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Dynamic alignment and the UK-EU reset: what Great Britain can learn from Northern Ireland

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Key Points

- Since 2021, Northern Ireland has applied EU single market rules. The forthcoming UK-wide dynamic alignment agreements cover fewer areas but raise the same tracking, scrutiny and governance challenges.
- If the UK wants a closer relationship with the EU moving forward, these same governance challenges will continue to arise; addressing issues now will facilitate the future closer relations with the EU that Prime Minister Burnham wishes to pursue.
- Recent reviews of the implementation of EU rules in Northern Ireland have yielded recommendations that the UK Government has agreed to implement. It should also apply these lessons more broadly to pre-emptively address these same concerns UK-wide. Key recommendations include:
    - The UK should provide an "all-in-one" service, already promised for Windsor Framework businesses, that tracks EU legislation under the reset agreements, and strengthen its presence in Brussels to see changes coming earlier.
    - Northern Ireland's Democratic Scrutiny Committee has no Great Britain equivalent, and existing select committees cannot absorb the workload. Restoring a House of Commons European Scrutiny Committee and/or a joint Commons-Lords sifting committee for implementing statutory instruments would help fill the gap.
    - Northern Ireland stakeholders found engagement one-way, and small and medium-sized enterprises (SMEs) were "bewildered" by Windsor Framework compliance. Formal and accessible consultation structures, coordinated with the devolved governments, allow two-way input into negotiations and legislation.
    - To implement the re-set agreements, the UK will need something parallel to the Windsor Framework's green/red lanes, which have proved burdensome. An authorised/trusted operator scheme for hauliers, with robust audits and support for SMEs, and a single trade window for customs, border and Sanitary and Phytosanitary (SPS) data, can help ease compliance burdens.
    - In Northern Ireland, the applicability motion and the Stormont Brake exist on paper, but there is still a perceived "democratic deficit". In Great Britain, democratic deficit is also a concern: the secondary legislation that implements dynamic alignment decisions cannot be amended and sidesteps the Sewel Convention. Approval motions for Joint Committee decisions, modelled on the Northern Ireland applicability motion, can help ensure that devolved nations and Parliament feed into alignment decisions.
    - Robust scrutiny matters politically as well as procedurally: decisions seen as dictated by Brussels could keep the legitimacy of Brexit in dispute. Lord Murphy's observation in the context of Northern Ireland, that, 'imposition never works', applies as well to the broader UK.

Introduction

The UK-EU Summit on 20 November promises to deliver the UK public a new set of quasi-EU single market arrangements in the areas of emissions trading and food law.[1]

How to harmonise with some EU laws without being part of the EU single market is a new governance challenge for the UK as a whole. But there are instructive examples close to home. Northern Ireland has been navigating a complex and bespoke set of treaty arrangements with the EU since 2021 and has already encountered many of the issues that UK businesses and government as a whole will now face.

Our past work and that of others[2] has examined key questions for the UK in negotiating its 'reset' agreements: How and to what extent will it be able to shape EU legislation? Can the UK refuse to align – and if so, how will that be decided? Will the people who are most affected by a prospective EU legislative change have a say? How will the UK's courts understand and interpret this new set of EU legislative requirements?

This Briefing Paper focuses specifically on object lessons of Northern Ireland. The Northern Ireland Protocol and Windsor Framework require very broad application (a single market for goods). In contrast, reset arrangements will apply a smaller range of EU single market rules to a wider territory: the UK as a whole. Despite these obvious differences, there are many common challenges in tracking and scrutinising EU legislation.

In late 2025, a major independent review by Lord Murphy[3] and a Parliamentary inquiry[4] focused on the functioning of the Windsor Framework, providing recommendations which can also guide the UK Government's wider approach to dynamic alignment. The UK Government accepted all the recommendations of the Murphy review, committing to address many of the issues addressed below.[5] Here we argue that it should also apply these recommendations when negotiating and implementing the UK-EU reset agreements.

Tracking new EU legislative developments is not straightforward. Dedicated tracking and scrutiny functions must be developed.

