

DÁIL ÉIREANN

ROGHCHOISTE SPEISIALTA AN TSEANAID UM AN RÍOCHT AONTAITHE DO THARRAINGT SIAR AS AN AONTACH EORPACH

SEANAD SPECIAL COMMITTEE ON THE WITHDRAWAL OF THE UNITED KINGDOM FROM THE EUROPEAN UNION

Dé Máirt, 8 Meitheamh 2021

Tuesday, 8 June 2021

Tháinig an Roghchoiste le chéile ag 12.30 p.m.

The Select Committee met at 12.30 p.m.

Comhaltaí a bhí i láthair / Members present:

Seanadóirí / Senators	
Malcolm Byrne,	
Robbie Gallagher,	
Tim Lombard,	
Joe O'Reilly,	
Niall Ó Donnghaile,	
Mark Wall.	

Seanadóir / Senator Lisa Chambers sa Chathaoir / in the Chair.

Business of Select Committee

Chairman: I welcome everyone to the meeting. I remind members to ensure their mobile phones are switched off and to mute their devices unless contributing to the meeting.

We have correspondence to consider. There is a submission to the committee from Chris MacManus, MEP, dated 4 June 2021; a submission regarding EU support to assist Ireland in dealing with the challenge of Brexit from Grace O’Sullivan, MEP, dated 2 June; a submission on the north west rail corridor from Barry Aughey, dated 3 June; and a letter from the committee secretariat regarding the digital parliament programme’s committee and meeting module, dated 4 June. I propose that we note the correspondence. Is that agreed? Agreed.

We move to the draft minutes of the meeting of 31 May 2021 on the impact of Brexit on the higher education sector, which was attended by officials from the Irish Universities Association, the Higher Education Authority and the Technological Higher Education Association. Is it agreed to adopt the minutes? Agreed.

Brexit Issues: Discussion

Chairman: The agenda for today’s meeting is the ongoing implementation of the trade and co-operation agreement between the EU and the UK, issues surrounding the Northern Ireland protocol and European Union support to assist Ireland in dealing with the challenges of Brexit. We welcome Barry Andrews, MEP, Ciaran Cuffe, MEP, and Colm Markey, MEP. Maria Walsh, MEP, is running slightly late and she will join us shortly. For the information of members, Mr. Cuffe is due to leave at 1:30 p.m. We will take opening statements from all MEPs but as Mr. Cuffe has to leave, if members have questions specifically for him, they might ask them before 1:30 p.m.

Regarding privilege, witnesses giving evidence from within the parliamentary precincts are protected by absolute privilege in respect of the evidence that they give to the committee. This means that a witness has a full defence in a defamation action or in regard to anything said at a committee meeting. However, witnesses are expected not to abuse this privilege and may be directed to cease giving evidence on an issue at the Chair’s direction. Witnesses should follow the direction of the Chair in this regard and are reminded of the long-standing parliamentary practice to the effect that, as is reasonable, no adverse commentary should be made against an identifiable third party or entity. Witnesses who are to give evidence from a location outside the parliamentary precincts are asked to note they may not benefit from the same level of immunity from legal proceedings as a witness giving evidence from within the parliamentary precincts, so they may consider it appropriate to take legal advice on this matter. Privilege against defamation does not apply to publication by witnesses outside of the proceedings held by the committee of any matters arising from the proceedings.

Members are reminded of the long-standing parliamentary practice to the effect that they should not comment on 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 remind members that they are only allowed to participate in this meeting if they are physically located on the Leinster House campus. In this regard, I ask all members, prior to making their initial contribution, to confirm they are on the grounds of the Leinster House campus. If they are directed to cease giving evi-

dence by the Chair in regard to a particular matter, they must respect that direction.

We will go straight to MEPs for opening remarks and, with the agreement of witnesses, we will then go back to members for questions. I ask Mr. Andrews to make his opening statement.

Mr. Barry Andrews: Thank you. It is great to be here. It is an honour to have the opportunity to share ideas on these important topics with some former Oireachtas colleagues in the Seanad. It is great to see MEPs engaging more regularly with the Oireachtas and it will be an ongoing challenge to establish much closer links, not just with the European Parliament, but with other EU institutions in the months and years ahead.

The trade and co-operation agreement, TCA, enjoyed a huge majority in the European Parliament following a reasonably short period of scrutiny, but a much longer period of scrutiny than had applied at Westminster. We are now making progress on the establishment of committees. Incredibly, there are 19 committees under the Joint Partnership Council and ten of those are specialised trade committees. There is a vast institutional architecture but all of that is officials, not elected individuals.

I want to comment on the parliamentary scrutiny envisaged for the TCA in the first instance. At the moment, three strands are emerging from the European Parliament in this respect. The first that is expected is what is called the delegation, so we have delegations to the US, China and South Africa - the delegation of which I am a member - and a delegation to the UK will be set up fairly shortly. Under the TCA, there will also be a joint parliamentary assembly and it is possible that the delegation will comprise the MEPs who will take part in the joint parliamentary assembly. However, the powers of that joint parliamentary assembly are fairly limited to being informed of what is going on and to being informed about major changes that might take place, such as the suspension of some parts of the agreement.

The third strand is what is going to replace the current UK coordination group and what had been the Brexit steering group. What is on the table at the moment is that there will be a new scrutiny group in the European Parliament, and it will comprise the chair of the trade committee, the chair of the foreign affairs committee and the chair of the UK delegation, together with 15 rapporteurs from different committees, and maybe one member of each of the political groups. It is very important that one of the 13 Irish MEPs, at the very least, is present on that scrutiny group. It will only be a temporary group lasting perhaps one or two years but, at the moment, there is no Irish MEP on the UK coordination group. Given the critical nature of everything that is emerging from the implementation of the TCA and the withdrawal agreement, that is a significant deficit and one we urgently have to correct.

In terms of the protocol, which is the second item on the agenda, there is a very important meeting tomorrow between Maroš Šefčovič and David Frost. We are all very familiar with the tensions that currently exist between the two parties. Two articles have appeared in the newspapers in the past couple of days, one by David Frost and the other this morning from Vice President Šefčovič. It does not augur well for the meeting tomorrow. Nevertheless, some progress is being made on some of the key issues relating to the protocol. To be honest, and I do not say this lightly, I do not believe David Frost is a trustworthy interlocutor. He and his cohort have consistently underplayed the significance of Brexit to the island of Ireland, the Good Friday Agreement and the peace process. They have consistently ignored warnings about the effects of Brexit on the island of Ireland. Mr. Frost and his team rammed through the Northern Ireland protocol in order to get Brexit done and now they are blaming the EU and saying they did not understand it, despite the protocol being negotiated in English between people speaking

English as their second language and Mr. Frost and the UK Government. None of this is very credible and it does not augur well. Unfortunately for Ireland, we run the risk of becoming collateral damage in the increasing tensions between the EU and the UK. All of us want to see this relationship being based on partnership rather than rivalry but there are many examples of the UK indicating that it does not want to go down that path and that is very worrying. As far as I am concerned, there is no alternative to the protocol. The EU has demonstrated a willingness to exercise all flexibilities possible within the protocol. The UK Government has to come to the table in good faith and it has not done so thus far.

The final issue on which we have been asked to comment is the issue of EU supports to assist Ireland in dealing with the challenges of Brexit. From a European Parliament point of view, the key issue here is the Brexit adjustment reserve. The proposal for the allocation of funding across member states was recently voted through in committee. This emerged from the meeting of the European Council in July 2020. Happily, Ireland is going to receive the greatest amount of funds from the Brexit adjustment reserve, an allocation of just over €1 billion. How that will be applied in Ireland is a matter for the Government. We will have to see how it operates. This reserve will be passed in the European Parliament. Trilogues, the discussions between the EU member states and the Parliament, will happen from 17 July on. I hope the reserve will be in place by the end of this month.

The Oireachtas, and the Seanad in particular, has a crucial role to play in EU scrutiny. After Brexit, there needs to be much greater visibility of EU legislation, proposed directives and regulations at Oireachtas level at the earliest possible opportunity. This will allow for upstream analysis of what is to come. There have been really good examples of this in recent times. For example, I had engagement with Member of the Oireachtas on the digital services act and engagement on the digital markets act with Senator Malcolm Byrne and others. We need to see an awful lot more of this. I really welcome this engagement.

