

EXCLUSIVE: Proof there never was any need for NI Protocol, nor Windsor Framework

Customs heads, North and South, confirmed no need for 'hard border' even for 'Hard Brexit'

Parliamentary testimony from HM Customs and the Irish Revenue shows the Belfast (Good Friday) Agreement was only ever under threat from the EU, not from Brexit

Over five years ago the Customs organisations North and South, responsible for border controls, gave testimony to their respective parliaments in committee sessions, where they made it emphatically clear that no hard border would ever be required as a result of Brexit.

And they did so on the basis of 'the worst case scenario', where the UK would leave the EU without a deal – the so-called 'Hard Brexit'.

Their testimony proves beyond any doubt that there never was any need for the EU's Northern Ireland Protocol, and nor, by implication, any need for the 'Windsor Framework' agreed by Rishi Sunak on Monday.

Summary

The evidence from those who have to manage the border

(Scroll down for details)

- 2017 – HMRC : ‘No new border infrastructure needed under any circumstances’
- 2017 – HMRC : ‘Now we can’t even talk to the Irish Revenue’
- 2017 – Irish Revenue : ‘Absolutely no plans for anything along the Border’
- 2017 – Irish Revenue : ‘There is a legal impediment to negotiations between us and HMRC’
- 2018 – EU Parliament’s expert : ‘There would not need to be any new infrastructure’
- 2018 – EU Parliament’s expert : ‘The technology proposed has been tested’

All cooperation to put solutions in place ready for Brexit were stopped by the EU Commission, who were then pursuing the Northern Ireland Protocol to split up the UK.

[The full testimony is below. Above we have paraphrased for brevity and clarity of meaning.]

This is a CIBUK and Brexit Facts4EU.Org report which will leave readers thinking **“How can this possibly be true?”** And yet it is, every word of it. And we have the evidence to prove it. (Below.)

How the EU and the Republic of Ireland conspired to break up the United Kingdom

The basic facts

In 2017, committees of the Dáil Éireann and the House of Commons were told by the heads of their respective Customs authorities that no border infrastructure would be necessary

as a result of Brexit – even in the event of a worst-case ‘no-deal Brexit’. In 2018 the committee of the EU parliament was told the same thing by the expert they commissioned to produce a report.

How the EU justified their Protocol that has divided the United Kingdom

The EU has consistently been adamant that a Protocol is required to avoid a hard border between Northern Ireland and the Republic. They claimed it was necessary to protect the peace established in the Belfast (Good Friday) Agreement. If this claim is proven to be false, then neither the Protocol nor the new ‘Windsor Framework’ are necessary and can be consigned to the dustbin of history.

Following the EU Referendum and the vote to leave the EU, the heads of the Customs organisations north and south of the border started talking to each other, discussing how the new arrangements could work.

They did so on the basis of the UK leaving the EU without a deal – the so-called ‘Hard Brexit’ – and on the basis that no hard border should be established between North and South. **They concluded that no hard border was required under any circumstances.** At this point, the bilateral talks between the two organisations most involved were suddenly stopped by the Irish government, clearly acting in consort with the EU Commission.

Since then, there has been what appears to be a news blackout, with the exception of Brexit Facts4EU.Org which has continued to attempt to publicise this extraordinary situation. Today, together with Facts4EU.Org – one of our affiliate members – we are placing the facts on record.

The evidence presented before both parliaments – and to the EU Parliament – in 2017 and 2018

Summary

Damning evidence against the EU and Irish government over the N.I. Protocol

What follows are formal testimonies given to the parliamentary committees of the UK's and Republic of Ireland's parliaments

1. What HMRC said about there being no need for a Protocol



Q: "In the event of no deal, would it be possible to achieve no border infrastructure?"

Sir Jon Thompson, CEO of HMRC, 2017 : ***"We do not believe we require any infrastructure between Northern Ireland and Ireland under any circumstances."***

2. On the EU preventing the UK and Irish Customs organisations from implementing solutions

Q: "Have you had any dealings with the Irish about this?"

Sir Jon Thompson, Head of HMRC: *"There are no formal conversations with either the French or the Irish. We cannot talk to Customs or taxation management organisations in either of those countries. There are only informal conversations with the Belgians and the Dutch."*

3. What the Irish Revenue said about there being no need for a Protocol

Liam Irwin (Irish Revenue Commissioner), 2017:



"We are planning for trade facilitation, enabling goods to move. We have absolutely no plans for anything along the Border at this stage."

Q: "Revenue has identified several locations where customs posts could be erected in—"

Mr Liam Irwin (Irish Customs): *"That is not true."*

Q: "That is not true?"