Each item of EU legislation is a moving target. EU acts are routinely amended, replaced and supplemented. Northern Ireland's small size and capacity, coupled with the long list of legislation to which it is bound, compounds the challenge of keeping up. But the volume of legislation that the UK as a whole will be required to track is still considerable. The Department for Environment Food and Rural Affairs' provisional list of legislation in scope of the UK-EU SPS Common Area alone, for example, contains 76 distinct pieces of EU legislation.

There is no authoritative, updated source of the EU law applying in Northern Ireland. Simply understanding what legislation applies has proven a formidable challenge for businesses. Both the Northern Ireland Scrutiny Committee (pp 34-35, paras 102-110) and Lord Murphy's review of the Windsor Framework (p 21) called for the

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[1] More specifically, a Sanitary and Phytosanitary Standards (SPS) Common Area, though this title is somewhat misleading, as SPS normally excludes animal welfare and labelling/compositional standards; Defra's proposed list includes regulations in both of these areas, thus the broader category of 'food law' is more accurate.
See, eg: Lydgate and Carson-Taylor (2024), A, An EU-UK SPS Agreement: The perils and possibilities of (re)alignment, CITP Briefing Paper 17: https://citp.ac.uk/publications/an-eu-uk-sps-agreement-the-perils-and-possibilities-of-realignment; Faull, Dashwood and Lydgate, Dynamic Alignment with the EU: How to Make It Work, Bocconi University, June 2026: https://iep.unibocconi.eu/publications/working-papers/dynamic-alignment-eu-how-make-it-work; Holmes and Suraj (2025), UKs conformity assessment and accreditation: key issues for the UK-EU reset, UKTPO Briefing Paper 86: https://www.uktpo.org/briefing-papers/bp-86/

[3] Independent Review of the Windsor Framework by the Rt Hon Lord Murphy (HTML), 2025, https://www.gov.uk/government/publications/independent-review-of-the-windsor-framework-report/independent-review-of-the-windsor-framework-by-the-rt-hon-lord-murphy-html

[4] Northern Ireland Scrutiny Committee, Northern Ireland after Brexit: Strengthening Northern Ireland's voice in the context of the Windsor Framework, 15 October 2025: https://publications.parliament.uk/pa/ld5901/ldselect/ldnisc/182/182.pdf

[5] Press release, UK Government accepts all recommendations from the Independent Review of the Windsor Framework in a landmark commitment, gov.uk:https://www.gov.uk/government/news/uk-government-accepts-all-recommendations-from-the-independent-review-of-the-windsor-framework-in-a-landmark-commitment

development of an 'all-in-one service' for business that tracks and updates the EU legislation which they must apply, which the government has agreed to provide.[6]

A similar service should be provided to support the implementation of new dynamic alignment agreements. Clear information is the foundation of effective compliance, but some updates to EU legislation are largely inconsequential to the daily operations of business, while others will have significant impacts. For an example relevant to Northern Ireland, (though not expected to be covered in the SPS Common Area), the implementation of the EU Deforestation Regulation from December 30, 2026,[7] will require UK traders exporting a range of agri-food products to the EU to undertake additional compliance processes before goods can be placed on the EU market. This could include providing EU supply chain partners with due diligence statements, geolocation information and retaining additional records.[8] Businesses operating in Northern Ireland will be required to follow the same processes as traders elsewhere in the EU, and companies moving goods from Great Britain to Northern Ireland will need to provide the same information as when exporting elsewhere to the EU.[9]

Distinguishing the magnitude of effects of new legislation will inform UK government strategy: from diplomatic influence at earlier stages to its position on the formal Joint Committee decisions that implement EU legislation. Understanding what is coming, and its significance, is also essential to support business preparedness.

