



HOUSE OF COMMONS

# European Scrutiny Committee

## Oral evidence: EU Entry/Exit and the UK Border, HC 169

Wednesday 6 March 2024

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Watch the meeting

Members present: Sir William Cash (Chair); Jon Cruddas; Richard Drax; Mr David Jones; Gavin Robinson and Greg Smith.

Questions 73 - 137

### Witnesses

I: Jesper Christensen, Director of Operations on the Channel, DFDS A/S; Nichola Mallon, Head of Trade & Devolved Policy, Logistics UK; Jack Steer, Director of Port Operations, P&O Ferries.



## Examination of witnesses

Witnesses: Jesper Christensen, Nichola Mallon and Jack Steer.

Q73 **Chair:** On behalf of the Committee, I would like to welcome you and thank you very much for appearing in person to give evidence this afternoon on the European Union's upcoming entry/exit system.

It is great to have DFDS and P&O Ferries so we can better understand the potential impact of the EES on the ferry industry. It is equally important that we have Logistics UK so we can hear about how EES may impact the movement of freight over the Channel and within the UK.

We have held several evidence sessions looking at the entry/exit system. We have heard from travel and coach industry bodies, local authorities in Kent and those working at juxtaposed border controls at Dover, Folkestone and King's Cross. We have heard concerning evidence about the potential disruption and delays that EES could cause for UK and other non-EU nationals when travelling between the UK and the EU, particularly through the tunnel and via the ferry at the Port of Dover.

I hope and very much expect that you will provide the Committee with your insight and concerns about how this system will be likely to operate and any issues it may cause.

Before we start, for those watching at home, could you briefly introduce yourselves?

**Jack Steer:** I am Jack Steer from P&O Ferries. I am port operations director, so I look after all nine of P&O's ports from an operational perspective. The upcoming EES and the challenges that we are going to face into are very close to my heart. Hopefully, we can talk about the solutions for those challenges today.

I would like us to think about the complexities that Dover has from the juxtaposed borders that you have just spoken about and the technological solutions that may or may not be available to us to enable EES to be a solution that is seamless for our customers and the people who work in the port. Today, we have an opportunity to talk about the demarcation between us as operators and the Port of Dover itself, how we are the end product of the customer journey, where EES will kick in and how that will potentially impact throughput in the port.

That just leaves me to say thank you for inviting me today. I am looking forward to the opportunity to talk.

**Nichola Mallon:** My name is Nichola Mallon. I am head of trade and devolved policy at Logistics UK. We have over 20,000 members across the UK, spanning international corporations right through to locally run HGVs. Thank you for the opportunity to come along today to talk about the efficient flow of traffic through borders and the impact of EES, as it currently stands, on our members and UK-EU trade.



## HOUSE OF COMMONS

**Jesper Christensen:** My name is Jesper Christensen. I am the operations director for DFDS on the Channel. I take care of the routes from the UK into France and from France into the Republic of Ireland. Again, thank you for allowing us to be here today to convey some concerns and to talk about the path, which we have been on for some time, that will take us out of this.

Q74 **Chair:** I will ask the first question. To better understand the context in which EES will operate, what is the current health of the ferry and road haulage industry, especially after the Covid-19 pandemic?

**Jack Steer:** I would describe it as a challenging environment. The Covid-19 pandemic had a huge impact on the tourism market in ferries. That is beginning to recover. However, the challenges that we face around the new product that is EES pose further questions around Dover-Calais and the opportunity to make it a route that is easily accessible to everybody and that gives everybody the opportunity to travel seamlessly into Europe.

From a freight perspective, what I want to say as part of the conversation today is that we should not separate the two. I talked about the impact of Covid on the tourist side of our business. Freight continued through the Covid pandemic. It was impacted but nowhere near as largely impacted as the tourist trade.

Dover is in a unique position. The freight market and the tourist market work hand in hand with each other. One does not work without the other. If there is a challenge with one of them, it has an impact on the other. For EES, we need to look at the context of both freight and tourist in one rather than looking at tourist or freight as individual pieces.

**Nichola Mallon:** I would agree with Jack. Our members are operating within a very challenging environment, many under very tight profit margins. It is a very resilient sector, but it has had to absorb and adjust to a lot of challenges: the changes in the post-Brexit trading environment; Covid, as you rightly mentioned; energy price shocks; the war in Ukraine; supply chain difficulties; inflation; and the ongoing situation in the Red Sea, with the diversion of trade and additional costs being faced by shippers and so forth.

It is a very challenging environment, but the short straits are a critical route. This is a critical EU-UK supply chain. It is very heavily used by our members. We want to do everything we can to ensure that solutions are put in place to reduce as much as possible the time it takes for processing passengers because it has a knock-on impact on freight through the juxtaposed borders.

**Jesper Christensen:** Just to echo what they are saying, Covid had quite a hefty impact on our passenger traffic. It was almost non-existent. Freight continued, but there were certain factories that were shut during Covid, so there was less freight. That has come up again. When we talk



## HOUSE OF COMMONS

about freight, Brexit has had a bigger impact. For some customers it is just not viable any more. It has been very challenging to get to the old levels of freight traffic.

The tourist traffic is returning. We would still like to see more and get back to the old pre-Covid days, but it is returning. It is based on the fact that it is an efficient way to get into Europe, if you want to take your car, and that it stays efficient. If we implement the EES as per some of the suggestions of how the system would work, it will severely impact the last bit of the recovery and maybe even cause us to take a step back on the tourist side.

**Q75 Chair:** If I could come back to the last bit that you mentioned, on returning to pre-Covid levels, what is your prediction in terms of numbers? Are we going to get back to pre-Covid numbers in the next few years?

**Nichola Mallon:** We would hope so. We have seen, post Brexit, that there has been a dip in terms of exporting, particularly among smaller companies to the EU.

As a sector, we are very mindful of the border target operating model, the three stages of which go live this year. That will introduce new import controls on EU SPS goods. In October, at the same time as EES is to come in, we will have safety and security checks and controls on EU and rest of world imports. From our members' perspective, they are in an environment of quite considerable change. There is a cumulative impact of change, particularly on our smaller members, who do not always have the resource to make sure they are fully informed and adapt.