Chairman: I welcome Maria Walsh MEP to the meeting. We will now turn to Ciarán Cuffe MEP for his opening remarks.

Mr. Ciarán Cuffe: Like Mr. Andrews, I am really happy to be with the committee today. I am speaking from Strasbourg. It is a plenary week so it is a busy time and a lot of debates and voting are going on. One of the issues that has become abundantly clear to me over the last two years, for which I have had the honour of being an MEP, is that the big issues of our time do not recognise national boundaries. Issues such as globalisation, immigration, Covid and the climate crisis transcend national boundaries and demand regional co-operation and co-ordination. We have certainly seen that with Covid over the past 18 months. The voice of history will show that we need to co-ordinate in much greater detail than we have heretofore. Brexit goes against the tide of the major movements of our time.

The Chair has seen my written statement but I will summarise a couple of issues I raised within it. Mr. Andrews has already spoken about the Brexit adjustment reserve. Within the committees of the European Parliament, we have been putting on the green jersey to ensure that Ireland receives the funding it deserves. I am pleased that approximately €1 billion of the €5 billion fund will come to Ireland. There were certainly many voices from the other 26 member states arguing that they should benefit from the Brexit adjustment reserve. My eyebrow certainly raised over some of the demands other countries made in that regard. A great deal of the money will go to fisheries. My colleague, Grace O’Sullivan, has argued for stronger support for the small-scale, sustainable fishers of Ireland.

In some of the committees on which I sit, including the Parliament's energy committee, significant impacts from Brexit are already being seen. For instance, we have an electricity interconnector with the UK. This is not operating as well as it was before Brexit. That results in higher prices for electricity both for people in the UK and for people in Ireland. That is a very practical consequence of Brexit.

Back in April, I voted for the trade and co-operation agreement, TCA. I am pleased that went through the Parliament but it is worrying to hear the constant statements from London to the effect that the Northern Ireland protocol is not sustainable and not fit for purpose. I think about some of the announcements we have seen made without consultation. The surprise extension until October of arrangements with regard to pets travelling between Northern Ireland and the UK seems like a small thing, but there was no consultation on this as far as we know. We have seen quite a bit of grandstanding, which only exacerbates the existing sensitivities that have arisen from efforts to balance the Good Friday Agreement with Brexit and the Northern Ireland protocol. Perhaps a little less ideology and a little more co-ordination from the UK Government would be helpful.

I note that Edwin Poots, the new leader of the Democratic Unionist Party, visited Dublin last week. That was encouraging but I would remind him that, regardless of Brexit, we live on a shared island and that the future lies in regional co-operation and not in the continuation of extreme grandstanding. Brexit and the future relationship between the UK and Ireland will disproportionately affect the people, and particularly the young people, of Northern Ireland. Their voices must be heard in all of this. We have seen the generous support the Irish Government is giving to allow the Erasmus programme to continue without interruption to allow young people who are studying and training to continue to travel and to extend these links between Ireland and other regions around Europe. Travel broadens the mind. The more we open up our borders and extend the hand of friendship and of trade to all European countries, the better placed we will be. I will leave it at that.

Mr. Colm Markey: I thank the Chairperson and all of the members of the committee for inviting us to this engagement this afternoon. It is very important. Since joining the European Parliament, through my membership of various committees, including those on agriculture, transport and tourism and fisheries, I have found myself engaged at the coalface of the key issues involved in the withdrawal of the UK from the European Union. I will focus on a couple of examples of the issues I have encountered.

There are many issues of concern in the area of agriculture and food. One in particular relates to products of mixed origin, such as milk which is collected on both sides of the Border before being pooled and processed together to make cheese, milk powder or Bailey's, for instance. Likewise, there are products such as whiskey, which traditionally moved seamlessly over and back across the Border at the various stages of processing and bottling. Where products are sourced, processed and packaged exclusively in either the South or the North, their status is clear. However, where products are sourced or processed on both sides of the Border, their status is not clear. They may not qualify for trade agreements and, therefore, may be subject to higher tariffs that undermine the idea of an all-Ireland economy. The UK has taken a flexible approach in this area. I have questioned the EU's approach and urge the Government to ensure the EU takes an equally flexible approach.

As regards fishing, the most significant problem is the disproportionate loss of fish quotas, which has created great difficulties for an already struggling industry. The Government must continue to work at Council level for a rebalancing of the burden sharing and to explore practi-

cal opportunities such as total allowable catches, TACs, under the Common Fisheries Policy to adjust share of fishing rights to help countries worst affected. I look forward to the report from the Government seafood task force and the recommendations it makes. Ultimately, fishermen want to fish and talk of compensation or decommissioning of boats holds no appeal.

In the area of transport and trade, there have been successes and challenges. The enhanced ferry capacity to mainland Europe which has been delivered by public and private investment has been extremely effective. However, since the start of the year, there has been a significant reduction in trade between Britain and the Republic. A corresponding increase in trade with Northern Ireland might suggest it is being used as a back door. The Government and its agencies need to offer support to importers and exporters, particularly in navigating the complexities of customs clearance. The removal of derogations in the coming months will further increase the regulatory burden on these businesses.

Previous speakers referred to the €5 billion Brexit adjustment reserve. I have questioned the motivation of some countries who sought, if you like, to reopen the allocation key for the reserve. I pointed out in a committee that it was something of a cash grab. It seemed in some way to change the direction of travel of this. While the European Parliament has agreed its position and that is to be voted through this week, I remain concerned that when it goes to triologue the Council of Ministers will seek to change the allocations. It is vital the Government continues to defend the Irish position and does not let the allocation be eroded in any way.

These issues serve as examples of the practical difficulties we have encountered. As the Member of the European Parliament who lives closest to the Border, I believe the biggest concern of people I know, North and South, is the re-emergence of any semblance of a border, economically or socially. Recent comments and events have served to reignite these fears. Suggestions of alternative approaches serve to undermine the structures that have already been painstakingly agreed and are underpinned by international agreements. This approach is being championed by people who are uncomfortable with how effective the protocol and withdrawal agreement can be and have placed ideology ahead of practical solutions. Those interested in dividing rather than uniting, looking to undermine rather than build out current structures and concerned with personal attacks rather than finding workable solutions need to stop playing politics with the Northern Ireland protocol and get down to the critical work of forging real solutions for the unique status that Northern Ireland has and which such people have not focused on making enough of. I look forward to the committee's questions.

Chairman: I thank Mr. Markey. I should have congratulated him on his appointment to the European Parliament. He has come in at an interesting time, particularly as a Border representative. It is great to have him at the meeting.

Ms Maria Walsh: I am delighted to join my European Parliament colleagues and representatives to discuss how we can work together. I commend the committee on the work it is doing, particularly the examination of issues concerning our citizens and communities as the committee develops its interim report over the coming weeks. I look forward to the ongoing conversation we will have. The joy of speaking last among the European Parliament representatives is that my colleagues have covered a great deal of the monumental work going on in Brussels, where I and my Ireland Inc. colleagues are sitting, Strasbourg and our respective constituencies.

By ratifying this agreement, we provided certainty to our businesses and citizens and protected Ireland as a whole from the damaging consequences of a no-deal outcome. The final outcome, as echoed by all colleagues, was a great example of Ireland Inc. working together and

coming together. All 13 Irish MEPs put on the green jersey and voted in favour of its adoption. It was a welcome stance given Brexit is far from over and our communities still need us to stand together to protect the interests of all communities and businesses throughout the island.

Unfortunately, in the early weeks of this year, we saw some difficulties in the management of Brexit and Article 16. I commend the swift backdown by the Commission, which was necessary and welcomed. It should never have happened and needs to be acknowledged but to focus on this and distract from the significant support we have received from the Commission and fellow EU member states would dismay me. The support we have received since the Brexit vote in 2016 shows the power, co-operation and strong relationships between our representatives, Government Ministers, Senators, including the committee members, local representatives who are the focal point of connecting to our constituencies and businesses, and our EU colleagues. Not only did Europe put Ireland's concerns at the heart of Brexit negotiations, it has also pledged to deliver significant financial support to offset the impact of Brexit. It is imperative that we, across all political houses, continue to work together to achieve what the agreement sets out in terms of protecting our citizens and businesses.

