



HOUSE OF COMMONS  
LONDON SW1A 0AA

Rt. Hon Hilary Benn MP  
The Secretary of State for Northern Ireland  
The Northern Ireland Office  
1 Horse Guards Road  
London

Copied to the Prime Minister, the Rt Hon Sir Keir Starmer KCB KC MP

2 October 2025

Dear Secretary of State,

**Re: The UK Internal Market Scheme and UK Internal Market Guarantee**

I am sure that like me you believe the people of Northern Ireland always deserve to be treated with respect and that it would be very wrong to mislead them whether intentionally or accidentally.

In this context I write to ask you for two reassurances.

In my recent articles for [Parliament News](#) and [Slugger O'Toole](#) I demonstrated why the UK Internal Market System and the UK Internal Market Scheme are profoundly misleading terms, used to imply that goods movements made through them are internal market movements that negate, to their extent, the Irish Sea border, when they do no such thing. Far from facilitating internal market movements which are, by definition, unfettered by an international trade border (as is the case for goods movements between England, Wales and Scotland), these movements can only be made with:

- i) an export number,
- ii) custom paperwork that is compliant with *'Commission Delegated Regulation (EU) 2023/1128 of 24 March 2023 amending Delegated Regulation (EU) 2015/2446 to provide for simplified customs formalities for trusted traders and for sending parcels into Northern Ireland from another part of the United Kingdom'* – Crucially, as its title makes plain, this legislation facilitates the *simplification* and not the *termination* of customs formalities when moving goods from GB to NI) because the border remains, and
- iii) international SPS paperwork that is compliant with *'Regulation (EU) 2023/1231 of the European Parliament and of the Council of 14 June 2023 on specific rules relating to the entry into Northern Ireland from other parts of the United Kingdom of certain consignments of retail goods, plants for planting, seed potatoes, machinery and certain vehicles operated for agricultural or forestry purposes, as well as non-commercial movements of certain pet animals into Northern Ireland'*. While the SPS rules in some ways simplify the international SPS requirements, they still must be subject to 100% documentary checks and 10 to 5% identity checks at Border Control Posts, as if entering a

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foreign country. Furthermore, the simplifications are in return for embracing other border frictions that do not exist in an internal market: having to apply to be part of, and maintain membership of, the trusted trader scheme, the requirement for Not for EU labels on many GB SPS goods moving to

NI, and being legally liable in the event that any goods moved on this system enter the Republic of Ireland. These arrangements do not facilitate anything resembling friction free internal market movements but an alternative way of crossing the border with an alternative bundle of trade border frictions.

### **Deploying the Internal Market Guarantee**

In the above context the deployment of the Internal Market Guarantee is deeply misleading. It suggests that if 80% of freight moves across the Irish Sea Border on the basis of the alternative bundle of border frictions, these constitute an internal market movement and to that extent we can imply that the Irish Sea Border has effectively been negated. Nothing could be further from the truth. If 80% of freight moves using the alternative trade border system, this no more gives effect to something that could be honestly called 'an internal market guarantee' than if 80% moved on the red lane.

I appreciate that for some businesses, especially supermarkets where supermarket branded goods are delivered direct to the store, the bundle of border frictions presented by the border experience defined by EU Regulations 2023/1231 and 2023/1128 (the Green Lane) is easier to navigate than the alternative (the Red Lane) and that in this context you may wish to demonstrate that more businesses are using the former than the latter, and ask the Independent Monitoring Panel to verify this. However, to try to pretend that goods movements on the Green Lane are internal market, rather than trade border movements, is to seek to propagate an elaborate deception and thereby disrespect the people of Northern Ireland.

I am keenly aware that you have asked the Independent Monitoring Panel to assess whether your target that 80% of freight movements should be made by the alternative trade border mechanism presented by EU Regulations 2023/1128 and 2023/1231 is being met, and in the delivery of this I am writing to ask you for two reassurances:

First, please do the honourable thing and present the findings in terms of the proportion of freight that negotiates the Irish Sea Border as defined by EU Regulations 2023/1128 and 2023/1231, not on the basis of talk of a 'UK Internal Market System' or an 'Internal Market Guarantee', neither of which is facilitated by EU Regulations 2023/1128 or 2023/1231, nor by the various UK regulations that simply make the alternative defined by the EU Regulations accessible in the UK.

Second, can you confirm that no pressure has been applied, or will be applied, to businesses moving freight to do so on the basis of the alternative bundle of trade border frictions set out in EU Regulations 2023/1128 and 2023/1231. The truth is that while the alternative bundle of border frictions are less demanding in the sense of having shorter customs and international SPS paperwork and avoiding duties where they apply, they are more demanding in that they require people to join and maintain membership of a trusted trader scheme, to provide 'Not for EU' labels in relation to an extensive list of SPS goods and to be legally liable if goods accidentally enter the Republic. While the alternative bundle of border frictions will make the Irish Sea Border less obstructive and costly for many businesses than the standard bundle of border frictions, this will not always be the case and will depend on the specific nature of the business.

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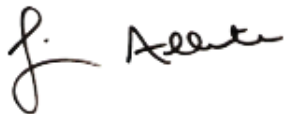
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For so long as the Irish Sea border remains in place, when goods that have the option of crossing the border using the alternative bundle of border frictions, it is vital that businesses are empowered by government and the relevant agencies with the provision of information to help them decide which means of crossing the border works best for them. They must never be pushed or manipulated by the selective provision of information into using the alternative trade border mechanism in order to help validate an 'internal market guarantee' that is actually just an alternative trade border guarantee.

These matters are of huge importance and having set out the concerns publicly in two articles, I am now moving with complete transparency and sending you this as an open letter.

I very much look forward to your response as will many people from different parts of the United Kingdom.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'J. Allister', with a stylized, cursive script.

J H Allister KC  
Member of Parliament for North Antrim