In Northern Ireland, the Democratic Scrutiny Committee[10] examines and considers new EU acts, conducts inquiries, and undertakes stakeholder engagement. While the Windsor Framework established this committee to strengthen the voice of Northern Ireland and provide greater democratic accountability, both the Murphy Review and the Northern Ireland Affairs Committee concluded that a democratic deficit remains, and recommended ways to address it. Many stakeholders raised concerns that the time that it was given for scrutiny was not sufficient, information sharing from government was patchy, and its engagement with Whitehall weaker than it should be. The Murphy review recommended doubling its decision window on EU acts, adding expert staff, improving coordination between Whitehall and Belfast, and giving it more UK Government support for information access, and stakeholder engagement. It also recommended that the UK Government second more Northern Ireland civil servants to the Executive Office in Brussels to influence EU rules earlier and broaden stakeholder inclusion in the joint UK-EU forums.

A similar set of issues and imperatives now confronts the UK Government. There is no equivalent to the Democratic Scrutiny Committee. Existing select committees, which largely scrutinise particular government departments, will struggle to absorb this on top of their current workload. Restoring a bespoke House of Commons European Scrutiny Committee, and/or a joint Commons-Lords sifting committee for the statutory instruments implementing alignment decisions, are potential ways of supporting more effective scrutiny. At the same time, to effectively track legislative developments, the UK Government must increase its engagement and presence in Brussels.

Effective scrutiny relies upon timely information. Parliament and the devolved nations should receive Commission policy proposals and proposed Joint Committee decisions in advance, as well as the implementing instruments — an area where the Foreign Affairs Committee has already found the Government's record on UK-EU negotiations poor.[11]

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[6] Ibid

[7] Implementation is staggered depending on size of firm.

[8] Understand roles and responsibilities under the EU Deforestation Regulation, European Commission Green Forum: https://green-forum.ec.europa.eu/nature-and-biodiversity/deforestation-regulation-implementation/roles-and-responsibilities_en#what-are-the-key-roles

[9] Moving, exporting or placing deforestation-free products on the market in Northern Ireland, guidance from gov.uk: https://www.gov.uk/guidance/moving-exporting-or-placing-deforestation-free-products-on-the-market-in-northern-ireland#moving-in-scope-products-from-great-britain-to-northern-ireland

[10] Northern Ireland Assembly, Windsor Framework Democratic Scrutiny Committee: https://www.niassembly.gov.uk/assembly-business/committees/2022-2027/windsor-framework-democratic-scrutiny-committee/

[11] https://committees.parliament.uk/work/8993/the-ukeu-reset-rebuilding-a-strategic-partnership-in-uncertain-times/

Ensure that businesses that trade and other affected stakeholders are in 'the room next door' when tracking legislation and negotiating governance arrangements. Solutions that are good politically may look different operationally.

Lord Murphy highlights the challenges faced by small and medium enterprises in implementing the Windsor Framework, with organisations often left 'bewildered' by processes, and difficulties in accessing advice and guidance. These businesses complain that 'plain English' is often absent.[12] The Northern Ireland Scrutiny Committee cite a Federation of Small Businesses survey which found that 'current support is falling short of expectations' with 78% of those responding rating services as very poor or poor (para 84).

Engagement with EU representatives in the Committee structures that implement the Windsor Framework consists of either UK and Northern Ireland Ministers or officials. The Northern Ireland Scrutiny Committee recommended that the UK Government fund a formalised mechanism to enable businesses to engage with these structures directly (para 194). The Committee also heard that an annual communication relating to the EU Commission Work Programme often felt 'one-way' (para 384).[13]

The Committee recommended a more formal co-ordinated approach to civil society engagement in Northern Ireland, potentially following the Domestic Advisory Group and Civil Society Forum structures established through the UK-EU Trade and Cooperation Agreement (TCA) (para 195).