Yes, certainly there are challenges, but the short straits, as the name indicates, are a key route. It is highly efficient for our members, particularly for just-in-time supply chains. There is a high level of frequency. That is demonstrated by the numbers. If we look at the Channel Tunnel, about 1.6 million trucks go through the Channel Tunnel every year. About 2.4 million trucks go through the Port of Dover. That is up to 10,000 HGVs per day in Dover. It is a key route for the haulage industry. It is a key route for just-in-time supply chains and automotive parts, which need to get across to EU assembly lines in critical timeframes.

**Jack Steer:** As Jesper said, we are not there yet. The ambition is that we will get there and we will continue to thrive. I look at EES as the next big hurdle that we face. One of the questions I would pose is, "What does the solution look like? How do we get to a point where EES becomes part of a seamless journey?"

One of the things that would support all of us, including what Nichola just said about her members, is upstreaming the process of EES as much as possible. In its current form, we are unable to do that. The Port of Dover is unable to do that. However, we could use an app or another



technological solution to do the tests that these passengers will need to undertake outside of the port and away from the port. In effect, they could do it in their own time, in the same way we would apply for a passport today. What technological solutions can we find to remove this from what I believe is a unique situation?

We need to think about Dover, the way that it is set up and the environment that you are going into. If you go on holiday with your family—let us assume that you are a family of four and you are going to an airport—EES becomes quite a simplistic thing. You are in a sanitised environment. You are walking up to a hardwired piece of technology that you put your fingers on to do your fingerprinting. It is there. The lighting is correct. The environment is correct. You are queued up as individuals. When you have your photograph taken and there are the other pieces of technology that do the other elements of the testing, it is all done in that sanitised environment.

Imagine yourself in a port environment with juxtaposed borders. You, your good lady or husband, whoever that might be, and your children are in the car. You have to do that in an environment where it could be raining or windy. You will have to roll the windows down. With the current technology, you have to have your hand on the fingerprint reader perfectly correctly so that it reads. All of that potentially adds time and difficulty in what I describe as the unique environment of the Port of Dover.

**Q76** **Greg Smith:** My questions are very much on those practical points. We heard from the port at previous sessions about how they plan to implement EES. Further to what you were just saying, Jack, what is your interpretation of how Dover is going to implement the necessary EES facilities? Has that evolved over time? Has it remained pretty much, “This is it; this is how it is going to end up”? How many Schengen border guards are going to be required to oversee it?

**Jack Steer:** Mr Smith, those are some fantastic questions. First of all, thank you very much. There are other people who are probably better placed to answer them, but I can give you my view. I can tell you what I believe.

Regarding your question on Dover Harbour Board, DHB, the solutions have been constantly evolving. We are not sitting here today with a definitive, “This is what the end product will be”. That is why I would suggest that we need more time. We need more time as a collective, not just Dover Harbour Board but us as operators, Kent and the wider community. I would include yourselves in that. I would include the EU and the French Government. We all need to be talking about whether October is really the right time for us to go live with a product that is still evolving.

I have just talked about the fact that there are technological solutions that would ease this pressure. Would we be able to get those ready? I am



## HOUSE OF COMMONS

saying “we” as a collective. I am not talking about us as an individual company. Would we be able to get those solutions ready in order to have a smooth transition of tourist and freight customers through the port?

If I consider where we are in this chain, let me describe it for you. Imagine that you go into Dover today. Let us talk about a tourist customer or a freight customer coming into Dover. You first come to the French border police. You will hand over your passport and you will go through those checks. You then go to UK Border Force. You then potentially go through a security check, if you are chosen to be one of those checks. Right at the end of this chain, you come to DFDS or P&O Ferries. We then board you on to your ship.

EES adds in a layer before all that. Before you get to that first touchpoint, which today is having your passport checked—think back to my car of four—you now have to do the fingerprinting, the biometric testing, et cetera. We are talking about that being done, in effect, on a tablet like the ones that are in front of some of you sitting here today, whether that is an iPad or whatever it might be.

Therefore, you are going to layer on consistently added time and throughput going through the port. Again, I am talking about a tourist passenger, but the same principle applies to freight. If you can keep the port as it is today, with the checks as they are today, if you push this back upstream and away from the port, in the same way as I have just talked about when you have a passport issued, you will remove that extension of time in the port.

**Q77 Greg Smith:** What about the border guards?

**Jack Steer:** That is a great question. I do not know at this point. I am not in a position to say, “We need X number of border guards”. It is driven by the time of day, the time of year and the season.

There are peak times where this will become challenging. If we were to take a normal day of the week where there is not a lot of traffic, you can have fewer border guards, whether that is the UK Border Force or the French PAF. The reality is that when it is in peak you have to have everybody in the port that you possibly can. There is a finite number of booths that they can use, and we would expect all of those to be used.

**Q78 Greg Smith:** Just before I bring the others in, you mentioned the technological solutions that would make this better. If not October, when? When will those technological solutions be ready? Is this a “How long is a piece of string?” question?

**Jack Steer:** It is a “How long is a piece of string?” question from a point of view of where the technology is today and when those who need to get the technology in place could get it in place.

If I consider us as an operator, we have the training and the technology that we need to have in place. That is why it is important to remember



## HOUSE OF COMMONS

the chain that I spoke about. We are at the end. We do not have to get involved with these new tablets, the technology or the biometric testing, et cetera. Those who will be producing the technology would have to give you the answer.

I do not know when it will be. To your phrase, there is an element of, "How long is this piece of string?" However, it is possible. It can be done. I could go home today and do things with fingerprints on my iPhone using the technology that it has today. There is a way to do this. It is how we get there as a collective.

**Jesper Christensen:** If we are talking about the history of it, it was set when they passed a law in the EU about it. We have then spent a lot of time trying to—forgive the word—educate a lot of people about what happens at the border when you are in cars instead of at an airport. That has taken a long time.

A lot of the solutions or ideas that have been thrown out by both us and others have to go back. They usually end up being stranded around the legislation. Does this comply with the legislation? This is why we are so close to the date without a full and final solution.