In terms of the Northern Ireland protocol, we will see continued engagement this week, as my colleagues alluded to. We will hopefully see both sides take stock of the progress made and look at the holdbacks our communities are experiencing on the ground. My colleague, Mr. Markey, alluded to some of those. The continued intensive engagement between the EU and the UK on the implementation of the protocol is welcome. The shared goal must be achieved, even if it is tiresome to watch given that not everybody seems to be on the same page at all times. It is in the best interests of our communities and businesses that we, as representatives in the European Parliament, continue to engage and look forward to progress.

Barry Andrews highlighted the Brexit adjustment reserve. There is €5 billion in the pot and it is necessary that we draw down as much as has been allocated. I will walk through some other areas that I feel we can rely on and lean into. Not only will the Brexit adjustment reserve support economic sectors, business and local communities and, as Mr. Markey highlighted, our fishing communities by funding employment schemes, training and retraining, it will also support the infrastructure, particularly for custom and security checks, that Brexit could, and likely will, impose on us. It will support fisheries control, certification and authorisation regimes for products, which essentially means, as far as practical, it will help to minimise the distribution movement of Irish goods.

Ireland is the biggest benefactor of the reserve and stands to lose the most, particularly in our fisheries sector. We are projected to get an initial fund of approximately €1 billion, as colleagues have said. A total of €109 million of that fund has been allocated to support our fishing industry. I am working on this with Colm Markey and Grace O'Sullivan on this, with other organisations. We are not just representing large fishing industries but also our small fishing communities to ensure that in regions such as our constituency, specifically places such as Aranmore Island and Killybegs in County Donegal and Rossaveal in County Galway, this money is released quickly, invested wisely and not held back by bureaucratic conversations. It needs to get down to the communities that it is serving. There are a couple of other funding initiatives that the EU offers us and a good example of an opportunity to fundamentally change the way we work and move towards more sustainable industry is the European Globalisation Adjustment Fund, which was set up to offset the impact of changes in the world trade patterns and the withdrawal of the UK from the EU. It specifically offers funding to member states to support displaced workers and those who are self-employed to move towards sustainable industries

and to support measures to provide flexible working arrangements, childcare allowances and mobility allowances. This is key in the next stages of the post-Brexit and post-pandemic period in developing the skills needed in the digital age, particularly across the region of the European Parliament's Midlands–North-West constituency. It is a great opportunity and we cannot pass these by. We have benefited positively from the EU funding in the past. For example, in recent years we have seen funding for research and development through the Horizon funding programme for our third level sector and through the EU INTERREG programmes, such as the PEACE programme, which focuses on building community relations in particular among young people, which is key to this. I know that Mr. Cuffe also alluded to this. Youth is our focal point in this and it is great to hear Ireland Inc in the European Parliament also echoing that same sentiment. With that, I will work with representatives and agencies to ensure that our citizens feel that support.

Finally Chair, as a member of the Committee on Culture and Education of the European Parliament, it is really worth highlighting and commending the Government and in particular my colleague, the Minister, Deputy Harris, on his work in guaranteeing young people in Northern Ireland continuing access to the Erasmus+ programme. This programme involves, as many members will already know, learning mobility and cross-border co-operation projects for millions of Europeans of all ages and backgrounds. It is a fantastic programme with many benefits to young people in particular, giving them the opportunity to study, train and gain experience abroad and *vice versa*. We have seen that footfall here in Ireland.

Unfortunately, the British Government refused the opportunity to continue to support such a programme despite continued participation being offered by the EU. Our neighbours decided to leave and we must deal with the footfall. The decision by the Irish Government supports all students in Northern Ireland being able to participate regardless of their citizenship and students will have access to the Erasmus+ programme by temporarily registering with the Irish higher education institutions. If anybody is watching this meeting online as this meeting is being streamed, is studying in Northern Ireland and have not quite heard of the Erasmus+ programme, please check it out.

I will park it there, Chair and colleagues, and I very much look forward to a fruitful discussion and hope that this will be continued into the future. I also want to have acknowledged in the committee's report and in these conversations that we should also continue to engage with our local representatives and bring them into this conversation by having the engagement and the experience of those who are working with our community members and citizens on a daily basis, through seeing the footfall and issues at hand. It is very important that we hear their voices at all of the stages of Brexit that are ahead of us. I thank the committee and I appreciate the opportunity to speak with its members.

Chairman: I thank Ms Walsh and I also thank Mr. Markey, Mr. Cuffe and Mr. Andrews for their opening remarks and statements. I will go back to our members for questions now. I propose to take two members at a time because that may assist in giving everyone a chance to contribute. I ask members to bear in mind that Mr. Cuffe has to leave at 1.30 p.m. so if any member needs to put a question to him, let me know and I will bring the member in. I first call Senator O'Reilly and then Senator Malcolm Byrne.

Senator Joe O'Reilly: I thank the Chair and good afternoon to both guests and members. I welcome our MEPs and I thank them for their contributions.

It is very reassuring, without being patronising in any way, that we have such a level of

competence on the Irish team. As some of the guests have said and indeed all believe, it is important that we keep that active link between our Parliament and Europe not only in personal interactions on a regular basis but structurally as well, in looking at directives, regulations etc.

First, I detect in a number of speakers a great pessimism around the protocol and perhaps a small degree of optimism towards the end. I just hope that we can have an agreement on the protocol that will not prejudice our all-Ireland free trade arrangements or, in other words, will not return any sort of a Border. Can I ask our guests to comment again on whether they believe we can reach an outcome there and as to how this is progressing? One would like to think that despite the bellicose language etc., that it would.

On the Brexit adjustment fund, I got the initial impression that it was without labels but it seems that it is broken down to the sectors in which it must be spent. It would seem that a section of this must be spent on fisheries which nobody will object to, as such. I was thinking that the new Common Agricultural Policy, CAP, which will be coming into place might suggest then that the Brexit adjustment reserve could be spent in different areas and that there would be a need for level of national discretion on that.

Nobody referred to it directly but do the witnesses believe there is a hope that we can arrive at the veterinary agreement with Britain? The consensus seems to be that we will. This would have enormous implications for free trading and the for the non-intrusive movement of goods which would be important.

I was very disturbed to hear what my neighbour, Mr. Markey, had to say about products sourced on both sides of the Border and I ask that he might elaborate on that, please? That would have enormous implications for the village in which I live, in that there is a Lakelands Dairies facility there, which is the only substantial employer with the best quality jobs in the area, of which there are a few hundred up and downstream. We would be worried if there were difficulties with any of those jobs because Lakelands Dairies has plants on the Northern side and the milk flows in both directions. It would be very disturbing if anything was to go wrong there and Mr. Markey might elaborate on that point.

Is there a risk that were the protocol talks to break down fully and go badly, that might endanger the entire trade and co-operation agreement? Implicitly it would but could it take the whole deck of cards down and set us back a very long way? Where would the witnesses see us then at that point? Let us hope and pray that that does not happen.

Those are just some of the questions that occurred to me. I find this a very worthwhile engagement and we are going to continue this in the Seanad, as some of our guests and members will be aware already. Ms Walsh and Mr. Markey are already aware that we hope to have a full plenary Seanad session on 19 July with MEPs from the Midlands–North-West constituency and moving then to each of the other national constituencies, month by month or every few months. This should also be an exciting exchange and has great potential. I thank our guests for this opportunity. It is good to be here and I look forward to their responses later.

Senator Malcolm Byrne: I thank our witnesses for their comprehensive presentations. I will try to be succinct but many issues have been covered. I echo Senator O'Reilly's point that the engagement between the Seanad and MEPs is important. I will start by referring to Mr Markey's point about enhanced ferry capacity. Unsurprisingly, of course, I will mention that it remains increasingly important to continue to invest in Rosslare where most of that ferry capacity is being provided.

Coming to the Brexit adjustment reserve fund, which follows Senator O'Reilly's question around allowing a certain level of national discretion, I equally take the view that we should also encourage as much national discretion as possible when it comes to CAP.