As the UK negotiates new governance arrangements and evaluates new EU legislation, these same concerns emerge regarding how UK business and other affected stakeholders will engage, and how they will receive information about changes that affect them. As it stands, the approach to industry consultation has been fragmented, and there is a lack of clear points of contact to raise concerns. The TCA will provide the foundation and institutional architecture for implementing new UK-EU dynamic alignment agreements. With representative sectoral members, the TCA's UK-EU Domestic Advisory Group (DAG) provides an institutionalised mechanism for stakeholders, but ultimately its effectiveness is dependent on the willingness of government to act upon any recommendations. A joint statement from the UK and EU DAGs calls for a more substantive role in shaping a future relationship, stating:

> '…we must play a structured and meaningful role in all initiatives affecting the implementation and evolution of the Trade and Cooperation Agreement (TCA), including negotiations of subsequent agreements….'[14]

It is not apparent through publicly available information how an individual business can raise issues and concerns with the UK DAG. The Government states that other stakeholder channels are available, including thematic departmental groups, however, no information is available via the DAG webpages.[15]

The UK Government previously established formalised stakeholder engagement mechanisms. The Strategic Trade Advisory Group (STAG) was launched in 2019 as a forum for high-level discussion between government and a range of stakeholders to address trade policy matters, but the final meeting was in 2022.[16] Eleven sector-specific Trade Advisory Groups (TAGs) were established in 2020 to provide expertise to the Government during trade negotiations. Each group consisted of relevant businesses and membership organisations. In evidence to the Environment, Food and Rural Affairs Committee examining the UK-Australia Free Trade Agreement, witnesses described the agri-food TAG as a 'trade update group' and negotiations presented as a 'fait accompli' (para 84).[17] The Committees view in the enquiry report was unequivocal stating (para 89):

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[12] Independent Review of the Windsor Framework by the Rt Hon Lord Murphy (HTML), https://www.gov.uk/government/publications/independent-review-of-the-windsor-framework-report/independent-review-of-the-windsor-framework-by-the-rt-hon-lord-murphy-html

[13] Northern Ireland Scrutiny Committee, Northern Ireland after Brexit: Strengthening Northern Ireland's voice in the context of the Windsor Framework, 15 October 2025: https://publications.parliament.uk/pa/ld5901/ldselect/ldnisc/182/182.pdf

[14] Joint Statement of the EU and UK Domestic Advisory Groups under the EU UK Trade and Cooperation Agreement (TCA): https://assets.publishing.service.gov.uk/media/6a3aacce4c7605ab56723884/Final_EU-UK_DAGs_Joint_Statement_2026.pdf

[15] UK-EU Trade and Cooperation Agreement: Domestic Advisory Group, gov.uk: https://www.gov.uk/government/groups/uk-eu-trade-and-cooperation-agreement-domestic-advisory-group

[16] Strategic Trade Advisory Group, gov.uk: https://www.gov.uk/government/groups/strategic-trade-advisory-group

[17] Efra Committee report, Australia FTA: Food and Agriculture, 2023: https://publications.parliament.uk/pa/cm5803/cmselect/cmenvfru/23/report.html

'The Government must overhaul the way it engages with the relevant sectors and the devolved administrations during negotiations to provide for meaningful two-way engagement.'[18]

The TAG structure was formally withdrawn in 2024,[19] following which, the Government indicated replacement with updated stakeholder mechanisms.[20] However, formal trade engagement and consultation processes have become increasingly disjointed and opaque.[21] Departmental-level approaches may include calls for input on prospective new trade agreements via online surveys and meetings with stakeholders. What is unclear is how relevant individuals, businesses or other organisations can express interest in taking part in these consultations, and there is limited public transparency on whom has been consulted, on what and why.

Without an open and structured approach to engagement, there is a risk that views of a few consultees are assumed to represent entire sectors, nuance becomes homogenised and those not consulted presume that they are being represented when this is not the case.