Technology is the only way forward. When they decided to make the EES, it was a fait accompli. We understood that there would be an extra check. There was nothing we could do about it, so we accepted it. If it is a digital and a simple process, it will not take that much more time and we will still be able to operate in the same way we do today.

The current suggestion, where there is a manual process and quite a large body of people doing pre-registrations outside a PAF booth, is not an efficient way to run such a fast port. When we look at it, the throughput is just not big enough.

The Port of Dover is trying to shoehorn as much infrastructure as it can into the PAF in order to get more border guards. Even with the solution that is presented to us today, it will not be enough for the peak times unless we have some kind of digital upstreaming of the controls. Registration would then not have to take place in front of PAF. We would just rely on PAF to do their normal controls, but everything else would be done upstream.

We have seen elsewhere in the world, as well as in the UK, apps being used very successfully. We have a lot of faith that we could upstream it. This is the way we do it. We have to deal with coaches and things like that. We do not like it when five people have to go in and try to check in a coach. We upstream it. We have an app. It is simple.

If that could work and be ready—that is a big "if", as far as we understand—the EU Commission or a company working under it would supply the software, but each member state would have to phase it in. It could take some time to get it to work. They want to implement it in



## HOUSE OF COMMONS

October, which will be past the summer and the Olympics. We would be looking at half term and Christmas. We would definitely want to have it ready for next year's Easter and summer, if we are to manage those peaks.

It is also important to understand that tourists arrive at peak times. There are certain times such as holidays when a lot of them come at the same time. Freight is a little easier for us in the sense that it comes all the time.

The coaches come with the holidays. There are more times when the coaches come, which means we are more likely to see peaks of coaches than peaks of cars. The solution presented to us for coaches does not have a digital solution. That is the scary part. The coach industry has really risen and come back after Covid. Again, coaches are popular with school groups, both groups from the continent coming into the UK and UK school groups going out, and people going on holidays. It is a good market for us and an evolving market.

**Q79** **Greg Smith:** I appreciate that answer. Nichola, do you have anything to add on your perception of implementation at the Port of Dover? How has it evolved? Are there other challenges?

**Nichola Mallon:** You have a number of unique factors that are colliding. You have the uniqueness of the juxtaposed border. You have the site constraints at the Port of Dover. You also have the fragility of the strategic road network in Kent. I am sure we will touch on this, but Operation Brock is relied upon to try to manage peak passenger traffic. It is freight that bears the brunt of that. The other factor is just-in-time produce, which cannot sit in the back of lorries. The longer it sits in the back of a lorry, the shorter its shelf life. The shorter its shelf life, the lower the value of the produce and the worse the outcome for the UK consumer.

That is why I would echo the comments that have been made about the need to find an upstream digital solution that takes the burden of registration away from the physical border. That will help to ensure the smooth flow of passenger and freight traffic, which I am here to represent.

**Q80** **Greg Smith:** That is helpful. I am mindful of time, so I do not want to go on too much, but I have one last brief question on this. All of you have mentioned upstream digital solutions, but I have yet to see one. When and where is this mythical upstream digital solution actually going to come from? Is it even in development? Is somebody developing it? Is someone—good for them—going to make a lot of money out of it? Where is it? Everyone is saying that it is the answer, but there does not seem to be one.

**Nichola Mallon:** My understanding is that there is an app under development on the European Union side. There is a foundational layer to





## HOUSE OF COMMONS

that, which has been developed by the European Commission. Member states have to tailor it for their needs.

There has been a delay on that. There is an anticipated implementation date around summer of 2025, but I have not seen the specification of that. I have not seen how much of the burden of registration it will be able to facilitate. Between us I am sure we can get you some further information on that and get that to the Committee.

**Greg Smith:** That would be helpful.

Q81 **Mr Jones:** I have a very brief question on the issue of upstreaming the provision of details. As I understand it, the provision of biometric details has to be done at the border in the presence of an EU border official. Has anyone ever suggested—you might know, Jesper—to the European Commission that this could be done in a number of central locations well away from the port?

For example, you could have booths where EU border officials were based. They could supervise the provision of those details there. What is the magic about it having to be produced at the border? Has anyone ever explained that?

**Jesper Christensen:** It is a good question. Yes, we have spoken to them about where it has to take place. One thing we have to remember is that this is juxtaposed. This is French border guards who are inside the UK. We cannot have them travelling around all sorts of places. I do not want to speak for PAF, but I understand that they are also not interested in sitting in all these locations. That was a solution.

We could also rely a little on some of our customers going to an airport and registering before they show up. That would help us a little bit. This would be for the ones who travel. That could be a way to have an upstream and take it offline. If you are saying, “The way to do it is to get two big car parks and bring people there”, it does not really take away the time it takes for the customer to get from A to B.

Q82 **Mr Jones:** That is why I am wondering why this whole process cannot be done several days or weeks beforehand at some location in central London, Liverpool or Manchester.

**Jesper Christensen:** There was a suggestion that people should be able to go and register in advance. If you want a passport or something else, you do it in advance. When we say it is an upstream digital solution, it does not have to be an app. It just means moving that control or registration away from PAF and having normal traffic that does not have to go through this process.

Q83 **Mr Jones:** Is your industry lobbying for such a solution to the European Commission?



## HOUSE OF COMMONS

**Jesper Christensen:** Yes. Together with Port of Dover, DFDS is lobbying for it and has been talking with the EU. We are trying to push forward the development of this app.

Q84 **Mr Jones:** That would completely get rid of the problem.

**Jesper Christensen:** That is our hope. If we could get it to work to the standard that we would like, yes, it would alleviate most of the problems we are talking about.

**Chair:** With all this whizzing technology, it does seem astonishing that there is not a well-known system already in operation. We are not the only country in the world affected by this. There are borders with seas. It is not an unusual situation to have to go to an island nation. I cannot understand at the moment why somebody has not come up with a really good system.

Q85 **Jon Cruddas:** Notwithstanding all this going upstream with what is currently proposed, I want to ask about the consequences of what is currently proposed in terms of freight and passengers through Dover to the EU. There is a lot of speculation. As it currently stands, what are we looking at?