Mr. Cuffe made reference to the issue of pets and to fisheries. Two of the issues that have come up before this committee in a big way and are of concern relate to some of the rules of origin issues in respect of flour and steel. The question I have for the MEPs in this regard relates to the Brexit adjustment reserve fund and how it may be allocated, as well as other measures we can introduce. There are obviously very serious cost implications for flour and steel as a result of Brexit. Can the fund be used to offset some of that cost?

Ms Walsh made important points about the Erasmus programme and Horizon Europe funding. I welcome that the Commission has now dropped its plans to try to exclude the UK from certain aspects of Horizon Europe funding. What should we be doing or recommending to Irish higher education institutions and businesses in terms of getting a larger chunk of the Horizon Europe cake, particularly in a post-Brexit scenario where the UK may not be engaged to the same extent it was before with that programme?

An issue I have raised many times and that is of concern to the committee relates to the data adequacy decision. Even though there is a preliminary adequacy decision concerning exchange of data between the EU and the UK, the European Parliament has expressed concerns in that regard and some of those concerns seem to be legitimate. One or more of the witnesses might comment on that.

Finally, Mr. Andrews mentioned the article in *The Daily Telegraph* today by Maroš Šefčovič, in which the Commissioner said the EU will not be shy in reacting swiftly if the UK acts unilaterally. It is important the EU sets out its position clearly in this regard. If the UK does act unilaterally, what are Mr. Andrews's fears about what could happen? What action should we be recommending to the Government in that regard?

Mr. Barry Andrews: I thank Senators O'Reilly and Byrne for their questions. I will not touch on everything they raised but will work through as many of the points as best I can. The scrutiny aspect is very important. When I was in the Oireachtas, there was a dedicated subcommittee dealing with the scrutiny of EU proposals. I understand that function has been farmed out to the various committees. In other member state parliaments that scrutiny is done by an upper house. In Finland, for example, the Upper House is entirely dedicated to looking at EU regulations and directives and acts as a sort of proxy European Parliament within the Finnish Parliament. There really is an argument for Ireland to scale up that scrutiny because we scaled it back from where it had been when there was a dedicated subcommittee of the European affairs committee.

Senator O'Reilly asked what the outcome of the discussions around the protocol might be. A really sensitive point is coming in the next few weeks, when the grace period in regard to sausage meat and other meat products is due to expire at the end of June. We have seen before that the UK is willing to make unilateral extensions to grace periods. Mr. Šefčovič indicated in his article today that the European Commission would act swiftly if that happened. Tomorrow's meeting of the EU-UK Partnership Council is really critical. The question of whether the UK will again ignore the agreement it signed up to and extend grace periods unilaterally will become clear very quickly thereafter. Members may recall that the extension of the previous grace period from the end of March was triggered in the first week of March. The UK Government explained on that occasion that additional time was needed. Today is 8 June and

something similar has not happened yet. This would tend to suggest that the UK is prepared to agree something in regard to the grace period in this instance instead of acting unilaterally, which would be positive.

On the question of whether the whole EU-UK Trade and Co-operation Agreement is at risk, the disputes arising from the protocol and the withdrawal agreement could end up in the European Court of Justice. As members know, there are infringement proceedings arising from the earlier unilateral extension and that matter could go all the way to the European Court of Justice. That is a potential remedy but I am doubtful as to whether it will resolve anything. Many member states are very anxious about the integrity of the Single Market and the implications of the UK ignoring its obligations under the withdrawal agreement. In effect, a sort of slow puncture in the Single Market is being created if the UK does not implement what it has signed up to do.

On sanitary and phytosanitary, SPS, measures and veterinary issues, there is an agrifood forum in which DG SANTE and the UK's Department for Environment, Food and Rural Affairs are engaged on those issues. The EU has provided a very good solution whereby there would be a temporary alignment until such time as the UK feels it needs to diverge from the EU's SPS standards relating to food safety and animal health. We will see what happens in that regard.

Before letting the next speaker in, I will refer briefly to the point raised by Senator Byrne relating to the data issue. I have been interested in that for some time and it is a real worry. From a practical point of view, Ireland really wants the data adequacy decision to be made. The example we have all heard about is the Fermanagh accountant doing payroll for a school in Cavan, which involves a data transfer when the payroll is done every month. Without a data adequacy decision, all sorts of safeguards will have to be brought in by individual companies and public authorities, which will add a substantial cost to doing business between Ireland and the UK. The European Parliament has passed a resolution saying the UK's treatment of EU citizens' privacy in respect of data is not adequate. In addition, the European Court of Human Rights has said there are technical shortcomings in the way the UK does all of this.

Where does that leave us? We need to balance the practicality of the implications of there not being a data adequacy decision, and all the costs associated with that, with the reality that the UK is genuinely backsliding. This is a really strange situation. Normally with third countries, they are coming up to, and converging with, an EU standard. In this instance, we are beginning from a point where the UK is technically aligned with EU standards and is now beginning to diverge. A critical point is that there is a sunset clause of four years in the draft adequacy decision, which means it will be revisited. The right balance is there and we just need to add certain dimensions, such as making sure there is not mass surveillance for security purposes of EU citizens' data by the UK. We need to get that locked in.

Mr. Ciarán Cuffe: A number of issues were raised by the Senators. Before addressing them, I will pull back a little and say that the mood among member states shows they are starting to get a bit annoyed. The EU cannot really let trading partners get away with not implementing previously agreed conditions. If the UK were allowed not to implement what it has agreed to implement, other third countries would start demanding to do the same. There is a meeting tomorrow of the EU-UK joint committee, chaired by Maroš Šefčovič, and I hope some of the loose ends will be tied up there. Senator Byrne mentioned the steel issue and the different VAT rates, which are still a real concern. There are other issues as well. In addition, we are approaching the start of the marching season in Northern Ireland and we do not know to whom Mr. Poots will be appealing over the next few weeks.

I would like to focus on some hard facts regarding the Brexit adjustment reserve. The eligibility period is very specific, being from 1 July last year to 31 December next year. This means member states have two and half years in which to prove they suffered losses as a result of Brexit. The first funding tranche of €4 billion will be allocated in 2021, with the remaining €1 billion to be allocated in 2024. A particular issue for the Government is that a lot of money was spent on getting Dublin Port ready for Brexit but, because it was spent before 1 July last year, it does not qualify under the Brexit funding. It is important to go into the detail of that. There is quite a large amount of detailed guidance from the European Commission. I have just tweeted the link to it, if members want to have a read of it. It is easy enough to drill down through it and it may be of interest and use in respect of the fisheries allocation, for instance, which will make up a large part of the money that is allocated. Senator O'Reilly had some more detailed questions about the veterinary side of things. I do not sit on the agriculture committee so I do not have the detail on that.

Looking at it from the Brussels side, the EU wants to help Ireland in dealing with the very real challenges we have had with Brexit. The money is there. It will be allocated in a very above board way depending on the losses that have been incurred. They will have to be crystal clear in their fiscal transparency. The EU is there to help us. Michel Barnier may have moved to a different stage but the Commission's view is that it will continue to help Ireland where we need it.

Mr. Colm Markey: On the link with MEPs, it is vital that we engage in that meaningful way. Conversations like this are very important.

The protocol undermining the trade and co-operation agreement is something we need to be very conscious of from our end. If we allow that kind of a narrative or conversation to begin, it can be a self-fulfilling prophecy. It is an international legally binding agreement. Unless we allow its credibility to be undermined there is no reason it should not hold. It is very important that our engagement and discussions are about progressing it rather than questioning its strength. It is very important that we do not create a narrative that others would feed into on that.

Ms Walsh mentioned the €100 million towards the fisheries end. While there is a focus on ensuring a proper spend of the money and appropriation of funds, there is significant discretion at national level in how that money can be spent. Therefore, it is important that it is used flexibly. From the fisheries side, the big challenge is how one compensates fishers for loss of quota or fishing rights. Anything you do in the area of decommissioning or compensation does not wash with fishers who ultimately just want to fish. I welcome the report that is coming out from the Government task force in that regard this week. It is a real challenge to determine how one can spend that effectively. It is not straightforward. There is significant discretion for the rest of it at national level, however, although much of the spending was before the timeframe. It is not just about national governments - it is equally about private sector investment. The funding can be directed in that route too, and that is very important.