In March 2026, Defra launched a Call for Information, gathering evidence from businesses and other interested parties on the implications of divergence, dynamic alignment and other changes in the proposed UK-EU SPS agreement.[22] This exercise was not a formal consultation, and Defra acknowledges concerns from respondents that the absence of detail regarding the Agreement's scope, timetable and sector-specific issues limited the ability to fully answer certain questions (p5).[23] Defra have stated that the evidence gathered in the Call will inform future engagement and communication activity as implementation arrangements develop.[24]

Future negotiations present the Government with an opportunity to redefine the approach to stakeholder engagement. Coordinated with the devolved governments, these structures would enable substantive contributions that inform the negotiating and legislative processes. A cross-departmental guide, the Teal Book, provides guidance on project delivery in government, and includes a dedicated chapter on stakeholder engagement that identifies the importance of systemic approaches, active management, openness, consistency and the need to build confidence and trust.[25]

Successful stakeholder engagement and consultation can inform and improve how decisions are made, identify potential risks, address concerns from business, encourage innovation and build mutual trust between the private sector and regulatory policymakers.[26] Well-planned engagement allows users of trade arrangements to become familiar with new requirements and prepare or adapt operational processes in a timely manner before entry into force.[27] Nurturing relationships between policymakers and stakeholders builds political legitimacy of new trade arrangements, creates a collaborative environment and improves compliance.[28] There is important

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[18] Ibid.

[19] Trade Advisory Groups, gov.uk: https://www.gov.uk/government/publications/trade-advisory- groups-tags/trade-advisory-groups-membership#structure

[20] Ibid.

[21] Please see our previous analysis and recommendations: Anil et al, UK Trade Policy:
An Independent Review, CITP/UKTPO/Frontier Economics, November 2025, p. 72: https://citp.ac.uk/uktpr/uk-trade-policy-independent-review

[22] UK-EU SPS Agreement – Call for Information: https://consult.defra.gov.uk/eudp-evidence-and-analysis/uk-eu-sps-agreement-call-for-information/

[23] UK-EU Sanitary and Phytosanitary (SPS) Agreement Call for Information Findings: https://consult.defra.gov.uk/eudp-evidence-and-analysis/uk-eu-sps-agreement-call-for-information/results/uk-euspsagreement-callforinformationsummaryoffindings.pdf

[24] UK-EU SPS Agreement – Call for Information: https://consult.defra.gov.uk/eudp-evidence-and-analysis/uk-eu-sps-agreement-call-for-information/

[25] The Teal Book: Part E Chapter 26: Stakeholder engagement, HM Government: https://projectdelivery.gov.uk/teal-book/home/part-e-planning-and-control/chapter-26-stakeholder-engagement/#section-8

[26] WTO Stakeholder Engagement: https://www.wto.org/english/tratop_e/ts4d_e/services_grps_ch2.07.pdf

[27] UNCTAD Getting Down To Business: Making the Most of the WTO Trade Facilitation Agreement – Chapter 2:
https://unctad.org/system/files/non-official-document/wto-technical-note_ch02a02-01_en.pdf

[28] The importance of stakeholder engagement and consultation is formalised in the WTO Trade Facilitation Agreement, notably. Article 2, 1.1 states:
'Each Member shall, to the extent practicable and in a manner consistent with its domestic law and legal system, provide opportunities and an appropriate time period to traders and other interested parties to comment on the proposed introduction or amendment of laws and regulations of general application related to the movement, release, and clearance of goods, including goods in transit.'
Additionally, Article 2 also establishes requirements for publication of new or amended laws relating to the movement of goods as early as possible before entry into force to enable parties to become familiar with their requirements. Regular

insight to be gained from the approach of the UK's international partners. In the words of a former Australian High Commissioner, 'The industry was not around the negotiating table, but it was in the room next door.'[29]

Beware of governance overcomplexity. Much can be achieved by better resourcing, better coordination and streamlining existing structures.

Much of the challenge of effective implementation of the Windsor Framework results from its complexity. This complexity stems from both its content and its institutional structure. The Windsor Framework creates a 'green' and 'red' lane to facilitate the sale of non-EU goods from Great Britain to Northern Ireland.[30] The green lane reduces border checks for specific goods and categories of firms deemed 'not at risk' of moving on to the Republic of Ireland. In order to move goods through the green lane, firms are registered as internal traders. Goods within the red lane are still subject to the same border checks.

