, the roadmap to completion of the works and when the border crossing points would be fully operational. We aim to achieve that in the summer of this year.

We agreed it would be good to have the same approach when it comes to the IT customs systems. We understand it is a massive undertaking to adjust the database to this new kind of relationship and we would like to hear - and this is also, I understand, a commitment from Michael Gove - what stage we are at in terms of making IT access available to the European Commission and the European Union and what are the major problems. There are issues with the migration of the IT system, which we understand. When will these things happen, what are the problems and when and how they will be fixed? This is the information I hope we will get and hear from our British partners and counterparts. That is the best way to proceed on all issues listed in both of our letters. Currently, our experts working in the specialised committees are frequently in touch and we hope to have more clarity on these issues, which will open the possibility of moving closer to full implementation and the resolution of other problems that are popping up. These problems are natural in such a massive relationship as that we are building and forming into a new shape and which was triggered by the UK leaving the European Union.

On different stakeholders, when we have a joint committee session it is the norm and there have always been interventions from the First Minister of Northern Ireland, Madame Foster, and the deputy First Minister, Madame O'Neill. It is the standing practice that both representatives intervene in our deliberations. Often, representatives of Ireland intervene in these discussions and we usually have the presence of most EU member states in such discussions. That is a good practice which we will definitely continue with so the voice of Northern Ireland is properly heard when we discuss issues in the joint committee.

**Senator Regina Doherty:** I thank the Commissioner for his time this morning. We all appreciate how much time he is giving us. He will be blue in the face by the time the session is over from being asked the same question over and over. It is because we are genuinely frustrated at not getting the response we expected. The announcement made on 29 January was, for us, probably far greater than a mistake. I believe the only reason it was rowed back upon was because of the enormous response and backlash it received. It is obvious to all of us that it was a decision that was made emotionally. The Commission was peeved - I use that phrase but it was probably far stronger than that - at what it perceived to be a fast one with regard to the supply of vaccines in the European Union versus the United Kingdom. It was an emotion-based response but it was also a rookie response. It is difficult to understand as none of us associate the word "rookie" with the European Commission. None of us associates a disassociation from what invoking Article 16 would have done to the island of Ireland versus the painstaking determination of the negotiations of the previous four years to ensure that exactly that did not ever happen to the island of Ireland, its people, its economy and, most importantly, our peace. Until we understand how that rookie mistake came about, it is difficult for us to appreciate and accept the new protocols the Commissioner has described so eloquently today and his assurance that it will never happen again.

A number of my colleagues are still to speak and I fear the Commissioner will be asked the same question by every one of us. We need to understand how that mistake happened rather than mincing words as to whether the article was invoked or not. A clear statement was made on 29 January that the Commission was invoking Article 16. We are all well aware that the only reason it was pulled back from was the massive backlash that came from that statement. I do not know if there is something stopping the Commissioner or he is protecting someone in the office or the Commission, but it is important for every member of this committee and every citizen on the island of Ireland to understand how that happened so we can be assured it will never happen again.

**Mr. Maroš Šefčovič:** I thank the Senator for the question. I understand the importance underlying our discussions today and the political developments since the Friday in question. I already gave all the answers I could. We are all working in administration. There was a draft proposal made and the draft was corrected by the political level. I was describing, as I think the Senator understood very well, the intensity of the moment where the Commission felt that despite all our efforts and investment in the vaccine's development, we were not getting our fair share. We wanted to introduce more transparency. We did not want to block the vaccine's export. We simply wanted to know where the vaccines are manufactured and where they were going. That was the primary purpose of that proposal. As I said, the mistake was made. We apologise for it and therefore we are introducing all these internal controls - the clearing house and horizontal oversight of our activities - to make sure we do not make such a mistake in the future. That is the best assurance I can give the Senator and it is the honest answer.

**Deputy Seán Haughey:** I thank the Commission Vice-President for his attendance. I also

thank him and his team for the work they have put in to getting the Northern Ireland protocol agreed. He said it took up a lot of his time so he is obviously a patient man. We appreciate the work he and his team put into the protocol.

We have spoken about the political fallout from the attempted triggering of Article 16. There is no point in going over that again, other than to say that the Democratic Unionist Party in Northern Ireland now has a five-point plan to free Northern Ireland of the protocol. Sectarian tensions are rising. Senator Lisa Chambers referred to forthcoming elections in Northern Ireland. The protocol has to be agreed by the Northern Ireland Assembly in four years. We need to sort these issues out.