**Jack Steer:** Thank you for the question. It is fair to say that we are all nervous about the impact of EES. The solution, as it stands today, will mean having a large number of people in effect managing these devices in the port to enable the throughput. As we have already spoken about, the evolving nature of what the solution looks like makes it problematic.

My nervousness is that we are talking about seven months between now and potentially going live. That is another reason why we have to apply some pressure around looking for an extension to that. The unique circumstance that we have in regard to Dover and the throughput, whether of freight or tourist traffic—it is those peak moments in time from a tourist passenger point of view, whether it is half-term or school holidays, et cetera—might cause us challenges in the future.

Q86 **Jon Cruddas:** You must have gamed this out, though, in terms of the specific likelihoods of what you are facing.

**Jack Steer:** Yes.

Q87 **Jon Cruddas:** We have all seen the 14 or 15-hour queues. That is the summer. This is being introduced later. I know you are nervous. Can you add a bit of colour to what we might be witnessing down the road?

**Jack Steer:** You have seen the report that Dover Harbour Board has produced. It has independently mapped out what the potential issue could look like in the Port of Dover. We are all aware of what it could look like in those peak times.

We need to be really clear. That is not going to be all the time. That will be in those peak moments. Jesper is quite right to highlight things like



## HOUSE OF COMMONS

coaches. Going back to my example, the challenge posed by a car with a family of four in it will add to that peak time delay. In a coach, 75 people are going to have to do that in that environment.

Sitting here today, I do not know exactly what that impact is going to look like on any given day. What I can say is that everybody who is involved will do their best to make sure that we are ready in whatever form we need to be ready.

Today, we are looking for support, in effect. As we were asked to, we are looking to share what our feelings are and what we believe the challenge might be, but we also want to look at the solutions. We have had a lot of conversation today about potential upstreaming, digital and all those kinds of things. The challenge that we really face when we start to talk about those digital solutions is the legislation that sits behind this. Currently, the legislation is telling us that it has to be done in front of the border police. Therefore, we need a legislative change at the Port of Dover. That may be different from other areas, but, for the reasons I have already given, it is important to seek your support in trying to get to a point where we can have that legislative change.

**Q88 Jon Cruddas:** Nichola, can I press you on this as well? As it stands now, what are we looking at, notwithstanding the desire to get upstream and the technological remedies that might be on hand?

**Nichola Mallon:** If EES were introduced tomorrow as is, it would have a big impact on passenger traffic and queues, particularly at peak times. That would have a significant knock-on impact on freight. We also anticipate that the impact will be relatively persistent. At the start there will be significant disruption, but, given people's holiday patterns, you may find that the need for re-registration means there is a continual high level of registration at peak times. The impact on freight will be significant.

I do not want to go into the area of conjecture, but it is fair to say that we have concerns about impacts on imports and exports. I have made the point around just-in-time produce and those supply chains in particular. If there are delays, that means reduced shelf life and reduced value. There is the increase in the potential for waste, none of which is good for the trader, the haulier or UK consumers going into their local supermarket.

I have also referenced the combination of the border target operating model and the EES. As people adjust to the new import controls, that is likely to have an impact on the level of imports, as businesses try to adjust to that. It is fair to consider that as a factor in the mix.

Our big concern is around traffic. As I have said, the strategic road network in Kent is vulnerable. Freight picks up the burden of that. Freight is also the face of that. Operation Brock causes considerable disruption to



## HOUSE OF COMMONS

communities and businesses in Kent. Through no fault of its own, freight is the face of that and is severely impacted by it.

I would also talk about driver welfare issues. That is a long-standing issue. We need to have more and better driver welfare facilities. We would be concerned that it could make this whole route more unattractive for both UK and EU hauliers if there is significant disruption and delay. We know drivers are already battling with the issue of clandestine entrants in the back of vehicles. There are a lot of issues that drivers are having to grapple with. If we were to put EES in its current form on top of that, when we are having so much friction at the border, it would have quite significant consequences.

**Q89 Jon Cruddas:** That is very clear, specifically on the freight question. Jesper, can I ask you specifically about ferries? All the assumptions are that passenger movements are going to increase as this is introduced. It is not just a static picture. There is a dynamic of increasing passenger numbers. What is the likely impact on ferries?

**Jesper Christensen:** If I can just go back a little bit, we have plans to deal with congestion as it is today, but once tourist traffic builds out of the port, that does become a concern for us. There is a system today for freight drivers, which is Operation Brock, as you mentioned. You cannot find anybody who really likes it. It is something that works. We have had it for many years. It is the only way that we can deal with it at the moment.

Tourist traffic is a different animal altogether, if that starts building out of the port. This is where our concern really is. We are talking about their welfare and it congests the roads, to the extent that it blocks the roads. It very quickly becomes a big issue.

We have seen this before. When there is disruption to border controls for whatever reason, it builds up quite big queues in front of the controls. At some point, the ferries have to leave without any traffic because we also want to bring traffic in. The circle keeps going around and around. At times, we have had quite a lot of traffic sitting waiting, but we have to leave in order to pick up incoming traffic to service the whole supply chain. That is not efficient for us at all. Once those customers pass through, we need to find space for them and keep them moving.

In most cases, the issue is not about our checking or carrying capabilities because we do not overbook our vessels. We only book to the capacity we have. It is not like we have a lot of cars or freight that we do not know what to do with. It is more a matter of whether we can get them through the controls and our check-in in a timely fashion so we can also move them in a timely fashion.

**Q90 Chair:** Just before David Jones comes in, you mentioned legislation. Have you been making representations to the European Union about this?



## HOUSE OF COMMONS

**Jack Steer:** Yes. As Jesper said, we have all been involved in the conversations, both in Lille and further up the chain. The reality is that that is a roadblock for us, pardon the pun, given what we are talking about today.

If the legislation will only allow this to happen in the Port of Dover, any of the digital solutions that we have talked about will not come to pass. However, there is conversation already about an app potentially coming at some point in the future. Therefore, the legislation would have to change in regards to that at that point anyway. Why could we not do that sooner? Why can we not have a change to that legislation that enables the app to be the answer to what we are talking about? Could we do that sooner? Could we have a change to the legislation that will enable the app to be the answer to what we are talking about? At the moment, it is restrictive for us.