The status of products of mixed origin is a major issue, and not just for creameries in the Border area. The whiskey industry has a very integrated supply chain across the island. If that supply chain starts to break up because it is not practical to move produce North or South to get it bottled, for instance, it will cause a major issue at a political level and at an economic level. It is a major problem in the dairy sector and, equally, in other sectors like the whiskey sector, which is ultimately all about exports. If the export of whiskey is going to be challenged in relation to its eligibility for free trade agreements, that would be very significant. It is something

that needs to be looked at more.

On sanitary and phytosanitary, SPS checks, my sense, based on Maroš Šefcovic's comments today and the meetings this week, is that the tolerance at European level for the UK position is waning significantly. If there is another move similar to the previous move when unilateral action was taken, I do not think it will be received at all well at European level. There is real concern in this respect. It is something we have to look at. I understand that there has been a significant lack of engagement at the North-South Ministerial Council with Edwin Poots and the last number of months. That could have helped with SPS and particularly with products of mixed origin. More work needs to be done on that. Generally, if people are willing to engage, there is no doubt that solutions can be found on SPS and on products of mixed origin. The problem is the lack of willingness to engage. The mood in Brussels and Strasbourg this week shows a significant lack of tolerance for any more posturing from the UK. Europe is seriously considering going down the legal route. There is no doubt that any sort of legal moves will leave Ireland as collateral damage. We need to try to get a situation where we can make meaningful progress. The North-South Ministerial Council is a classic example of a structure through which progress could be made, but there is no engagement. We have to be careful that we express full confidence in the structures that are available. There are legally binding agreements. We need to put it to others to stand up to them. If we question them in any way, it makes it easy for those who want to undermine them. There is a legal basis to this international agreement. Under no circumstances should we tolerate any language of dilution that anyone might try to use in this area.

Ms Maria Walsh: One of the joys of going last is that all the more difficult questions go to the earlier speakers and then I can row in from behind. Senator O'Reilly suggested that he was picking up a sense of pessimism from us. I think it is a question of reality. We have reached a point of frustration and are probably beyond it. When we speak as Irish representatives at various committees and engage with people in Germany and France, the efforts to figure out why it is so difficult for our neighbours to move on with things are becoming more heightened. Actions elsewhere are impacting how other things are flowing and moving. As a centrist politician who is probably a little bit more progressive in some things than others, I think it is incredibly important that we continue to work together, that we are constantly communicating and consistently opening up the lines of communication and that we finish in optimism. Like many things, politics can change in a day and we do not know whether the UK may return to the EU fold some day. It is giving other EU states food for thought. I hope the conference on the future of Europe will highlight the impact the EU has had on Ireland and also, from a solidarity perspective, what the EU as a whole has done for other member states. As Mr. Markey said, we must continue to engage and drive forward.

I am looking at a note my team just passed. A question was asked about the future growth loan scheme coming out of the Brexit adjustment fund and the agricultural sector. That scheme provides a long-term lending option to SMEs in the agriculture sector, with terms of seven to ten years to support strategic investment for sustainability and growth. No doubt many Senators are already aware of that but I highlight it for anybody watching from home or online. In addition, Enterprise Ireland has been phenomenal and continues to do great work in providing a range of financial supports in respect of Brexit, including upskilling, reskilling and continuing engagement on Brexit. Everything can be found its the website. Equally, our local enterprise offices have access to a number of financial supports for those looking into continuing to live, exist and operate through Brexit, such as training in online vouchers and microfinancing loans. They also support other supports available through InterTradeIreland and so on and so forth.

On Senator O'Reilly's point about whether the protocol could set us back, I do not want to cross over my other colleagues' input but I will add to it by saying that, as a country, now is a crunch time. We need to see the UK step up to the plate in wanting to see balance and fairness for all citizens throughout the island of Ireland in particular.

I thank Senator Malcolm Byrne for highlighting Horizon and ERASMUS+ funding because they are incredible instruments for us as an island, considering we are now the leaders in being a predominantly English-speaking country. We need to use that in our favour. From speaking with people in some third level universities, particularly those on education and training programmes, we see many cross-EU funding applications. I am happy to provide more information on those. We link in quite closely with, and I send many organisations to, Teresa Lennon, who is head of the Irish Regions European Office.

The Committee of the Regions plays an instrumental role for us in keeping an eye on what we could be buying into or adding to. The fact is that we have not just investments coming in from overseas, especially the US, but also both a trained labour force and a youth sector that is really engaged in third level education. In particular, I see huge success in vocational and educational training in how we are further lifting our idea regarding studying. Going to a certain university and having that third level or on-site experience can certainly be of benefit. I see a cross-EU application area for that linked into Horizon funding and ERASMUS+. I ask the committee to come back to me if members want specifics. Billy Kelleher was at the meeting the day I attended with Teresa so no doubt the committee will talk to him.

Mr. Andrews picked up on the data adequacy decision so I will park that.

On flour and steel and other commodities, again, I sit on the employment and culture committees as well as the Committee on Civil Liberties, Justice and Home Affairs, so forgive me if I miss some important information. I spoke with businesspeople, particularly in the west of the country, around the time Brexit was really gaining a foothold in the Parliament. I asked them about trade, what opportunities they were seeing and whether they were seeing any impact. One supplier, who worked for a large supermarket food chain, said he struggled to find the likes of yoghurts and dairy goods coming from the Republic of Ireland. He just could not get them in time. That person is connected to a business in Northern Ireland and now has a growing trade. That is probably a very easy and simplistic example to give, but there is a huge opportunity for us if we can get Northern Ireland on board in creating really good language and trade co-operation within the island of Ireland. Again, further opportunities for us to grow our businesses are certainly welcome. I will park it there and pass it back to the Chair. I see a number of hands up so I look forward to more questions.

Senator Robbie Gallagher: It is great to see everyone on board. I can feel Ms. Walsh's pain in that for Senator Ó Donnghaile and I, and whoever else is on this call, all the questions have been asked at this stage. I was beginning to think that Senators Joe O'Reilly and Malcolm Byrne were the spokespersons for the entire committee. I am only messing of course.

On a more serious note, this is a very welcome opportunity to speak with MEPs. Other speakers have mentioned the fact that perhaps some ongoing engagement like this would be very welcome. I, for one, am very much in favour that. It is refreshing and encouraging to see from all the contributions this afternoon that all the MEPs are collectively wearing the green jersey for the betterment of all our citizens. That is great to see. As Senator Joe O'Reilly outlined, we are very fortunate to have such a competent team representing us in Europe. Mr. Andrews mentioned EU scrutiny of legislation, which, again, is vitally important. I believe the

Seanad has a great role to play in that. It is something I would like to see develop if we ever get to a point where Brexit does not get the main headline of the day. I look forward to that happening.

The European Parliament and the role of MEPs are so important. I would not underestimate that because many laws and regulations emanate from Europe. I still feel that citizens of this State do not fully get that. We all have a job of work to do in educating not just ourselves, but the entire population, of the importance of Europe and the importance of us all tuning into what is going on there. I know this is an old chestnut, but how do we make people sit up and take notice of what goes on and of the role of MEPs? There is a job of work to be done there, not that MEPs should sell themselves by any means, as they are all well fit to do that, to make Europe and its goings-on centre stage for Irish citizens.

Regarding the point on the protocol, is the rest of the EU pulling the hair out of its head at this stage? Brexit has dominated and been the main headline in Europe for the last number of years. Even though the vote has now taken place, we are still talking about it and it just seems to be ongoing. Is there a sense of frustration among other EU countries that this particular topic still dominates the landscape, perhaps at the expense of other issues be they climate change or whatever? Do the witnesses get a sense of frustration among their colleagues when they are in Europe?

Mr. Cuffe mentioned an issue I was thinking about as well, which is the protocol and the temptation for the EU to just go and get this done once and for all, and the effect it could have on us here, particularly on the situation in Northern Ireland. Edwin Poots is the new Democratic Unionist Party, DUP, leader and we are all watching that space at the moment to see how things pan out. It is a worrying time for us all as we watch the goings-on in Northern Ireland. Senator Ó Donnghaile is speaking after me and is closer to it than I am, but I have concerns and worries about it. I can certainly understand the temptation and desire in Europe to finally get Brexit done, get all the parts of the protocol wrapped up and get on with life again, so to speak. We have to keep an eye on the calendar as well because we are coming towards the marching season in Northern Ireland. Edwin Poots is trying to find his space and trying to appeal, perhaps, to both sides of the DUP coin. That is fraught with danger because there are elections just around the corner as well. That is all in the mix and I am fearful about it. Frustrating as it might be, I am conscious that we should take a deep breath again and try to tread carefully in the context of any decisions we make in this regard.