The complexity of implementation has undermined the aim of facilitating trade.[31] Accessing the green lane requires businesses to supply extensive documentation on their supply chains, a cost and legal burden that many exporters find not worth bearing. Traders moving agri-food products from Great Britain can elect to join the Northern Ireland Retail Movement Scheme (NIRMS) that allows green lane access for clearance of pre-packed goods that are not at risk of entering the EU Single Market. However, NIRMS necessitates extensive additional operational processes, including specific labelling requirements, completion of a general movement certificate and detailed packing lists.[32] Mixed 'groupage' loads are common, but mean that if even one pallet on a lorry is bound for Dublin, the whole load often faces red lane enforcement, so hauliers frequently default entire vehicles to red lane customs processes to avoid the hassle of splitting routes.[33] Groupage movements are further complicated if loads include NIRMS and non-NIRMS consignments that then require the application of two different SPS compliance regimes, further diluting trade facilitation.[34] The impact of border processes for goods moving to and through Northern Ireland has been highlighted by industry. Notably, Marks and Spencer, with 39 stores on the island of Ireland, released a statement detailing the significant additional paperwork requirements and delays incurred for lorries moving from Scotland to the Republic of Ireland through Belfast. The company acknowledges that the Windsor Framework has eased movements but 'it has come with huge costs and complexity'.[35]

Also, tracking end destination can be complex, such that companies use the red lane to ensure baseline legal compliance. The government is now examining how to further streamline compliance.[36]

Institutionally, the Northern Ireland Scrutiny Committee counted some 30 bodies with an input into Windsor Framework governance and concluded that this labyrinthine complexity of structure is impossible for stakeholders to navigate (Chapter 2). The practical impact is that it is unclear where business can take their

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consultations should also take place between traders, other stakeholders and border agencies. UNCTAD Getting Down To Business: Making the Most of the WTO Trade Facilitation Agreement – Chapter 2: https://unctad.org/system/files/non-official-document/wto-technical-note_ch02a02-01_en.pdf

[29] Efra Committee - Australia FTA: Food and Agriculture: https://publications.parliament.uk/pa/cm5803/cmselect/cmenvfru/23/report.html

[30] The Windsor Framework: A New Way Forward, HM Government Command Paper, February 2023: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1138989/The_Windsor_Framework_a_new_way_forward.pdf

[31] Zhao, X and Gasiorek, M (2023) Introduction to the Windsor Framework, CITP Briefing Paper 5: https://citp.ac.uk/publications/introduction-to-the-windsor-framework

[32] Northern Ireland Retail Movement Scheme (NIRMS): How to move goods, gov.uk: https://www.gov.uk/guidance/northern-ireland-retail-movement-scheme-nirms-how-to-move-goods

[33] 'If the grouped load contains a mix of NIRMS compliant goods and consignments which are not eligible for the NIRMS, the lorry as a whole cannot benefit from all the facilitations under the NIRMS.' Northern Ireland Retail Movement Scheme: groupage and mixed load consignments, gov.uk: https://www.gov.uk/guidance/northern-ireland-retail-movement-scheme-groupage-and-mixed-load-consignments

[34] Northern Ireland Retail Movement Scheme: groupage and mixed load consignments: https://www.gov.uk/guidance/northern-ireland-retail-movement-scheme-groupage-and-mixed-load-consignments

[35] It's time to end the Brexit Bureaucracy, Marks and Spencer: https://corporate.marksandspencer.com/newsroom/blog/its-time-end-brexit-bureaucracy

[36] What is the Windsor Framework? A guide for haulage and logistics, Haulage Exchange (updated 27 May 2026): https://haulageexchange.co.uk/blog/what-is-the-windsor-framework/

problems. The Committee urged the Government to consider urgently whether the number of bodies could be reduced, and their functions clarified (paras 78–81).