Q91 **Chair:** Heaven forbid that they would not move fast enough, but is there any sense that they are not that concerned about this?

**Jack Steer:** Open conversations are being had across many different forums around exactly this subject. It is about how we find the solution to that. What is going to work for everybody to enable the free flow of traffic that we have talked about today?

Q92 **Chair:** Is our Department for Transport, any other Government agency or another body having discussions with the EU about this? You are expressing considerable urgency. You are concerned about the timetable. As far as I can make out, you are saying that you cannot really see how you are going to get all this done in November. If there is urgency, why are there no urgent solutions?

**Jack Steer:** That is a question that would have to be posed to others. My view on it is that October is too soon. That is my personal view as we sit here today. We have already talked about the evolving conversations and the evolving solutions that may or may not come into place in the Port of Dover. I genuinely believe October 2024 is too early for us to put EES in as a product, as it stands today, for all the reasons that all of us have spoken about earlier.

I will put a date and a number on it, rather than trying to give a definitive answer. If we were able to move it back a year, continue all of those conversations and work collectively to find the correct solution for EES, that would be beneficial to everybody. It would also be beneficial, for all the reasons Nichola has talked about, to UK plc as well. This is not a Dover-centric problem. This is something that will have tentacles and will spread through the UK from a financial point of view.

Q93 **Chair:** Are you suggesting—it seems implicit in what you have said—that somebody has said there ought to be a year's delay or something of that kind? What is the reaction?

**Jack Steer:** That is what I am saying. That is what I am asking for.



Q94 **Chair:** You are a witness before this Committee. You have authority in the sense that you are well aware of the problems. I would like to know whether Nichola and Jesper disagree with you, for example. Are you all agreed that it would be better if we delayed it for a year?

**Nichola Mallon:** For this to work, given the unique factors around the juxtaposed borders, we need to make sure that implementation has a timeline that ensures that a workable solution for the short straits can be found. If we do not, there will be significant delay and disruption.

Logistics UK has been supporting the Port of Dover in its engagement with French and EU counterparts. We have also been raising this issue with the Department for Transport. We have frequent standing meetings with DfT and the Cabinet Office.

In a written response on 14 February, Baroness Neville-Rolfe confirmed that the Government, through the Home Office, are engaging and working hard with their French and EU counterparts to try to get that digital bespoke solution and to have the flexibilities that we need for both UK and EU trade.

**Chair:** Point taken. We will make sure a letter goes to the appropriate people and see whether we can put a bit of pressure on them—more than a bit, because it sounds like a serious problem.

Q95 **Mr Jones:** Nichola, just on that last point, it strikes me that these proposals are as much of a headache to the French authorities as they are to the British authorities. Are they expressing concern?

**Nichola Mallon:** Yes. It is a symbiotic relationship, is it not? The outbound flow of freight needs to get across to offload and to pick up loads that need to be delivered back, to state the obvious, on UK shelves. With EES and the juxtaposed borders, the disruption will be particularly acute on UK soil and in areas where we have site constraints. There is that additionality.

There is also the issue of drivers who are EU nationals, who will not be subject to EES and so forth. Of course, they are going to get caught up in the traffic as they are segregated through Operation Brock. At this point in time, that seems to be the way of mitigating the traffic disruption, which none of us would agree is really sufficient.

Q96 **Mr Jones:** Jack and Jesper, do you have concerns about the welfare of holidaymakers as a consequence of the implementation of these proposals? Are there any particular groups you are concerned about? What are you and your partners doing to mitigate the impact on these groups?

**Jack Steer:** In regards to welfare for all of our passengers, freight and tourists, we are always concerned if there are delays going through the port. Brock is the perfect example. When there are delays, in effect there



## HOUSE OF COMMONS

is very little we are able to do from a welfare point of view. We have to rely on the local authorities, et cetera, to provide that.

Anything that is within the port, absolutely correctly, is within our purview. We always make sure any welfare is provided. We look after all our customers, whether they are freight or tourist passengers. We will always continue to do that.

**Q97 Mr Jones:** Are there any particular categories of passenger that you are concerned about?

**Jack Steer:** Age always comes into that question, whether that is people of young age or the elderly. When we start to talk about disabilities, et cetera, there are certain groups of people that are always slightly more problematic than others from the point of view of welfare. We need to make sure they are looked after in the right way.

Again, to go back to what I talked about earlier about that car of four people, it is a hot summer's day and you are stuck in these queues. As it currently stands, it would not be us who are able to go out to those customers and give them welfare. However, we have a good relationship with the Port of Dover. We have planning mechanisms in place to ensure that, whenever anybody is on port property as such, they are always going to be given welfare and given provision when they are in that kind of situation.

It is a good thing to visualise and think about those extreme examples rather than just a 10-degree grey day, as it is today in London and probably in Dover.

**Jesper Christensen:** My view is similar to Jack's. When we have delays or people waiting, we are always concerned about it. When they are inside the port, we will look after them. That is part of how it is with the travel rules. We will make sure they are looked after. Once they are out on public roads, there is very little we can do.

We work together with Kent Resilience Forum through Kent County Council and all the emergency services to see what we can do. Again, somebody else will need to effect that because they need to have permission to operate out there.

Freight is a problem in itself. A lot of the drivers are self-sufficient in many ways—they are used to being on the road—but they would like to see some facilities. For tourists or coaches stranded there, it is entirely different. The requirements on them are much bigger, if they are stuck there for a long time. That would be a concern. This is also why we are concerned about the implementation. We just do not want to see people ending up sat on public roads.

**Nichola Mallon:** If I could come back, Logistics UK would be keen to see a tracking system, led either by National Highways or the Department for



## HOUSE OF COMMONS

Transport, to track the waiting times for the first driver in the queue so we could trigger a driver welfare process.