We are all agreed that we need to ensure that using the protocol never happens again. Could the Commissioner elaborate more on communications between the Minister for Foreign Affairs and Michael Gove, the clearing house arrangement and overview mechanisms? Will there be formal structures in place or structures of any kind to ensure this does not happen again? What about the role of the Irish Commissioner in this? Commissioners take an oath to the European Union and do not have a mandate for their national countries. Would part of the clearing house process, communications or overview involve consultation with the Irish Commissioner and his or her office?

The problems the protocol is causing for businesses and civic society in Northern Ireland have been exaggerated for political reasons among certain political parties. There have been post-Brexit administrative delays and problems with supply chains, as well as increased transportation costs. Northern Irish supermarkets have experienced shortages of time-sensitive goods such as fresh produce and chilled meats. Other issues have arisen with, for example, the movement of seed potatoes and family pets. Is the Commissioner confident that practical and sensible modifications can be brought forward for the operation and the implementation of the protocol, having regard to the issues I have just outlined? Can there be an extension to the grace period?

A recent article in the *Sunday Telegraph* reported that Michael Gove is considering an alternative mutual enforcement plan to the protocol that would remove the border from the Irish Sea and restore the land border in Ireland, which would require the UK and the EU to apply checks at the same level as each other. Obviously this is unacceptable to us in Ireland. I assume it is unacceptable to the European Commission as well.

**Mr. Maroš Šefčovič:** We are fully aware that the protocol will be voted on in four years' time. I hope that we will not need four years to resolve these practical issues. I was hoping we would have resolved them in December. That was the point of our super intense negotiations during which we were discussing the grace period for meat exports, health certificates, special authorisation processes for medicines and so forth. At that time what I understood from our UK partners was that the grace period was very much welcomed by the UK Government.

At that time also, it told us that the unilateral declarations were sufficient to do the necessary adaptations. We also have to be honest. The decision to leave EU, Single Market and customs union entails dramatic transformation of our mutual relationship. I thank the Deputy for those kind words about the intensity and the length of the negotiations on the protocol. We were looking to square the circle and I think we succeeded for the sake of all-island prosperity, stability and peace. It was not easy to do but we found the solutions.

I am glad that in our joint statement that the Chancellor of the Duchy of Lancaster, Michael

Gove, clearly reiterated his full support for the protocol on Ireland and Northern Ireland. There are clear obligations on both of us. I assure the Deputy that on the EU's behalf that we will do our utmost.

At the same time, it is also quite clear that certain adaptations will be needed in economic life and distribution chains. The UK decided to become a third country as of 1 January. This is demonstrated in all the complications we are discussing today. We are there to solve the problems and look for all possible solutions. We signed agreements into EU law. Our UK counterparts know EU law very well because they have been members of the Single Market for 47 years. They know very well our flexibilities and possibilities. We are ready to work with them. Regarding the protocol, it will be seen as an opportunity for Northern Ireland and Ireland to actually benefit from the unique solution we found in it.

On the concrete issues of supply chains and the shortages in Northern Irish supermarkets, we knew that this might happen. We were discussing, therefore, discussing this with our UK counterparts over the past year to be ready for 1 January. We offered an extension of the transition period to have more time for this transformation. In the end, the decision was taken about 1 January, this grace period and being ready. That is the situation where we are right now. I will listen with great care and attention to the business leaders and civic society representatives of Northern Ireland as to how it is on the ground and what we can do to ensure the protocol is seen for what it really is, namely, a solution for peace, prosperity, as well as the positive and prosperous future of Northern Ireland and the whole island of Ireland.

That is our common task and we will be able to do this both ways. The UK is committed to adapt, adjust and accept its new relationship. It is crafted because of its insistence on being two sovereign equals and having it enshrined in the agreement. We must also respect and deliver on our commitments, which have been clearly written when we were discussing how to implement the protocol on Ireland and Northern Ireland.

It is important and crucial for EU member states to hear and assess how the flexibilities, which we already agreed with the UK, are used before discussion about any further extensions. These are concrete issues, which are now discussed by our colleagues under the umbrella of specialised committee. I hope we will have an in-depth discussion on all of these issues next week.

**Senator Vincent P. Martin:** I thank the Vice-President for attending the committee and I appreciate his generosity of time this morning.