Mr Liam Irwin (Irish Customs): *"That is not true."*

4. On the EU preventing the UK and Irish Customs organisations from implementing solutions

Q: "Could Mr. Cody clarify whether there is a legal impediment to negotiations between us and—"

Mr Niall Cody (Irish Customs): **"Yes."**

Q: "—so we can have discussions but not negotiations?"

Mr Niall Cody (Irish Customs): **"The European Union will be negotiating with the United Kingdom in regard to Brexit."**

5. What the EU Parliament's independent expert said about there being no need for a Protocol



Lars Karlsson, author of the EU parliament's 'Brexit Border/Customs Report' and the EU parliament's chosen expert, former Director of the World Customs Organization, speaking to the Exiting The EU Committee in Mar 2018:

"There would not need to be any necessary infrastructure and not need to be either CCTV cameras or number plate readers."

Question: *"But the technology proposed in this report is untested, that's correct isn't it?"* asked Joanna Cherry MP (SNP). *"The proposal you've put here hasn't actually been tested at any location anywhere in the world."*

Karlsson: ***"No that's not correct. It actually has."***

Yet the EU took NI as a colony anyway – on wholly false grounds – as a Brexit punishment

The evidence we have presented above is incontestable. **Neither Customs body, North and South, saw any need for a hard border.** Not only that, but the international customs expert commissioned by the EU Parliament reported the same thing.

Given this, and in any rational world, the EU Commission would have dropped any thoughts of a Northern Ireland Protocol as there was clearly no need for one.

At this point the only possible explanation for the EU's continued insistence on the Protocol was as **a punishment for the British people voting to leave its empire.** Fortunately here we have the evidence collected in a BBC Four fly-on-the-wall documentary made over two years by Lode Desmet, who had extraordinary access to meetings in Brussels.

We see the plottings of MEP Guy Verhofstadt, (then the EU Parliament's 'Brexit Co-ordinator'), Michel Barnier, (then the Commission's Chief Brexit Negotiator), as well as MEPs, Commission and Parliament officials, and others. Below is just one short clip from this documentary. It shows the two officials working for Guy Verhofstadt.

Credit: Storyville, Lode Desmet

Observations

Most of the political headlines this week have been about the Prime Minister's deal with the EU over Northern Ireland. Despite the hours of broadcasting on the BBC, Sky News and

ITN, no-one has questioned the fundamental premise of the Protocol and the new 'Windsor Framework'. This is :-

"Why was the Protocol ever necessary in the first place?"

And the answer, as we have proved above, is that it wasn't.

It almost beggars belief to think of all the time that has been spent over the last six years on the vexed question of Northern Ireland, the border with the Republic, and the need to 'deal with this' in the context of the UK leaving the EU.

The simple fact is that the two organisations charged with managing the border – the Irish Revenue and the UK's HMRC – both said there was never any need for a hard border of any kind. They were happily working together to set up arrangements for managing the transition without any physical infrastructure when the EU and the government of the Republic of Ireland pulled the plug on them.

All direct communications between them on this issue were stopped. As the head of HMRC said : *"We cannot talk to Customs or taxation management organisations in either of those countries."* This was echoed by the head of the Irish Revenue when questioned if they were having discussions who said: *"The European Union will be negotiating with the United Kingdom in regard to Brexit."*

This is not only a disgrace, it is a devastating indictment of the EU Commission's actions and behaviour since the British people voted to leave its sclerotic empire. We really would like to hear a defence of any kind for this shameful conduct.

'Protocol 2.0' – Sunak ignores the facts in favour of the spin

And now we have a 'Protocol 2.0' in the form of Rishi Sunak's 'Windsor Framework'. Yet again no-one in Government seems to be the slightest bit interested in the core fact that the

Protocol was demonstrably a manufactured device to annex part of the United Kingdom, as shown by the fact that the EU Commission and Irish government acted in consort to close down the solution that Customs officials on both sides of the border were working on.

The two organisations directly responsible for managing border rules saw no need for any border infrastructure. If they didn't, who exactly did, and **in what possible way can they have been better qualified?**

All of this has led to where we are today, with even Boris Johnson now weighing in against the Windsor Framework.



“This is not about the UK taking back control... This is the EU graciously unbending to allow the UK to do whatever we want in our own country – not by our laws, but by theirs.”

– The Rt Hon Boris Johnson MP, Global Soft Power Summit, 02 Mar 2023

The original article can be found [here](#).

This report has been co-published with our affiliated organisation, [Brexit Facts4EU.Org](https://BrexitFacts4EU.org).

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