

“Rishi & Ursula’s Non-Flying Circus” – The Big Tent collapses on the first night

EXCLUSIVE : CIBUK.Org provides a definitive guide to the reality – not yesterday’s circus

Forget the brochure and the spin, here is what the EU says – and it’s a different show

What happened in Windsor and Westminster yesterday was a masterful example of political spin – exactly as we predicted. This was circus entertainment, carried wall-to-wall on all TV news channels.



A brochure was then published entitled “The Windsor Framework”, (funny how this was ready within minutes of the announcement that final negotiations between Rishi Sunak and Ursula von der Leyen had concluded), and the circus had

started.

Please note: What was produced yesterday has no legal authority. It is merely a **“political agreement in principle”**. (The EU’s own words.)

Most people just want to know the facts, not the spin, and these are what we bring you this morning.

The CIBUK team has worked through the night to bring these facts to readers – **and the facts bear little resemblance to what the public were told yesterday**. Below we have only highlighted some of these to present a report short enough that people will read it.

Summary

This show must not go on

- Foreign (EU) law continues to apply in a sovereign part of the United Kingdom
- The ‘Windsor Framework’ is not a legal agreement, merely a ‘political agreement in principle’
- EU’s product labelling demands are so onerous and expensive, many companies will not be able to supply NI
- Physical checks on products between GB and NI are still demanded
- Medicines will have to have expensive NI-only packaging to be available in NI
- Parcels – only large companies like DHL will be able to afford to take parcels to NI
- EU has imposed restrictions on UK’s ability to apply the same lower VAT in NI as in GB
- The ‘Stormont brake’ can only be used “in the most

exceptional circumstances”

- State Aid : Windsor Framework doesn't “modify the substance of Article 10(1) nor restrict its application”
- EU will only drop its seven legal proceedings against the UK when the UK has complied with all the EU's demands

It is ESSENTIAL that our report gets wide coverage, before the general public forms a positive impression of yesterday's “result” as presented by the EU Commission President and the British Prime Minister, and which the pro-EU biased media will exploit.

Here is the reality, not the spin – all from the EU Commission itself

What follows are the EU Commission's own words, unaltered, but selected for their relevance to most people. Overnight the Facts4EU research team analysed all the (numerous) documents which came out of Brussels yesterday afternoon and evening. The most eye-catching sections are presented below.

Summary

“Has the role of the Court of Justice of the European Union changed?”

“There is no change to the role of the Court of Justice of the European Union. The Court of Justice remains the sole and ultimate arbiter of EU law.”

– EU Commission document, published early evening, Mon 27 Feb
2023

1. GENERAL

- “A political agreement in principle between the European Commission and the UK government has been reached on the Windsor Framework”.
- “The solutions strike the right balance between flexibilities and effective safeguards **for the protection of the EU Single Market.**”
- “These arrangements will also provide for a new emergency brake mechanism – **the Stormont Brake ... This mechanism would be triggered under the most exceptional circumstances and as a matter of last resort...**”
- “The Windsor Framework has been **fully carried out within the framework of the Withdrawal Agreement, of which the Protocol is an integral part...** The possibility to amend the Protocol in this way can only be done for a period of four years after the end of the transition period (i.e. until end 2024). **All new arrangements fall within this pre-established framework.**

2. FOOD AND SUPERMARKETS

- “Several safeguards have been agreed **to protect the integrity of the EU Single Market:**
- “The UK is constructing operational SPS Inspection facilities and **provide EU representatives with access to relevant UK IT databases.**”

EU's demands on labelling foodstuffs in supermarkets

- ‘Not for EU’ labelling is a very important safeguard to

protect the EU Single Market. The Commission and the UK government have agreed on requirements for the labelling of agri-food retail goods at different levels: **individual, box, shelf signs and posters.**”

- ‘Not for EU’ labelling is a very important safeguard to protect the EU Single Market. The Commission and the UK government have agreed on requirements for the labelling of agri-food retail goods at different levels: **individual, box, shelf signs and posters.**”
- **“There is no dual regulatory regime.** While UK public health standards will apply to goods entering Northern Ireland from Great Britain, **EU requirements for animal health and plant health remain fully in place..**”

What are the rules for official controls and checks?