As Jasper said, freight drivers are very self-sufficient. They will have food and water in the cab, but there are toileting facilities that will be required. One of the difficulties is ensuring that drivers do not lose their place in that queue. This is an issue that predates EES, but, certainly, EES gives us an added impetus to make sure we have that structure and process in place.

Q98 **Mr Jones:** Can you explain how that process works?

**Nichola Mallon:** At the minute, we do not have a process. For example, we rely on anecdotal feedback from our members about how long they have waited in a queue in Brock, for example. We believe that Government should lead an independent process to track that so that we are able to capture data and evidence about the waiting times. That would mean we could then put in place a welfare provision process so we are making sure we are looking after our drivers.

Passenger welfare is hugely important, but too often the driver gets forgotten about in this process. It is incumbent on us to make sure we are aware of the circumstances that they are having to endure and that we do what is necessary to support and look after them in these very difficult circumstances, when they arise.

Q99 **Mr Jones:** Just so I fully understand it, this is a problem now.

**Nichola Mallon:** Yes.

Q100 **Mr Jones:** Are you able to estimate how much worse it would be once EES has been implemented?

**Nichola Mallon:** It is difficult to quantify the wait, but, certainly, if we were to introduce EES as it stands, during a peak passenger period there would be significant knock-on effects. For example, the Kent Resilience Forum is meeting tomorrow to consider Operation Brock in terms of the situation that will arise during the Easter holidays.

Operation Brock is something that, either through preventative or mitigation measures, has been deployed. As I have said, it is not passenger traffic that is segregated; it is freight traffic that is segregated. It is held back. Depending on the length of time that a driver is waiting, it can raise driver welfare issues.

Q101 **Mr Jones:** There is no modelling to establish what additional wait there would be as a consequence.

**Nichola Mallon:** No. My understanding is that there is no objective quantification or measurement of that weight or any agreement on a trigger point that would initiate driver welfare facility provision.

Q102 **Mr Jones:** It seems to me that exercise is really quite important. It





## HOUSE OF COMMONS

should be done.

**Nichola Mallon:** I would agree, yes.

**Mr Jones:** Do we know whether it is being done by anyone?

**Chair:** It sounds as if there is something radically wrong. We have heard these comments from you. It is perfectly obvious that there is no real work being put into it. I do not understand why solutions are not being found. This is not exactly the biggest logjam in the world. It just is not.

I am not going to ask you a further question, as you have already been asked it, but I am going to suggest to you that we are going to have to take some quite strong action to get people to realise that we need an emergency solution. We need a working party or something. We need some evidence that the people who are responsible for making these decisions are going to do something about this. It is astonishing to listen to you.

Q103 **Mr Jones:** If I may, Chair, it is not only a question of inconvenience to individuals. There is also the question of freight, as you mentioned. How many additional lettuces would wilt? Has that been thought about?

**Nichola Mallon:** It is also the knock-on disruption to businesses and communities in Kent. Visit Kent carried out its Business Barometer survey in August 2023. A number of the businesses that responded to that reported that Operation Brock had a detrimental impact, in terms of footfall, if you were a visitor attraction, and revenue. It is an issue that has consequences.

I would not want you thinking that no one is working on this. People have been working on it. Logistics UK is a member of the Kent Resilience Forum. We need to bring a sharper focus to this issue, given that there are pre-existing vulnerabilities and fragilities, and then on top of that we are going to have quite considerable change, particularly at the juxtaposed border.

**Chair:** We have got the message. We will try to do something about it at our end. XXX

Q104 **Gavin Robinson:** Good afternoon, everybody. Chair, it is not a declaration of interest as such, but Ms Mallon and I were old sparring partners back in Belfast. You might have recognised the accent. It is great to see her. It is great to see the other panellists too, but it is great particularly to see Nichola.

We have talked about implementation, some of the restrictions and your understanding as to how it is going to roll out. At this stage do you have an appreciation of the obligations that you, your members or your company would be under to implement the EES? I am thinking about hauliers perhaps first and then ferry and passenger transport second. What obligations are being put on you to implement the scheme? You are



## HOUSE OF COMMONS

raising quite a number of concerns about the implementation of this scheme. What obligations would you be under to administer it?

**Nichola Mallon:** From our industry's perspective, it really will be trying to deal with the consequences in terms of traffic congestion and delay caused by the processing of passengers. For our industry, there are particular considerations around drivers' hours rules, for example. It is quite strict. There are some marginal flexibilities, but you have to meet a number of conditions. It has to be an extreme and unforeseen event; there has to be no risk to road safety; there has to be automatic recording. If we have a situation where there is continual and obvious disruption and delay, businesses are going to have to factor that into their driver scheduling.

It is the same as the 90-in-180-days rule. If you are a UK driver who is going across to Calais with a high level of frequency or you are involved in music tours, for example, you could fall foul of that particular rule if there are considerable delays. The responsibility for that will be largely picked up by the logistics operator in planning their business, their routes and their driver hours. They would be key practical considerations in respect of our industry.

Q105 **Gavin Robinson:** Mr Steer, in terms of passengers, it will be the individual's obligation. How much of that will you have to assist with? Do you feel an obligation to assist your passengers in making sure they are compliant to travel rather than sorting it out at the last minute? Have you considered the implications that this will have for last-minute purchases and passengers who decide to skip across for a ferry run, a fag run, a wine run or whatever it might be?

**Jack Steer:** Yes, or a day out. Yes, we have. This has been something that has been coming for some time. From a customer communications point of view, whether it is our freight customers or our tourist customers in this example, as we do today, we always keep them informed of the legislative needs that they have to comply with as they come through the port.

From a technical point of view and from our IT perspective, it is, to be fair, quite light-touch for us. We are the end part of the process. All of the testing, et cetera, for EES is done way before they get to us. We will be ready from a technical point of view and from a training point of view, for our teams and our people.

In effect, we are comfortable with all those elements of EES. It is the upstream element, which we have spent a lot of time talking about today, where we believe the concerns are from a legislative and technical point of view.

**Jesper Christensen:** Our view is similar. We look after our passengers. If this comes in, it is not really us as the operator who will have to manage it. It will be the border. For instance, there could be some kind of



## HOUSE OF COMMONS

digital registration, similar to the API from your passport that you send to the airlines today. We would have to develop something similar to capture this data if this was how the whole control would go.