My main concern is the frustration that might exist in other EU countries. They are sick and tired of talking about Brexit, Ireland and all the rest of it. Do the witnesses envisage this having a negative impact on relationships among themselves and their colleagues as we move forward?

Senator Niall Ó Donnghaile: Gabhaim buíochas leis na Feisirí. I welcome the opportunity to hear from and engage with our MEP colleagues this afternoon. As others have said, the more of these kinds of discussions, the better. It is not the fault of our MEP colleagues but the stark issue for me is the lack of representation for a citizen like me and the many hundreds of thousands of citizens like me in the North who, while retaining Irish and EU citizenship, no longer have representation in the EU institutions despite our clear democratic opposition to Brexit being forced upon us in the first place.

Ms Walsh rightly lamented the British Government's decision not to continue to allow access to Erasmus for us but the Irish Government decided not to allocate the additional seats to citizens in the North. That was a real failure on its part. I do not want to bring the discussion

down another track but that is an important point to make at a meeting like this, at which I have the opportunity to engage with MEPs.

As with my colleagues, I welcome the ongoing solidarity and certainty regarding the protocol. We need to remain steadfast in respect of it regardless of what occurs. Colleagues have talked about various political uncertainties in the North but adherence to, the implementation of and the effectiveness of the protocol as we navigate the choppy waters have to be key.

Mr. Cuffe spoke about generosity. I do not know whether he misspoke. It was a poor choice of words on his part. He spoke about the generosity of the Government in continuing access to Erasmus. I do not think any of us is looking for generosity or benevolence. We are just looking for our rights and entitlements, particularly given that we lost so many as a result of Brexit. This brings to mind two issues that have come to the fore for me, particularly over the past couple of days. Some of the MEPs will not necessarily be able to answer my question but I hope they will be able to assist us in seeking clarity and gaining support for a resolution to these issues.

My first question is on the European health insurance card. There were provisions made in the omnibus legislation such that if there were to be no agreement on that, the Irish Government would put a scheme in place. It has transpired that the British Government has introduced the global health insurance card, albeit emblazoned with a huge Union Jack, for people in the North. Nevertheless, it has been revealed in the media in the North in the past couple of days that there are several countries in which we will not have insurance, such as Switzerland and Lichtenstein. We need clarity on that. If colleagues in the European Parliament could be of assistance in that regard, it would be helpful. I am going to try to achieve clarity at our end in the Seanad.

My other question is on the digital green certificate and on how EU citizens, including Irish citizens and anyone beyond that in the North, will be able to access it. Will it be based on residency? Is there work we can do to ensure there will not be another right denied to us in the North? When I raised this with the Minister for Health in the Seanad last Monday, the one-sentence response I got was that it is being looked at. Given the roll-out of the vaccine scheme and what I hope will be more positive and safe liftings of restrictions, we are coming to the point where it will become a live issue for people, whether they want a holiday or to travel for work and business purposes. If that is not on the radar of MEP colleagues yet, it may be a matter they can take note of. Collectively, right across the board in the spirit of wearing the green jersey that people have referred to, we should not just obtain clarity on the issue but also work to ensure citizens of the EU and Ireland who are trapped in this Brexit situation against their will can continue to avail of rights and entitlements as opposed to losing even more of them.

Senator Tim Lombard: I will be very brief because I realise the meeting has been going on for a long time. I am probably the final speaker and most of the questions have been asked. I would like to return to the issue of agriculture and the produce that frequently crosses the Border. Produce coming from the North to the South basically comprises raw milk and other materials. There is also produce going in the opposite direction. I refer to the export of in-calf Friesian heifers. This is a significant trade for the dairy industry in the South. This is being grossly affected by Brexit. Issues pertaining to that need to be considered. I refer in particular to the certification of live animals and how this will work. This will be a major issue for us, particularly at the back end of the year. Regarding Irish whiskey and Lakelands Dairies, coming up with a solution presents a significant issue. I am open to correction but 40% of the milk from Lakelands Dairies comes from the North. It is a significant volume. We are aware

the milk price is quite buoyant at the moment. Any disruption to that market could see major change very quickly. We need to start considering the key issues.

Some speakers have mentioned how the fishing industry has been grossly affected by Brexit. In southern parts, the fishing industry is probably the one most affected. The proposed cuts, if made, will see places such as Castletownbere, Baltimore and Union Hall devastated. These are really rural parts that very much depend on the industry. It is not just a matter of the activity of fishing because it is about the knock-on effect. If the proposed cuts are made, it will be devastating in the parts of the world in question. Putting a fund in place to protect the affected communities is one thing but the point is that any loss to the quota will significantly affect their survival. With the deepest of respect, putting broadband and everything else into these remote areas just will not do. This is too big an issue for them. Fishing is the primary industry. The fabric of society will collapse if something is done to protect them.

I have been asking and talking about Brexit having thrown politics and economics up in the air for the past three or four years. Covid has added to this. The tourism industry in Ireland has been devastated. While we had good news in the past few days with the opening up of outside dining, what is the potential for an all-Ireland tourism strategy considering the chaos we are currently seeing? Tourism is going to be one of our really significant drivers. Unfortunately, the market we are talking about is that of 2023. Unfortunately, the prospects for 2022 are nearly gone because it is going to be very hard for international travel to open up. We are not going to have the trade shows. We are not going to have the liners and aeroplanes to bring to Ireland the millions who have traditionally come here. Where will the all-Ireland tourism strategy come from? Where will we find the political drive to deliver it on the ground? While I believe there is genuinely a will to achieve this, will anything happen given the chaos we are seeing? The knock-on effect will be huge for Border counties and the Republic as a whole. It will be devastating for the North unless a coherent plan can be put in place.

I referred to 2023 because that is the space we are in at the moment. That is the what we are planning for in west Cork. We may have ten liners visiting Cobh next year but we will have on average 100 liners visiting in future. That is the logic of it. It will take another 18 months for the business to build. Where is the political drive, including in Europe, to put this policy together? How can we ensure this happens by 2023?

Chairman: I thank Senator Lombard. All members who indicated have contributed. I will ask a question and then go to our guests in reverse order, with Ms Walsh responding first this time, followed by Mr. Markey and Mr. Andrews. As with Ms Walsh, all of my questions have been. There is one area of particular interest to me that I will focus on because it does not get attention, as Mr. Andrews noted. It is the issue of parliamentary scrutiny and oversight of the implementation of the agreement. I was not aware that we did not have an Irish MEP on the European Parliament's United Kingdom coordination group. When will that membership come up for renewal again? Will there be an opportunity to get an Irish MEP on to the group? When will the new scrutiny group replacing the Brexit steering group be in place and when will we know if we have Irish MEPs on it?

Mr. Andrews referred to the limited powers of the EU-UK parliamentary partnership assembly, which is to oversee the agreement. That is a cause for concern. It is such a high-level body and perhaps we do not pay enough attention to it. We need to ensure that citizens have oversight through their representatives. Mr. Andrews stated the Parliament will be informed of decisions on or changes in the operation of the agreement. Is it possible for parliamentary partnership assembly to make recommendations to follow through on that and to direct that

something might happen? If it does not have such powers, is there an argument for having these powers introduced? There needs to be a mechanism by which citizens, through their MEPs, can have a say on how this is operated rather than, effectively, civil servants running it without any parliamentary oversight. That is my first point.

My final comment is on the Northern Ireland protocol. As I have stated previously, I have serious concerns regarding the vote that will take place in Stormont in four years' time to allow for the continuation of the protocol. We should not take the outcome of that vote for granted. We are told the veterinary agreement will deal with 80% of the problems that have been identified. We hear time and again from the Unionist community, particularly the DUP, that it does not matter how much one tinkers around the edges, adjusts or amends the protocol, the very fact that it exists is abhorrent to it and it will not support its continuation in any shape or form. I do not know what we should do about that, to be honest. Continued engagement North and South and east and west is very important but I have concerns that this will be a live issue in Northern Ireland politics from now onwards. I would appreciate comments from our guests on those points.