Both of these concerns apply to the UK-EU reset. Some exports will need to fall under mechanisms analogous to the red/green lane requirements to ensure that customs, VAT, duty, biosecurity arrangements and management of goods that may leak on to the single market can be facilitated. Separating the treatment of these goods from those which are subject to border checks will not be straightforward. Defining which goods fall under relevant regulation will be an important role for government. Moving the burden from particular shipments to particular hauliers is a practical way of addressing compliance concerns and ensuring that the intended goods can still benefit from frictionless trade. An authorised/trusted operator scheme would accredit logistics firms with proven compliance systems and allow access to streamlined processes, potentially reducing checks, delays, costs to traders and improving supply chain resilience through increased reliability. Such a scheme would require safeguarding with robust audits and standards to reduce risks from fraud or abuse and ensure biosecurity compliance. Initial support may be required for SMEs to overcome initial high-cost barriers to approval. Additional process simplification could be achieved through the implementation of a single trade window approach for data entry and sharing for customs, border and SPS purposes through a unified platform. Businesses report a lack of confidence in the Trader Support Scheme provided by the UK Government to facilitate movement of goods from GB to Northern Ireland.[37]

Institutionally, the UK must also strike a balance between developing new structures and using existing ones. For example, the expected dynamic alignment agreements cover regulatory areas that fall into the competence of devolved nations, and will affect devolved nations differently. An Interministerial Group on UK-EU relations and various Common Frameworks exists, which brings together UK nations to discuss regulation that falls under the proposed UK-EU reset areas. However, many frameworks remain incomplete and underused, and there is no information in the public domain regarding how they might be used to support or discuss implementation of EU regulation. The priority should be to repurpose and resource those structures, rather than add new ones.

Reducing the role of Parliament and devolved nations to rubber-stamping is a political risk

Before a new EU law applies in Northern Ireland, the Northern Ireland Assembly must pass an 'applicability motion'. Regardless of the outcome, the UK Government may still agree to the law applying in Northern Ireland if it considers that there are exceptional circumstances or the law does not create a regulatory border between Great Britain and Northern Ireland.[38] With respect to modification of existing legislation, adoption can be blocked if a cross-party group in the Northern Ireland Assembly agrees to apply the 'Stormont Brake', which triggers the need for an applicability motion.

This provides scope for parliamentary oversight over dynamic alignment. Despite this, Lord Murphy identified a 'democratic deficit' as central to the post-Brexit settlement. Mechanisms that existed on paper were sometimes hollow in practice. Unionist doubts about the Stormont Brake and the applicability motion were exacerbated by the Secretary of State's January 2025 rejection of the Brake's first use. The government overrode a failed applicability motion, and added other EU acts to the annexes without using the procedure at all, which the Northern Ireland Scrutiny Committee concluded damaged trust (para 340). It also noted that the Brake raised expectations that, for some, were not met, with the potential for political instability (para 259).

Great Britain is starting from a weaker position regarding parliamentary scrutiny. Under the 2010 Constitutional Reform and Governance Act, Parliament can only delay ratification of a treaty, not amend or reject it. EU-UK Joint Committee decisions that will implement dynamic alignment fall outside the scope of the Act. If alignment decisions are implemented through secondary legislation, they cannot be amended and are rarely debated. [39]

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[37] Northern Ireland Scrutiny Committee, Northern Ireland after Brexit: Strengthening Northern Ireland's voice in the context of the Windsor Framework, 15 October 2025: https://publications.parliament.uk/pa/ld5901/ldselect/ldnisc/182/182.pdf

[38] NI Assembly, explainer: Applicability Motions: https://www.niassembly.gov.uk/assembly-business/brexit-and-beyond/the-windsor-framework/applicability-motions/

[39] See also, Secondary legislation, UK Parliament: https://www.parliament.uk/about/how/laws/delegated/

The Sewel Convention, which requires consent for legislation from the devolved legislatures, does not apply to secondary legislation.[40]

There is thus no role for Parliament in ongoing decisions on whether to dynamically align with EU legislation. Approval motions for Joint Committee decisions, modelled on the Northern Ireland applicability motion, are a useful starting point. The Scottish Continuity Act 2021 offers another domestic precedent: it sets criteria for alignment and requires Scottish Ministers to report annually to Parliament on how they have used their powers. Specific legislative criteria can help to distinguish routine technical updates from significant ones, but a test applied by ministers alone risks being meaningless.