In a normal situation, we keep our passengers informed. What is the queuing time? Should you arrive early? Should you not arrive early? It is those kinds of things. We will need to strengthen that if we see more frequent blockages.

As part of EES, non-visa nationals will be authorised to travel under ETIAS. The operators will have to manage that. When a passenger books, we will have to verify whether they indeed have the necessary travel documents. That will be digital. It is no good showing us your passport when you arrive; we need to get that information from you in advance. We will need to develop our systems.

The UK is also in the process of developing something similar. We will have to try to make sure we capture all the data in the right order and send it to the people who want it. We have a small concern that this makes our system a little vulnerable because we have to send and collect so much data.

**Q106 Gavin Robinson:** Have concerns been raised about the security of that data and the ability for you to transmit back and forth to the various embassies or whoever it is?

**Jesper Christensen:** We have to abide by the GDPR rules for what kind of data we store in our system. There is certain data that we cannot store and there is a lot of data that we scrap as soon as we have finished with it. Yes, we have raised these concerns. Today, the UK Government and the French Government cannot just share data. They have the same issues. Sharing with the British or French authorities also comes with certain caveats. We have to meet certain requirements, such as encrypting all the data and things like that. We need to make sure we do not open a back door into our system by giving people open-ended access to our system.

**Q107 Chair:** I am almost driven to think that some sort of competition ought to be set up to solve this problem. I know that happens occasionally when big inventions are baffling people. I do not know whether my colleagues think the same as I do, but I see this situation as something that is fundamental and needs to be resolved. There must be somebody out there with the brains to be able to work this one through and come up with really coherent answers.

I am going to put on the record that, if it is possible, we should ask a university research group or whatever it is. Somebody has to come up with this. You are baffled yourselves, I think. You are noticing the fact that you have a deadline and all these things. Somehow there has to be a solution. The evidence that we have been getting over the last weeks and so forth suggests to me that there are potential solutions, but it seems to



## HOUSE OF COMMONS

me like there is not one at the moment. I am just going to put that on the record. I am not going to ask you to comment on that, but it would be worth it for somebody.

**Jesper Christensen:** If I am allowed to comment on it, you asked earlier about our concerns about the deadline and whether it should be a year or something like that. The way that it has been postponed tells us at least—I am talking from my own personal perspective—that there is no solution and that is why they keep postponing it.

I would not say the postponement has been for dubious reasons, but, in light of the Olympics and a European tournament, the timing suggests that the real solution has not yet presented itself from a technical standpoint. The EU has the downside of having 28 member states that have to agree to this software. I would welcome it if we could find a solution that would work.

Q108 **Mr Jones:** I am finding it almost impossible to understand why the European Union would put in place a process that is impossible to implement. It does seem a very strange thing to do.

**Jesper Christensen:** I am sure you can pick up from my accent that I am not from UK; I come from Denmark.

**Mr Jones:** I thought you were Welsh.

**Jesper Christensen:** We support the EU heavily. I shall not comment on that.

Q109 **Mr Jones:** It is rather odd. Your industries must be very frustrated that this system has been put in place by the European Union from on high, and yet there is no practical means of implementing it. That is the fact of the matter, is it not?

**Jesper Christensen:** Without speaking for all the operators, we like the idea of digital borders, but a lot of the time the border is everything but digital. It is digital until you get to the border. You then have to get out your passport, your other documents and all these things.

We really like the idea of digitalising more and doing more of this upstream. We use the term “upstream”, but we could at least take it offline so that we can have a smooth process by the time we arrive. In particular, we could ensure that everybody who arrives is ready to travel; they have the right documents and the authorities agree they are good to travel.

Q110 **Mr Jones:** It is a wonderful idea provided you have the kit to make it work, and we do not.

**Jesper Christensen:** Yes, that is correct.

Q111 **Mr Jones:** That is the position, is it not?



## HOUSE OF COMMONS

**Jack Steer:** That is absolutely right. That is the key point. It goes back to my example. We are talking about the difference between a sanitised environment in an airport where the technology works versus what we as operators, hauliers, et cetera, have to deal with in the Port of Dover. It is a very different environment. It feels like, at the inception of the EES, they did not consider all the elements that would need to be dealt with using these future checks. That is one of the reasons why we are sitting in front of you and imploring you to support us in this deadline challenge to create a technological solution.

By the way, Chair, it is a brilliant idea to try to find some genius who can come up with a eureka moment.

**Chair:** It sounds slightly bizarre, but I know these things have been resolved like this in the past. When everybody else in the system cannot find an answer and somebody from outside the system takes a look at the whole thing, they sometimes suddenly have a eureka moment. Let us just hope for the best, but I put it on the record.

**Richard Drax:** You have thrashed my question to pieces. It is regarding the technology and IT necessary to do what we are all discussing here today. Do you have anything further to add? I suspect the answer is probably no.

**Chair:** You could not have put it better.

Q112 **Richard Drax:** You have mentioned the creation of an app, which you thought might go some way towards resolving the issue. Unless you want to say any more, I am not quite sure you can say any more about the difficulties of the technology and all the things you need to make it work simply.

**Jack Steer:** Mr Drax, my question back would be, "Have we made it clear enough?" That is the solution as we see it.

**Chair:** You certainly have.

**Richard Drax:** I think you have.

Q113 **Greg Smith:** Notwithstanding the fact that we do not have all the detail of how to implement this thing—this is particularly to P&O and DFDS—your customers do not consider themselves customers of the Port of Dover, just as a British Airways customer does not consider themselves a customer of Heathrow, Gatwick, Stansted or wherever.

There is going to be a cost to implement this. That cost will largely be borne by the port, but you will have to pay for that through your fees, which is going to have an impact on your passengers and the vehicles using your services for tourism, business travel, freight or whatever it might be. What is that cost going to be for the average Eurocamp trip into France by a holidaymaker or for an HGV taking a load into France or further afield? What is it going to cost people?