I believe it is important that we extol for Northern Ireland the virtues, the benefits and the potential of the new-found arrangement in which finds itself. It is a living arrangement. Northern Ireland, in a sense, should be at the consultative table, at the very top, to express concerns and flag issues for Northern Ireland. That is not possible at the moment. Notwithstanding the constitutional sensitivities, would the EU explore with the UK, respecting the Constitution, giving Northern Ireland a voice in the heart of Europe? Obviously, that would have to be done amicably. The Vice-President might then report back to this member state because, if it is not a runner, that will certainly shape the minds of people in the Republic of Ireland.

I anticipate we would be very generous. We would have to look at constitutional change to allow a voice for Northern Ireland at formal committee meetings here and in the two Houses. That is something the EU will deal with and will have to face down the line. I want to have that exhausted first. What generosity is there between ourselves and the UK, recognising the inter-

national Good Friday Agreement and Northern Ireland's new position, to put Northern Ireland front and centre? Northern Ireland's voice is not being heard properly at the moment.

I do not want to repeat what fellow Senators and Deputies have said this morning but I fully concur with it. I want to approach it from a different angle, almost from an interest in history, if very modern history. A spectacular own goal was scored by the EU but it could have been so much worse, to try to be optimistic about this. I have never seen on the island of Ireland such spontaneous unison, although people might be coming from different constituencies. We did not have that unanimous acclamation at the time of the Good Friday Agreement, when the DUP opposed it. Every single voice abhorred what happened but mistakes happen, even of this magnitude. The ground has been well covered. We have to look positively at the fact people drew back from the brink. The *Titanic* did not hit the iceberg. It is never too late.

On a question that has not been covered yet, could the Vice-President put on record who I should thank, as a parliamentarian, for averting going into the abyss? I would like to shake that person's hand, although it might not be possible in Covid times. Is it the Taoiseach or the Minister for Foreign Affairs, or both, or the Irish Government? If the Taoiseach did this, and he was vigilant and was not asleep at the wheel while we were riding into the abyss, it is the greatest single day of a living Taoiseach in protecting peace in this country since Bertie Ahern's clinching of the Good Friday Agreement. I would like to know who I should thank. I do not believe it is the EU bureaucrats. If it is one of my fellow parliamentarians, I want to be generous and magnanimous, and say to the Irish Government, "Thank you so much for avoiding a huge mess."

**Chairman:** The Senator can thank this committee because I got a lot of messages on the Friday around 4.30 p.m.

**Deputy Brendan Howlin:** That goes without saying.

**Mr. Maroš Šefčovič:** I thank Senator Martin for his positivity because this is what we need, as well as a look into the future. I assure him that when it comes to contact on Northern Ireland, at the expert level we are in frequent contact with them, and on everything that concerns the implementation of the protocol, we are discussing that with the experts. We are in touch with the Executive. When, for example, that video conference was scheduled, we were in concrete and very intense contact with the Northern Ireland Executive. We very much appreciate, as I said, the great co-operation we have on the ground with the Northern Irish partners and with the Northern Irish police. There are collegial and very friendly relations and a good atmosphere there between our customs and phytosanitary people and their Northern Irish counterparts. There is really a lot going on. The feeling, when I was talking to our people who are working in Northern Ireland, was very positive. It was a mutual learning process, with strong working relationships, with people looking into ways to improve the performance, very often under very difficult circumstances. Therefore, we very much appreciate all the close co-operation on the safety and security of our personnel there. Again, that has been done directly with the Northern Irish representatives and we are very thankful for that.

The Northern Irish representatives are also part of all of our specialised bodies, and I am talking about specialised committees that are there taking part in the discussion. As I said, they are also always intervening in our discussions on the joint committee, where the First Minister and Deputy First Minister always intervene and listen with great attention and great care, working together on finding appropriate answers.

On whom to thank, I can tell the Senator that in those fateful three hours, all of our phones were buzzing and ringing constantly. I know the Taoiseach and also the Minister for Foreign Affairs, Deputy Coveney, were in frequent contact with all of us and there was intense discussion between the Taoiseach and President Ursula von der Leyen. My very good friend, the Minister, Deputy Simon Coveney, would confirm that we spoke at least five times, not only that afternoon and that evening, but also on the Saturday on Sunday and, I would say, every single day until we had that video conference with both representatives of the Northern Ireland Executive. It was very good that a mistake was spotted so quickly and, as I said, within three hours, we corrected it.