The stakes extend beyond procedure. Decisions perceived as dictated by Brussels may keep the legitimacy of Brexit itself in dispute, whereas robust scrutiny gives government a credible account of how new agreements differ from EU membership. As Lord Murphy observes, imposition never works.

Conclusion

Whatever the UK decides on for the domestic governance of its new UK-EU dynamic alignment agreements will set the precedent and provide the template for any future, deeper cooperation. Having only certain areas – food law and the Emissions Trading Scheme – inside the EU Single Market is a new situation for the UK Government, very different from both EU membership and also its post-Brexit EU relationship as governed by the TCA. The TCA didn't provide for much regulatory alignment, and certainly no dynamic updating of UK regulation to match that of the EU.

While the treaty agreements themselves will partially set out how dynamic alignment is managed, the UK Government retains flexibility in how stakeholders are informed and consulted, how devolved nations cooperate together, and how it resources and implements Parliamentary scrutiny and business support. While the challenges of dynamic alignment post-Brexit are new to the UK as a whole, they are not completely exotic: Northern Ireland has an established track record of dynamic EU alignment. Many of the same challenges it has faced will now face the UK as a whole. The UK Government has taken on board the need to respond to recommendations about how to address the challenges that have arisen in Northern Ireland. It can save considerable time and effort by applying these lessons forward to the UK as a whole.

We therefore recommend:

Tracking and information

- The UK Government should provide an "all-in-one" service, already promised for Windsor Framework businesses, that tracks and updates the EU legislation applying under the UK-EU reset agreements, distinguishing minor updates from those with significant business impact.
- The Government should strengthen its presence and engagement in Brussels, including seconding more civil servants, so that legislative changes are anticipated earlier, and enabling the UK to exert influence at an earlier stage.
- Parliament and the devolved nations should receive European Commission policy proposals, proposed Joint Committee decisions and the implementing instruments in advance, so that scrutiny relies on timely information.

Parliamentary scrutiny

- Restore a House of Commons European Scrutiny Committee and/or establish a joint Commons-Lords sifting committee for the statutory instruments implementing alignment decisions, since existing select committees cannot absorb the workload.
- Introduce approval motions for Joint Committee decisions, modelled on the Northern Ireland applicability motion, so that Parliament and the devolved nations have a say in alignment decisions.

[40] Torrance, D., The Sewel Convention and legislative consent, House of Commons Library, August 2025: https://commonslibrary.parliament.uk/research-briefings/cbp-8883/

- Set specific legislative criteria to distinguish routine technical updates from significant ones and require ministers to report to Parliament annually on how they have used their powers, following the precedent of the Scottish Continuity Act 2021. A test applied by ministers alone risks being meaningless.

Stakeholder engagement

- Establish formal, accessible and transparent consultation structures that allow two-way input into negotiations and legislation, with clear points of contact and clear routes for individual businesses and organisations to take part.
- Strengthen the role of existing mechanisms, such as the TCA Domestic Advisory Group, and ensure SMEs receive plain-English guidance and accessible advice.

Customs and border processes

- Introduce an authorised/trusted operator scheme for hauliers, with robust audits and standards to guard against fraud and ensure biosecurity compliance, accompanied by initial support for SMEs to overcome high-cost barriers to approval.
- Implement a single trade window for customs, border and SPS data through a unified platform to reduce compliance burdens.
- Define clearly which goods fall under the relevant regulation, so that goods subject to checks can be separated from those that benefit from frictionless trade.

Governance structures

- Prioritise repurposing and resourcing existing structures, such as the Interministerial Group on UK-EU relations and the Common Frameworks, and clarify their roles in implementing and discussing EU regulation.
- Reduce and clarify the number of bodies involved in governance, so that businesses know where to take their problems.

Political legitimacy

- Ensure that robust scrutiny gives the UK Government a credible account of how the new agreements differ from EU membership, avoiding decisions perceived as dictated by Brussels.

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