Ms Maria Walsh: I thought we were in a good flow when we started with the lads and then transitioned to mise anseo. I thank the Chair for bringing me in and for her questions. The first meeting of the partnership council is scheduled to take place in London tomorrow. Mr. Markey or Mr. Andrews can speak on the logistics around it because I am not *au fait* with them and do not wish to waste time on it. I will revert directly to the Chair on what I am hearing as she is only down the road from me.

On the vote on the protocol in four years' time, as with the Chair, I do not see a solution yet other than through continuous engagement, working with citizens North and South and highlighting that solidarity is needed now more than ever. I also anticipate and hope that, as part of the Conference on the Future of Europe which was officially launched on 9 May and will run until next year, space will be given to look at what Brexit means to our citizens and political representatives, including at local level, within the space of citizen engagement and in anticipation of what things will look like in four years because Brexit is not going away any time soon. It will continue to be a talking point, which is the reason conversations are needed, whether on one or two issues or, as with this engagement, covering a series of issues in order that we all learn from each other and Ireland Inc. is not resting on the shoulders of certain MEPs in the European Parliament but on all of us.

On Senator Lombard's point, because I do not sit on the European Parliament's Committee on Agriculture and Rural Development, AGRI, I will let our colleague, Mr. Markey, respond on the issue of produce.

On tourism and the all-Ireland strategy, there is funding available for North-South tourism promotion. I love Senator Lombard's vision on this. I see Senator Ó Donnghaile nodding his head in agreement. Perhaps Senators and Members of the European Parliament can work together collectively on a whole island vision, rather than singing into a vacuum. I will get back to Senator Lombard on that.

I will have to get back to Senator Ó Donnghaile on the European health insurance card when I have clarity. I will speak to some of my colleagues on that issue.

On the digital certificate, about which I was also asked by a constituent living on the Border yesterday, the latest news I have from the permanent representative in Brussels is that it is cur-

rently based on residency but the EU is in negotiation with third countries, including the UK and the US, on mutual recognition of vaccination certificates. That sounds like Brussels-speak but it is the information we received. I will follow up on that and link directly with Senator Ó Donnghaile on it.

Senator Niall Ó Donnghaile: Will Ms Walsh send me that information directly?

Ms Maria Walsh: Of course. Senator Gallagher and the Chair spoke about speak about EU scrutiny and I welcome the points made. We can certainly work together on that, as it is a fitting space. We have a very important role to play in homing in on solidarity.

Senator Gallagher asked how we can get people to engage with the European Parliament and the EU institutions as a whole. I have been scratching my head about that since I ran for office in 2019. As a person new to politics, when I meet citizens I am consistently asked what happens in the European Parliament, what does an MEP do and how can people engage with the EU, other than seeing the symbol on buildings and roadsides. There has to be some education on this.

Without attaching too much weight to the Conference on the Future of Europe, it can really help us, as Irish citizens, to take an all-island approach to talking about what the EU has given us, what we want to see being learned from it, what each institution does and develops for us and to connect those who feel most disconnected from the EU overall.

A great deal of what happens in the institutions has an impact. The impacts may not be immediate because it can take from three to five years for proposals to be enacted. Many great things happen here but the media is not picking up on them or we are not communicating effectively across all channels, both traditional and social. Perhaps we should invest more in the blue star programme, which is a brilliant initiative for our primary schools, and the European Parliament ambassador school programme for transition year students. Are there ways for us to do that? I have not found a solution. At the Committee on Culture and Education I am looking at how we can entice third level students to see the vision of what Europe has brought for us, other than through Erasmus+ because not everybody opts in to that programme. We need to ensure we bring all citizens together on that. I will connect separately with Senator Gallagher on that to see if we can figure out ways to together on that in the constituency.

On the sense of frustration with Brexit, I am interested in hearing the views of Mr. Markey and Mr. Andrews on this. In the committees on which I sit there is a sense of frustration. That is not necessarily being placed on us and it is more of a frustration that a former member, our neighbour, is not adhering to diplomacy and democracy in the way that we have built the institutions to be. There is also the fact that this polarised vacuum conversation happens, so we see that one says one thing in the press and the other posts out a tweet to say another thing, and it is building up to a space where nothing ever happens and we continue on this track of “he said, she said”. What creates fear, and it has been mentioned a number of times, is that we are coming into the marching season and we have seen unrest. We will continue to see unrest, I believe, if we do not have players around the table to have these honest conversations. The frustration for my vision is this idea of the United Kingdom versus us, as a country or as representatives.

Mr. Colm Markey: I will try to take the issues from top to bottom. The importance of Europe was raised by Senator Robbie Gallagher and his point was quite reflective. On the ground, the image of Europe has not been helped in the last six or 12 months. The Brexit issue probably has not helped but, equally, there is the whole vaccine situation and, although it has probably

improved in the last month or two, the perception of Europe is not as good as it should be on the ground. Ireland was always a very pro-European country but there is a disconnect and it is very important that we bridge that disconnect. The forum on the future of Europe is a part of that but we have to be careful it does not become a PR exercise for Europe. It has to be about people engaging with the substance of the issues, and the talk of scrutiny of legislation being brought into an Irish context is very important because it makes all that European activity relevant.

In regard to the Senator's comments about worrying times in the North, that commentary was very fair. There are obviously those who are trying to stoke up a bit of fervour coming into the marching season and there is a need, particularly at European level, to let that pass to some degree, and then let us have the conversations in more measured times than in the middle of the marching season. Perhaps we can buy a little time and move it to the autumn, where it might be more straightforward to have a conversation and the grandstanding might be gone at that stage. To be honest, every time I have seen a new leader on the unionist side in the North, grandstanding in the early days has always been a big part of it. That might change a little over time, so the Senator's suggestion about the season we are in and taking a little time is very important.

With regard to the rest of the EU and Brexit, there is a distinct frustration or lack of tolerance at a couple of levels, in particular in regard to it taking centre stage and being a distraction from the rest of the work being done. That is the first point. The second is the fact it was felt that the measures were put in place and that this should, in many ways, allow things to progress, and a lot of work was put into that. As much as anything, there is the broader question of whether this is impacting on the EU and what the collateral damage for Europe in the long term could be if a country cannot hold to its commitments, and whether this means other countries would look at this. The unity and the definition of what it is to be part of the EU has been challenged by some of this, and that is a frustration at European level.

I will move on to the points from Senator Niall Ó Donnghaile. With regard to the digital green certificate, from the get-go, at European level the sense was that this is something that Europe was open to rolling out on a broader basis if others were willing to co-operate with it. That is the starting position from Europe. The question then is whether others are willing to engage on the other side. There is certainly interest in engaging in regard to the vaccines but, in the broader sense, it will take the other parties to come on board in order to get co-operation. Certainly, from the European perspective, while the digital green certificate came in for an enormous amount of flak at the start from pressure groups, the general consensus is that it is a good idea. It is definitely something I would see like to see rolled out to the UK and the USA but it remains to be seen.

In regard to a health insurance card, I would not comment as I am not an expert. I appreciate the point the Senator is making about the number of countries that are outside and I can certainly come back to the Senator on that scenario. It is important that, in all these measures, and it is no different from the Erasmus programme, we bridge the gap and keep everyone unified in whatever way we can because it might be good in the longer term.

Senator Tim Lombard raised several points. On the situation on products of mixed origin, there is a point that has not been covered. That is the fact that, particularly on the dairy side, in the same way that this product is not eligible for third country trade agreements, it also may not be eligible for intervention-type supports if they were needed in the future because it may not actually be European produce, and there is a question of how we deal with it in that context. There is a question and there is certainly a need for clarity. I specifically asked the Commission about this several times recently and it has not come back with an answer. However, it is vital

that the North South Ministerial Council feeds into this because it has the option to come up with workarounds that could be a solution to put forward to the EU, and that has not happened.

It is a massive issue when we consider the level of exports involved on the dairy side, but particularly on the whiskey side. We see Irish whiskey moving up the charts in terms of the competition with Scottish whisky, which was always the dominant player in previous decades. If that is going to be challenged by us being at a competitive disadvantage because of trade agreements, it is very significant to the future of that industry. It is something the Seanad should look at further.