My plea here, and I know I am repeating myself, is to look at this against the backdrop of what the EU and the Commission were always trying to do for Ireland and Northern Ireland, all the support for peace, all the support for different projects, how proud we were when we could inaugurate that bridge between two communities, built by EU financial support, and we named it PEACE because that was very important for all of us. There is unwavering commitment for the success of PEACE, for the success of the withdrawal agreement and for proper implementation of the protocol. Of course, we do it with the single objective of stability, peace and prosperity on the island of Ireland. I know it is an enormous task but, here, we would like to work as closely as possible with Ireland, with Northern Ireland and also with our UK counterparts.

**Senator Sharon Keogan:** Good morning to the Vice-President. Will he please outline the current status of the Joint Partnership Council? Is it currently operational and have members of the relevant sub-committees and task forces been appointed? If, as I hope, it is operational, there would be limited chance of the invoking of Article 16 happening again. I do not think the process was followed correctly to invoke that article.

Although nobody has asked about this issue this morning, I am going to ask about it. What mistakes have been made with regard to the procurement of vaccines? We have the third largest buying power in the world. What mistakes have been made by the EU in procuring vaccines and has it rectified this? That is very important for a country like Ireland that is on the periphery of the EU. I am asking that this morning on behalf of our 5 million people on this island.

**Mr. Maroš Šefčovič:** I thank the Senator for the question. The current status of the partnership council is as follows. As members are aware, I was appointed at the beginning of January to represent the EU in the partnership council, which is a body that was constituted under the trade and co-operation agreement. A couple of days ago, Michael Gove was appointed to represent the UK in the partnership council. We will have to constitute the partnership council as soon as possible and then the next step would be to set up a network of 19 specialised committees which would cover all the different aspects of the huge trade and co-operation relationship we have, and I believe we will develop with the United Kingdom in these new circumstances of the UK being a third country.

I am sure members already heard that one of the first tasks of the partnership council will also be to look at the ratification of the trade and co-operation agreement. In the end the Council supported the position of some member states that we would need more time for a conclusion of the ratification process because of the need to have appropriate authentic linguistic versions finalised so they could give their approval for the ratification. We are still waiting and working very closely with the European Parliament on the consent role. All that should be completed by the end of April when there will not only be provisional but full entry into force of the new trade and co-operation agreement between the EU and the UK.

If members will allow me to mentally picture the situation if the EU did not proceed with unanimity, unity and solidarity, we can ask what would be the situation on the vaccine market, how strong the big member states would be and what it would mean for the smaller and medium sized member states. We had just a small glimpse of that in the spring of last year when we suddenly discovered we had big problems with procuring health material and protective gear for health professionals. Therefore, I think it was the right decision, and I am glad that we have huge support for that approach from all member states to act with unity and solidarity and to have a joint approach to acquiring the necessary vaccines and also to invest well in advance in the most promising companies. As members can see, our assessment was the correct one because all the vaccines that are currently on the market were also supported financially by the European Union to develop them and to accelerate production.

What was perhaps not properly assessed at the time – this is not only the problem of the European Commission but also the companies with which we signed the advance purchase agreements – is that sometimes they were too optimistic about how they could scale up the production of the vaccines. One executive of a pharmaceutical company said that last year the company produced 100,000 vaccines and now it needs to produce 1 billion. This is a huge scale-up and it very often entails industrial adjustments to the production facilities. What we learned is useful for the steps we will take in the future because we now have the transparency we need. We know how many vaccines are manufactured in the EU and where they are going. The pharmaceutical companies are now making sure that if there is any shortfall or if they are not able to supply the quantities of the vaccines they promised, the shortfall in supply is fairly distributed among those with whom they have contracts. That is very important, as is the fact that there is a ramp-up in supplies. We expect that in the second quarter the vaccine supply for the European market will be sufficient to meet our agreed goal of having 70% of the adult population vaccinated by the end of the summer.

I accept that we must be aware of the new variants, be they the British or the South African ones. We are also looking at how we can accelerate the authorisation process for the necessary boost of the vaccines or an adjustment to the vaccines that already exist. We have to look at this from the perspective that 26 million vaccines have already been delivered to member states. If I remember correctly, something like 17 million people have already been vaccinated, at least with the first dose. When one assesses the rate of the vaccination roll-out, European member states are among the top 50 countries in the world. I am from Slovakia and I am sure that if we did not proceed as one with a unified approach, strong negotiation and the pressure we brought by being the biggest trading bloc, my country would not be among the top 50 because it would be extremely difficult to negotiate such a complex agreement with big pharmaceutical companies. That is a little related to another topic, but I very much appreciate the question.

