Twitter Thread by Tony Connelly

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Amid the hail of accusations that the EU wanted to put a hard border on the island of Ireland last Friday, it's worth pointing out what the ill-fated resort to Article 16 was about:

2/ Under the Commission's trade mechanism, any Covid vaccines leaving the EU for third countries would need export authorisations, ie to ensure vaccines were not being exported which were actually part of an avanced purchase agreement between member states + pharma companies

3/ Any movements of exports from one member state to another would NOT have required such an export authorisation

4/ Because of the NI Protocol, Northern Ireland would typically have availed of NOT having to had export authorisations for any vaccines being sent there from Belgium (or wherever)

5/ However, someone in the Commission spotted the fact that, also under the Protocol, there was unfettered movement of goods between NI and GB

6/ That was seen as a loophole / anomaly / problem. So therefore, the Commission reached for the safeguard measures in Article 16 of the Protocol.

7/ Yes, we all now know that was a horrendously disproportionate solution, sledgehammer meet nut etc, and we've seen the fall out

8/ However, the practical effect would simply have been that vaccines destined for NI - in a hypothetical scenario - would have needed export authorisations before they left the factory in Belgium (or wherever).

9/ There was nothing in the regulation which stated such vaccines should be stopped at the land border