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| |  |  | | --- | --- | | To | Queen's University | |  |  | | |  |  | | --- | --- | | From | Stephen Abram | |  |  | | Matter no | TBA | |  |  | | Date | 9 March 2023 | |

**Transcript of Presentation**

Good afternoon everyone. Firstly, thank you to Queen's University, Belfast, and in particular Professor McGovern, for the opportunity to speak today. I am Stephen Abram and a senior associate of AL Goodbody and I specialise in competition and regulatory law. I will be discussing the impact of State Aid and Rules in Northern Ireland following the Windsor Framework.

For the uninitiated State Aid refers to forms of state control for financial resources given to an undertaking. Let just say a business [unclear – 00:33] with the potential to destroy competition and affect trade between member stewards of the European Union. The commission does not like State Aid. If there is a [unclear – 00:48] to anything which could affect trade and start completion within the single market so as to develop a series of rules, procedures where members do wish to grant it to businesses.

Under the Northern Ireland protocol, I will alter and provide [Unclear – 01:04] law on and see if it applies to the UK and the reason it remains and affect trade between Northern Ireland and EU in areas covered by the protocol i.e. trees and goods which includes agricultural [unclear – 01:18] and the single electricity markets. So that seemed clear until yesterday following by Northern Ireland has a large agricultural sector and has asked me about the [unclear – 01:31] achievable of producing enough food to feed 10 million people. It has a buoyant renewable energy sector and with the UK, NY, LA with legally binding obligations towards that 0 by 20/50. Concerns could begin to be raised effectively, businesses will be given the wonder whether they could get access to government grounds or would confusion relating to other was covered by the State Aid rules meaning that effectively Northern Ireland companies were band and all from getting them.

Here we see a timeline going from the UK's withdrawal from the European Union all the way to the Windsor Framework. I have picked out events in the timeline that relates to Article 10 where the State Aid subsequently control more generally so we mention the State Aid by trying to provide clarity as to an Article 10 would apply, particularly in relation to the notion of the effect of trades between Northern Ireland and the European Union [Unclear - 02:31] cannot be merely hypothetical presumed or is it a genuine link to Northern Ireland not sounding good.

Then afterwards the commission has been abided and serves, well actually Article 10 does not just apply to the sectors listed in the protocol with any measures which could affect trade between Northern Ireland and the European Union. The [unclear – 02:58] responded and it is Northern Ireland protocol the way forward and stated that it considered Article 10 to be redundant. Later on we got the protocol bell which effectively would have got rid of Article 10 along with everything else and at the start of the year we had the full force of the [unclear – 03:20] Control Act to go into force and what this does is create alternative to State Aid under the UK and it pushed Britain World. This lead to the question for Northern Ireland businesses as to which regime applies the State Aid regime, the subsidy control regime or indeed partly both. As you can see not long afterwards the reason we are here tonight when the Framework occurred.

So what changes does the Windsor Framework actually make legally? It makes no changes at all to Article 10. Everything that was previously captured by, it still applies to. However the EU and UK did provide a joint declaration in Article 10 and this also made a need for a real [Unclear - 04:14] should be material, there should be a direct link and the mere placement of goods in Northern Ireland market is not sufficient for Article 10 to bite. This assumes addressing the issue of reach back then companies would have a limited presence in Northern Ireland were concerned whether they would be copped out to this end and address all the dangers of a chain effect on trade Northern Ireland and Great Britain. The text in black is not from the joint declaration, it is from the UK's command paper. In this you can see that the UK government is keen to emphasise as only in extremely limited circumstances will Article 10 apply. What this means in practice for companies in Northern Ireland seeking to benefit from a grant is that they still will need to consider State Aid issues or be it as a hope that they can quickly be ruled out. The EU and UK have committed to each providing guidance documents on the application of Article 10 to hopefully provide companies with the certain of [unclear - 05:23] have been requesting.