On the fisheries issues, I agree totally with the Senator in terms of the multipliers, which are different from the agri sector. In rural economies which do not have many other things, the multiplier from the fisheries side is vital. When we talk about the cuts in fish quota, the question is where we recover that from. Compensation only lasts so long and it is only backstopped for 18 months. We have to look at the Common Fisheries Policy in the longer term - it is a long-term play - and we have to look at total available catch, TAC, so there are those two options whereby we could work our way back from the current position. With regard to total available catch, that is really looking at other countries giving ground towards Ireland and, given the amount of work that has gone into Brexit in the last couple of years, that is going to be hard. However, total available catch and the Common Fisheries Policy are two issues we should focus on in terms of the future of the fisheries industry. If we go back to the Hague preferences from the 1980s, there was a clear identification that Ireland was at a disadvantage and, through the Hague preferences, additional recognition was given. If we can use that as precedent to suggest something similar can happen again, it would be very important.

On the tourism point, I sit on the transport and tourism committee. At European level, the budget for tourism is extremely small. When I asked about that, the reason given is that it is due to the fact the competition is between European countries and one is pitching against the other for the same market, that is, the European tourist. We need to look at this in the context of attracting US tourists or those from outside of the EU so we are looking at bringing additional tourism business into the EU. That is a way to look at it that may be relevant as a justification for a greater tourism budget going forward. It is definitely not considered a priority for EU funding currently because it is seen as an internal market rather than an international market, although that is possibly something we should change.

To come to the Chairman's points in regard to the protocol and the situation in four years time, as it stands, a significant cohort of people in Northern Ireland are ideologically opposed to the protocol and we are going to have a massive challenge, so I could not agree more with the Chairman. However, one thing that has not been allowed to be part of the conversation to date, although it may be when the marching season is ended and calm comes again, is the unique status that Northern Ireland has been given in the trade and co-operation agreement through the protocol in terms of having a foot in each camp. That has not even begun to be a conversation in any of this yet. Perhaps we have an opportunity to win over people who are currently sceptical about it if, at the end of the day, it is money in someone's pocket. I always believed that when we were flying during Celtic tiger times, the negative sentiment towards the South from the unionist community was less. If we can create an economic opportunity for unionism, and everybody in the North, around the TCA and the protocol that gives them a unique status they can build on, then maybe they will start to believe in it. It is very important that we do that.

On the UK coordination group, while to date there have been no Irish people on it, it has to be recognised by everybody that this group has been very good to Ireland during the workings-

out of the past number of years. In a way, maybe it was more objective without Irish people on it because outsiders on that group were batting for the Irish interest. That has not necessarily been a negative. However, at this stage, where it is becoming more about implementation and the latter stages of all this, it is practical, on-the-ground experience that will count. There now needs to be a change towards, let us say, a more Irish influence, where it is experience of the practical concerns and how they are playing out on the ground that will be very important.

There is a need for a system approach change from an objective European position up until now to a more considered, practical experience on-the-ground position in that UK co-ordination group. That could be telling in undermining some of the negatives or misrepresentation that has come from other sides on this as well. If there are people with practical experience on the ground in Ireland, for instance, who are able to challenge the misrepresentation of the situation, that could be key going forward. A greater Irish interest in that would be welcome. There may be a willingness at European level to look at that too because, frankly, in many places across Europe people feel they have given enough to Brexit. If somebody from this end could step in and offer a few solutions that would move things forward, Europe would be receptive to that. Certainly, we need to look at getting greater representation from an Irish perspective.

I will leave it at that. I appreciate all the questions from everyone. As we said at the start, engagements like this are very important, especially if we can do it on an ongoing basis. For one thing, it makes Europe far more relevant at home but it also brings the interaction between the two parliaments closer together. That is very important.

Mr. Barry Andrews: It is sometimes said that at this stage of a meeting everything has been said, but not yet by everybody. I feel Ms Walsh's pain coming in, finally. I will recap the points. On Senator Gallagher's point regarding reports, we are now in the space where we have to think about recommendations so let me just be concrete about this. The committee has to take note of the fact that the proximity between Irish and British officials and ministers is gone. That proximity, which is crucial to developing peace on the island of Ireland, is all gone as a result of Brexit. Whitehall used to X-ray everything that came from the EU from a common law perspective. That is gone. In addition, the political alignment perspective between Ireland and the UK, whether we like it or not, is gone. The academic review in the UK of what is happening in the EU, whether it is textbooks, university departments, journals, symposiums and seminars, is gone. There is a new element, not isolation but a new relationship, we need to develop with both the EU and the UK now, separately. It should be part of the committee's analysis.

Senator Ó Donnghaile made a point about lack of representation. I wrote to the Commission about this. Under the proposed joint parliamentary assembly there needs to be a specific group where the Northern Ireland Assembly and MEPs have regular engagement. Failing that, it could be a carve-out of the UK delegation from the European Parliament where there would be connective tissue, as it has been described to me, between the Northern Ireland Assembly and the European Parliament. In addition, the joint consultative working group is under the specialised committee under the withdrawal agreement. There is no reason there should not be Northern Ireland academics, and civil society and other representatives, on that joint consultative working group, which is supposed to meet once a month. One way or the other there has to be a dramatic upscaling in Northern Ireland of visibility of proposed legislation coming from Europe, particularly with that vote the Chair mentioned in a few years.

On the European health insurance card, as I understand it the UK is proposing to extend its global health insurance card to the three countries mentioned. We can double-check that. As Ms Walsh said, the digital Covid certificate, DCC, is intended to be interoperable between both

the UK and the US but is caught up in the data adequacy issue. There is a little recognition around data adequacy and protection of EU citizens' data that is connected to that.

On Senator Lombard's point about strong recommendations, there has to be a strong recommendation from the committee on rules of origin and the flexibility being demonstrated by the European Commission, particularly on the issue of warehousing in Great Britain of supplies into the Republic of Ireland. The recommendation must also include the issue of Northern Ireland inputs into Republic of Ireland products and recognition of that in future free trade agreements. That is a really critical point we should not be shy to make if we are truly interested in protecting the all-island economy.

Finally, the Chair asked when the scrutiny committee issue will be settled. I agree with Mr. Markey that it has done much good work for us but I sincerely believe we need representation on this. It has been on the agenda of the conference of presidents, that is the group leaders, for the past three or four weeks, without agreement. There is something holding it up but I do not know what it is. That is where the real power will be.

There is a proposed interinstitutional agreement between the Parliament and the Commission. Normally, the European Parliament merely has the right to be informed about trade agreements under the treaties but this interinstitutional agreement will sit alongside that. It uses language such as it will give the utmost account of the European Parliament's opinion and it will scale up the European Parliament's input. This scrutiny committee will have a key role there. It really is crucial we have at least one Irish representative on it. I certainly put my hand up for it and I am sure others have done the same. The problem is I am a very new MEP and new MEPs really are at the bottom of the food chain. It has been a very interesting experience so I have no idea if I will make it onto that. I hope that answers the questions and I thank the Chair for the opportunity.

Chairman: I thank Mr. Andrews. He brings to an end all our questions back and forth. On behalf of the committee, I thank the MEPs who attended this afternoon. It has been great to have the engagement. The sentiment echoed right around the virtual room is that, on both sides, we welcome the engagement and would like to see more of it. It helps us better understand what the European Parliament is doing and *vice versa* in terms of what we are doing in the Seanad in looking at and scrutinising matters of importance to the EU. It has been very good. We will look to produce our interim report in July so the engagement we have had today will form a significant part of that process. We thank the MEPs for taking the time to engage with the committee this afternoon on a variety of issues. The questions were very broad and each of the MEPs displayed a really excellent knowledge of all aspects of Brexit, the protocol and everything surrounding that. I thank them for having that information with them.

For committee members, we have a number of issues to discuss to finalise our report, such as dates and other bits and pieces, to make sure we can report on time. I propose to organise a private meeting, possibly next week, to finalise those last few details because there is not enough time this afternoon to go into private session. That brings our meeting to a close. There is no other business. Our next meeting will take place on Monday of next week at 3 p.m. I thank everyone who tuned in from home as well.

The select committee adjourned at 2.29 p.m. until 3 p.m. on Monday, 14 June 2021.