- “From 1 October 2023, the frequency rate of identity checks will be down to **10% of all consignments of retail goods.** That frequency rate will be further reduced to 8% by 1 October 2024 **when all milk and dairy products are individually marked.** From 1 July 2025, that frequency rate will be furthermore reduced to 5% of all consignments of retail goods – **this is when all retail goods are individually marked.**”
- “In addition, **physical checks will be carried out** in conjunction with those identity checks using, in particular, a risk-based and intelligence-led approach.”

3. MEDICINES

- “The new rules go hand in hand with appropriate safeguards to ensure that UK authorised medicines do not end up on the market of any EU Member State.

- “Individual packs of all medicines placed on the Northern Ireland market **should thus bear a label indicating “UK only”**...and the Commission **will be able to unilaterally suspend the new rules** in case the UK does not comply with its obligations.”
-

4. PARCELS

- “Business-to-consumer (“B2C”) parcels, e.g., a person in Northern Ireland ordering a product online from an e-commerce platform, sent by direct transport from Great Britain to Northern Ireland, will benefit from simplified customs processes compared to normal freight. This will be achieved through the involvement of fast parcel operators (e.g., DHL or UPS), and other economic operators sending parcels (e.g. Amazon) **registered as authorised carriers**. This also concerns the UK’s designated postal service (Royal Mail).”
 - “Business-to-Business (“B2B”) parcels will enjoy the same facilitations as for normal freight movements **if one of the businesses is a trusted trader**.”
 - “The EU will have near real-time access to the relevant UK customs databases and IT systems used to record movements of goods between Great Britain and Northern Ireland. If risks are detected, **EU representatives can request UK customs officials to stop and check the goods**. In case the EU no longer has access to such databases and IT systems, or in case the trusted trader scheme is seriously mismanaged, **the EU can suspend the entire scheme**”.
-

5. GOVERNANCE

- “The Stormont Brake is a new **emergency mechanism** that will allow the UK government, at the request of 30 Members of the Legislative Assembly in Northern Ireland (Stormont), **in the most exceptional circumstances, as a last resort** as set out in a unilateral UK Declaration, to stop the application of amended or replacing provisions of EU law...”
 - “In short, **the Stormont Brake can be triggered only after having used every other available mechanism...**”
 - “If the Parties cannot agree either to add an amended or replacing act or to other measures to ensure the proper functioning of the Protocol, **the EU can take appropriate remedial measures**, as is the case under Article 13(4) of the Protocol.”
-

The Rt Hon Sir John Redwood MP commented on the our report saying:-



“We do need to examine the EU view of this Agreement and take legal advice on how it might operate. I have asked how the EU will decide which laws to impose on Northern Ireland and what influence if any the UK would have on that. I have also asked for more detail on how our freedom to set VAT and Excise taxes

for NI would be limited under the Agreement. The issues are not just ones about GB to NI trade, but about who makes the laws and imposes the taxes.”

6. VAT AND EXCISE

- “First, the Commission and the UK government have agreed that the UK can apply reduced VAT rates on goods **supplied and installed in immovable property** (e.g. a heat pump for a house or a wind turbine for a residential property) located in Northern Ireland...”
- “Second, the UK does not need to apply the special EU VAT scheme for small enterprises in Northern Ireland. From 1 January 2025, this scheme will allow EU Member States to exempt small businesses from VAT, **provided that such businesses’ annual turnover does not exceed a set EU-wide threshold.**”
- “When the UK applies its own VAT exemption scheme for small enterprises, **they will still need to respect EU rules** on the annual turnover threshold.”
- “The Commission and the UK government have agreed that the UK may be able to tax all alcoholic beverages based on their alcoholic strength in Northern Ireland ... **The UK will not be able to apply any duty rate below the EU minima.**” “... small producers of alcoholic beverages in Northern Ireland **will not benefit from mutual recognition procedures provided by EU law and the UK will not be able to set duty rates for small producers below EU minima rates.**”
- “Each solution in the areas of VAT and excise come with conditions and safeguards as described above. Furthermore, **the solutions cannot negatively affect the EU Single Market...**”

