



Written by [James Murphy](#) on October 1, 2020

## Johnson's "Internal Market Bill" Passes House of Commons; EU Threatens Legal Action

U.K. Prime Minister Boris Johnson's Internal Market Bill — which would allow goods to move freely between the four nations of the United Kingdom — passed the House of Commons on Tuesday. The bill gives the U.K. the power to unilaterally amend certain provisions of the Withdrawal Agreement reached with the European Union as it relates to trade within the U.K.

According to the [Internal Market Bill](#), any provisions of the Brexit deal which might contradict the new law would "cease to be recognized and available in domestic law."



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The bill passed with wide Conservative (Tory) assent, although former Prime Minister Theresa May chose not to vote. The entire Labour Party, as well as the Independents, voted against the bill. The bill next goes to the House of Lords, which may be a tougher road, since the Tories do not hold a majority there. Should it pass there, it need only be given Royal assent before it becomes law.

Prime Minister Johnson has argued that the EU has not been negotiating in good faith during the post-Brexit transition phase and claims that the EU is attempting to "carve up the country" by creating hard borders between Northern Ireland, which is part of the U.K., and the Republic of Ireland, which will remain in the EU.

Ireland and Northern Ireland wish to retain the "soft border" that currently exists between the two countries as part of the Good Friday Agreement. In order to maintain that border, the EU insists that its laws govern trade between the rest of the U.K. and Northern Ireland.

As it currently stands, goods coming from Northern Ireland have unfettered access across the U.K. but the reverse might not be true. The new Internal Market Bill may cause the EU to create a "hard" border between Ireland and Northern Ireland in order to levy tariffs and do customs checks.

Johnson claims that the current Withdrawal Agreement gives the EU power over key portions of U.K. law and essentially nullifies the entire purpose of Brexit, which was for the U.K. to be a self-governing nation again.

During the debate in the House of Commons, Secretary for Business, Energy, and Industrial Strategy Amok Sharma said, "Our approach will give businesses the regulatory clarity and certainty they want. It will ensure the cost of doing business in the UK stays as low as possible, and it'll do so without damaging and costly regulatory barriers emerging between the different parts of the UK."

When the bill was originally published on September 9, the EU gave the U.K. government until the end of September to "remove the problematic parts of their internal market bill."

In response to the passing of the bill, the European Union has sent a formal notice that it intends to seek a legal remedy should the bill become U.K. law. The EU insists that the new law would be in direct



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conflict with the Northern Ireland protocol portion of the Withdrawal Agreement, and therefore a violation of international law.

“If adopted as is, it will be in full contradiction to the protocol of Ireland/Northern Ireland,” said European Commission President Ursula von der Leyen in a televised statement.

“Therefore, this morning the Commission has decided to send a letter of formal notice to the UK government. This is the first step in an infringement procedure.”

The letter gives the U.K. one month to reply with its own “observations” regarding the conflict. Besides that, von der Leyen insists that “the Commission will continue to work hard towards a full and timely implementation of the Withdrawal Agreement.” She added that the EU will “stand by our commitments.”

The U.K. government has admitted that the new bill does indeed break international law. Northern Ireland Secretary Brandon Lewis said recently in the House of Commons that the bill “does break international law,” but only in “a very specific and limited way.”

Should the EU not accept the new terms, the Withdrawal Agreement might be nullified, in which case trade between the EU and the U.K. would default to World Trade Organization rules. That could result in higher costs and more trade barriers between the two entities.



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