**Chairman:** We are very grateful for Mr. Šefčovič's time this morning and his participation in the meeting. I acknowledge his contribution and also his willingness to engage with the committee on a more permanent basis in future. I think he gets a sense from this morning's meeting that there is a desire and an appetite to do that. It is very significant to have him with us today, albeit virtually, in our national Parliament. We are very grateful for that.

Without going back over old ground, the committee does not want to enter a blame-game scenario, nor do we want heads to roll. What we are specifically looking for is accountability, transparency and consequences. I know Mr. Šefčovič has emphasised time and again that Article 16 was not fully triggered. It is a matter of language, however. I assume a group of individuals, rather than one person, compiled a draft report of such significant impact and that those

individuals knew the potential repercussions. Senator Martin suggested that the iceberg was avoided, but a bit of damage was still done to the wing and we are still living with those consequences. It is very important that the individuals involved in preparing the draft report know about the consequences and are spoken to at length about them. As a committee we wanted to know who these individuals were and what their motivation was, but I will not go back over that ground again. Mr. Šefčovič stated clearly that he wants to focus on putting measures in place to ensure this does not happen again. It is a missed opportunity to have more consequences, transparency and accountability but it is never too late. However, my two questions are as follows. What is the timeframe for the implementation of the early warning system? Second, what is the potential for enhanced Irish representation within the Directorate General for Trade, or other Directorates General likely to make decisions under the protocol, to ensure that there is a proper understanding available in the decision-making process of the implications of the protocol for Northern Ireland?

We will leave the final word to Leas-Uachtarán. Apologies for the Irish class today. He has been introduced to new Irish vocabulary. He can now introduce himself at the Commission as the Leas-Uachtarán when he is meeting with our Irish MEPs. Táimid fíorbhuíoch as an Leas-Uachtarán as an bpáirt a ghlac sé sa díospóireacht seo linn inniu. We are most grateful to the Vice-President for taking part in this discussion today. Arís, go raibh maith agat.

**Mr. Maroš Šefčovič:** I would like to close on a personal note. As I have told the committee, I am from Slovakia. I will never forget what Ireland did for my country. I still remember today, how warmly Slovakia was welcomed as a new member state. In the good old times, there was a big party in the main square in Cork. There was beer and a great atmosphere. We all felt so proud when our flag was presented, for the first time, at Dublin Castle, as one of the flags of the new EU member states. I remember it well personally, as do the other member states, because on that day we became new members of the European Union. I thank Ireland for the atmosphere, hospitality and the graciousness it showed us that day. I am making this point at the end of the discussion today because I wanted to focus, in my answers, on the questions asked by the committee members, and to respect the scrutiny and accountability which the members of this committee, as parliamentarians, Senators, and Members of the Dáil undertake on a daily basis. They ensure that democratic rules are properly respected, all decisions are properly scrutinised, and that they have all the information they need to make sure that they are doing the best job for their people. I very much respect that.

The members have asked about the timetable for the introduction of the new systems in the European Commission. As I said, we are introducing this clearing house, which is already happening right now. It was decided that under the Secretariat General, we will have horizontal oversight of all the measures taken concerning the trade and co-operation agreement, TCA. I can assure members that this implies even more focus on all issues related to the protocol on Ireland and Northern Ireland. It was also agreed that Commissioners with the highest stake in this new EU-UK relationship will meet at least once a month to take stock of where we are heading and to provide important updates, to make sure that we have political ownership and oversight of the development of this most important relationship.

I was asked about my colleague, Mairead McGuinness. I can tell the committee that she is an outstanding Commissioner and is responsible for a most important portfolio, namely, financial stability, financial services and capital markets. I very much treasure our friendship, her intimate knowledge of the situation on the island of Ireland and her involvement in discussions of all the pertinent issues linked to the protocol or to the future development of the relationship

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between the EU and the UK.

Of course, it is always an honour and a pleasure to be invited to address this committee. I will be happy to do so again in the future. I hope that I will be able to do it in person the next time. I hope that in the interim, good progress is made on the ground, as well as concrete results which lead to the full implementation of the protocol on Ireland and Northern Ireland.

Once again, I thank members for the invitation, for the questions posed and for the fair hearing I have been given. I appreciate it.

The joint committee adjourned at 12.07 p.m. *sine die*.