7. CUSTOMS

- **"... goods moving from Great Britain to Northern Ireland that are destined for the EU or at risk of entering the EU will be subject to full customs checks and controls."**
- "Freight: Goods not at risk of entering the EU will benefit from an unprecedented reduction, **although not a full eradication**, of customs requirements for traders moving goods by direct transport from Great Britain to Northern Ireland."
- "To benefit from these customs facilitations, **traders must become trusted traders.**"
- "Parcels: Facilitations will also be provided when trusted traders send or receive goods via business-to-business (B2B) parcels that are moved by direct transport from Great-Britain into Northern Ireland.
- **... provided that the parcels are shipped by Authorised Carriers..."**
- "Yes, the trusted trader scheme can be suspended in a number of scenarios, both by the EU or the UK. The EU can suspend it if: 1) the UK fails to provide the EU with access to the relevant UK IT customs systems and databases, or 2) the UK does not live up to the commitments it undertook when setting up the trusted trader scheme. These measures **will allow the EU to react quickly** to protect the integrity of the EU Single Market. If the trusted trader scheme is suspended, goods **cannot be moved between Great Britain and Northern Ireland** based on the customs facilitations granted to operators under the scheme."

What is the difference between the existing trusted trader

scheme and the new one?

- "...applicants will have to prove that they are of good financial standing, that they have a clear understanding of their obligations under the scheme and that they are able to correctly identify the goods they move to Northern Ireland, in particular as regards goods that need to be declared with a higher level of detail."
 - "Goods moved by trusted traders in Northern Ireland will be subject.. to a drastically **reduced number of data (21 data elements instead of more than 80 data elements normally required for a standard customs declaration).**"
-

8. STATE AID

- "Article 10(1) of the Protocol makes **EU State aid rules applicable in Northern Ireland. The Joint Declaration neither modifies the substance of Article 10(1) nor restricts its application.**"
 - "This Joint Declaration ... therefore **does not carve out any subsidies that previously fell within the scope of Article 10(1).**"
-

9. NEXT STEPS

- "A meeting of the Withdrawal Agreement Joint Committee will take place in the coming weeks to adopt the necessary measures, **translating the relevant joint solutions into legally binding commitments by making full use of its powers under the Withdrawal Agreement.**"
- **"The new arrangements are incompatible with the Northern**

Ireland Protocol Bill. The UK Government has agreed not to proceed with the Bill so that it will fall in the UK Parliament at the end of the Parliamentary session.”

10. EU’S SEVEN INFRINGEMENTS PROCEEDINGS AGAINST THE UK

- “These arrangements, **when implemented**, mean that there will no longer be grounds for the existing Commission legal proceedings against the United Kingdom relating to the Protocol on Ireland / Northern Ireland.”
-

Observations

Has the EU made concessions on some of the most outrageous elements of the NI Protocol? Yes. However these do not go nearly far nor deep enough.

It is simply unacceptable for the EU to continue to act as a colonial power in Northern Ireland. Its vindictive, weaponising strategy over the Province has gone on long enough.

In our report above we ignored the spin from the events yesterday and looked at the EU Commission’s own documents released late yesterday to gain an insight into how it was interpreting the new ‘Windsor Framework’. These alone make for chilling reading. We can only imagine how bad things will be when the legal texts are finally published in several weeks’ time.

Brexit Facts4EU.Org continues to campaign for full sovereignty for all parts of the United Kingdom. No other civilised

country in the world would accept a foreign power dictating its laws and rules on a part of its territory. Nor should the UK.

We can only hope that readers and all the organisations and politicians we are contacting today will help us get this report out there. This is urgent, before the public simply takes what they are being told on the BBC and Sky News – and by the Prime Minister – and believes this to be the truth. Using the EU's own documents we have shown it is not.

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

This report has been co-published with our affiliated organisation, [Brexit Facts4EU.Org](#).

Please [support our work](#) today, to keep us going

Main image **Attribution:** Number 10, CC BY 2.0, via Wikimedia Commons