

'Northern Ireland legislation will affect the whole of the UK'

What appears at first sight to be a minor technical matter in relation to trade between Britain and Northern Ireland will have enormous consequences for us all unless it is opposed outright, according to Baroness Kate Hoey, prominent Brexiteer and long-standing critic of the Northern Ireland Protocol and its successor, the Windsor Framework.

'Not for EU labels'

Under EU Regulation 2023/1231 the EU has decreed that certain goods destined exclusively for Northern Ireland should have '*Not for EU labels*' attached to them.

But as Baroness Hoey points out in the final paragraph of her letter to our readers, the implications of this directive will affect the whole of the United Kingdom.

"If the Government does not declare the treaty void and carries on, it will be very important for NI that "Not for EU" labels are imposed on the whole UK. If they are not, we will be effectively cut off from many of the products of our own country because it won't be worth the while of many businesses producing products with "Not for EU" labels just for NI."

The Noble Baroness's letter to our readers is laid out in full in the following report with a link to the original beneath it.

A major constitutional alert from Baroness Kate Hoey to all readers

**EU Regulation “far more humiliating than anything ever
imposed on the UK
when we were members”**

The noble Baroness provides a way for readers to make their voices heard in Whitehall

Below we present the views of Baroness Kate Hoey of Lylehill and Rathlin on a very serious constitutional matter. We invite readers to take the action proposed by her.

Are we a United Kingdom?

Dear CIBUK.Org and Facts4EU.Org readers,

I would like to draw your attention to a matter of huge concern. This highlights how part of the UK has not only been denied Brexit but it has also been brought into far greater subjection to the EU than was the case when we were members.

This has divided the UK as a consequence. It pertains to the whole United Kingdom for some purposes. The Government has afforded us an opportunity to speak out against this but only gave six weeks for this public consultation by DEFRA, with inadequate publicity.

This involves the imposition of “Not for EU” labels on the whole UK. I invite readers to make their views known to Government, even though the deadline has just passed, and below I provide details of how this can be done easily.

All of this comes with draft legislation

The consultation comes with **draft legislation** (see below) which mentions EU Regulation 2023/1231 SIX TIMES and indeed the draft legislation makes no sense without it.

This is bizarre because it is an EU regulation governing a nation state that is not in the EU. Critically, it also pertains to the whole UK not just NI, because it governs what can move from one part of the UK to another.

Indeed, EU Regulation 2023/1231 is far more humiliating than anything ever imposed on the UK when we were in the EU because at least we were part of the governance structures making the legislation to which we were subject.

It involves partially disenfranchising 1.9 million UK citizens and dividing our country with an international SPS border.

Neither the US nor other countries would ever accept this

I feel we must ask how it would be if the EU passed a regulation governing the movement of goods from one part of the USA to another part, or from one part of Japan to another part, if it disrespected the territorial integrity of any state in this way, even if they were members of the EU?

We need our government to start standing up for this country.

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Important Facts4EU note

The deadline for responses to this consultation passed on Friday. We suggest that given this is a constitutional matter it requires a serious period for the public to respond. We therefore believe that the law of natural justice prevails and that readers insist (respectfully) that their voices be heard.

Our team reads a great deal each day but we were not aware of this consultation. If we didn't know, what chance did the public have?

The title of EU Regulation 2023/1231 is:

'Regulation (EU) 2023/1231 on specific rules relating to the entry into Northern Ireland from other parts of the United Kingdom of certain consignments of retail goods, plants for planting, seed potatoes, machinery and certain vehicles operated for agricultural or forestry purposes, as well as non-commercial movements of certain pet animals into Northern Ireland'

Baroness Hoey suggests a form of response to this egregious legislation

I suggest that the central consultation response needs to be:

The Windsor Framework (WF) is a treaty. In reality there are laws about what constitutes a valid treaty and one of the most basic is that it respects the territorial integrity of states which means that it does not engage in in any process by which

it claims or seeks to assert a right to make laws for part or the whole of another state.

Notwithstanding protestations to the contrary in Article 1 of the WF, the practical operational effect of many of its other articles has been to disrespect the territorial integrity of the UK and claiming the right to make some laws. Their impact is felt directly in EU Regulation 2023/1231. The UK should therefore declare the treaty void (which would also cause EU Regulation 2023/1231 to have no teeth in relation to the UK) and not subject any part of the UK to “Not for EU” labels or any other part of the treaty.

Problems with this ‘consultation’

Frustratingly there does not seem to be an explicit consultation question asking people whether they support the change BUT the consultation involves the Government setting out the draft legislation, but it then asks no explicit questions about it. It would plainly be unreasonable to go to the length of putting draft legislation out as part of a consultation and then not affording people the opportunity to respond to it.

To this end the best way to frame a submission would be as a response to the draft regulations which affords the opportunity to identify the central difficulty, namely EU Regulation 2023/1231 and then to go to the central ask.

I suggest using this consultation email address to communicate submissions rather than the online proforma and that the submission is introduced along these lines.

‘I see that the Government has put out draft legislation on introducing “Not for EU” labelling as part of its consultation but could not see any opportunity on the online consultation to respond to the wording of the draft regulations so I am

responding to the consultation, as it relates to the draft regulations, by email.'

'Given that is a constitutional issue I respectfully ask that my views are included as a matter of natural justice, as the consultation was not promoted widely and six weeks is an unreasonably short period for a matter this serious.'

The one thing I would stress is please be mindful that if the Government does not declare the treaty void and carries on, it will be very important for NI that "Not for EU" labels are imposed on the whole UK. If they are not, we will be effectively cut off from many of the products of our own country because it won't be worth the while of many businesses producing products with "Not for EU" labels just for NI.

Thank you so much for your help in this matter.

Standing up for Brexit and the United Kingdom,

*– Baroness Kate Hoey of Lylehill and Rathlin, writing for
CIBUK.Org and Facts4EU.Org, Mon 18 Mar 2024*

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