**Jesper Christensen:** Until we have seen what the port has to implement and what we have to implement, it is a little early to put a number to it. You are right in the sense that, if the port is forced to build infrastructure and employ a number of people to do this, there is only one way to fund that, which will be a tariff on the operators that we will have to pass on.

We also have to remember that there is very tough competition going on. We can sit here and be nice to each other, but it is a really tough competition, not just in the port but in all modes of transport. It is easy enough to say that we will add a fiver to your ticket, but it may not work that way.

Q114 **Greg Smith:** Could you give us any more clarity on anything in your budgets that you are planning?

**Jack Steer:** No, not at this point. Jesper has been very eloquent and very kind in the way he has put that across. At this moment in time, we do not have a true view of what the potential cost would be.

As an operator, from a commercial point of view—Jesper is 100% correct—it is a challenging market on the short straits. There are three operators. We have Eurotunnel just down the road. The price is really sensitive. It will be very difficult for us to move prices because of the introduction of something like EES. It is a really big question that we will have to face into over the coming months.

From all of our points of view, protecting market share and protecting our business is vitally important. We have to consider what a consumer, whether that is a freight customer or a tourist passenger, is prepared to pay for our product. Again, for all of the reasons we have talked about, how we make this work in the best possible way from a roads point of view, a throughput point of view and an economical point of view is hugely important for all of us.

**Chair:** David Jones has the next question. It really intrigues me. We have heard about how it is incredibly difficult to get all this to work, certainly within the timetable. David, you are going to ask what for me is becoming the big question.

Q115 **Mr Jones:** It is a practical question, really. Nichola is probably best placed to answer it. Could you explain, in practical terms, how the movement of goods between the UK and the EU works at the moment, particularly via the ports of Dover and Folkestone.

**Nichola Mallon:** The Port of Dover recently released figures to show there is about £144 billion-worth of UK-EU trade. Just over 30% of trade is going through that route. It is a key route. As I said, it is a key route for the critical just-in-time supply chain as well. There is not much room for delay. Just-in-time means the goods have to keep moving. It is critical. The more they are held up, the lower their value. It is quite significant.



## HOUSE OF COMMONS

At the minute, it flows quite well. As I have said previously, where you do have peak passenger periods—I am thinking of the Easter break, which is coming up—there are delays, the burden of which falls on freight through Operation Brock. In terms of the cost and how things are moving, our members are largely operating under very tight profit margins.

Q116 **Mr Jones:** What sort of checks take place on goods that are moved in via these ports?

**Nichola Mallon:** At the moment, checks are conducted on goods that are exported to the EU. Under the border target operating model, from 31 January this year new import controls are being introduced throughout this year. That will create a new process and it will incur an additional charge.

We are still waiting for confirmation from the Cabinet Office about the common user charge. That is the level of charge per consignment to go through the Government-run border control post at Sevington, but that will be an additional cost that will have to be factored into logistics operators' business plans. It will add a degree of friction. If you are importing SPS goods and you need to go to Sevington for checks, that is an additional journey that you do not have to undertake at the moment. All of that comes into play.

Q117 **Mr Jones:** Can you tell us what the checks look like? Practically, what are the checks?

**Nichola Mallon:** You will get export health certificate checks and some physical checks, but at the moment they are all happening on the EU side. At the moment, there are no real controls or checks as you are importing agri-food produce from the EU into the UK, but, as I have said, that is changing incrementally throughout the year.

Q118 **Mr Jones:** Again, just for the sake of clarity, what would a check look like? Would people go on to the lorries? Would goods be taken off the lorries?

**Nichola Mallon:** No. If I am bringing a lorry across, I will get a notification that, as the driver, I need to take it to Sevington for a physical check. I will then leave the Port of Dover and drive to Sevington for the check. If I clear the check, I will be able to go on to my point of destination. There are also documentary checks.

Q119 **Mr Jones:** Presumably, it is a random process.

**Nichola Mallon:** It depends on the commodities you are carrying in the back of your lorry and the risk categorisation. Sampling checks will be done, yes.

Q120 **Mr Jones:** Physical checks will be done.

**Nichola Mallon:** Yes, on SPS goods.

Q121 **Mr Jones:** This is at Sevington.



## HOUSE OF COMMONS

**Nichola Mallon:** At Sevington, yes. It is indicated by Government that Sevington will be the border control post, yes.

Q122 **Mr Jones:** I have one other question for the two gentlemen. We heard in evidence from Ryanair that the implementation of EES could have an impact on last-minute ticket sales for short-haul flights. Do you anticipate anything like that might happen in respect to sea traffic?

**Jack Steer:** I would hope not. It might be something that evolves through time, if people see it as being problematic, but, because of the way it is set out at the moment, whether I am taking a trip across to Calais for a day or a week and whether it is at the last minute, I still have to go through exactly the same process.

Q123 **Mr Jones:** Yes, I appreciate that, but presumably there might be TV pictures of long queues in Kent.

**Jack Steer:** If there were challenges around EES or anything else and you were to see those kinds of TV pictures, it would make me consider what mode of transport I want to take. That is a potential risk, but the process of going through EES will not impact whether somebody decided to do take a last-minute trip or not.

**Jesper Christensen:** Yes, our view is similar to Jack's. It may be that you decide not to, but we will usually advise our passengers, the ones who we know about, that they should book in advance and do their preparation in advance.

We see a number of people deciding to take a short break or a day trip and then showing up on the day wanting to buy a ticket. If there are pictures of long queues, as Jack was saying, it will definitely deter them from doing that. If it also become common that there are queues in the port, it means a day trip will not be as convenient and people may shy away from it. That could be a concern for us, if the port suddenly gets the image that it is not so easy to get through anymore.

Q124 **Mr Jones:** That is a question of reputation, is it not?

**Jesper Christensen:** Yes.

**Jack Steer:** If I may come back on that, that is absolutely the key point here, is it not? We all want to avoid that kind of damage. The traffic needs to flow in the way we expect it to today after the solution for EES goes in.

**Chair:** Jon Cruddas, some of these points have been covered, but I know your perceptive way of asking a question will cut through.

Q125 **Jon Cruddas:** I wanted to ask about something Nichola just talked about, which is the new entry requirements for plant and animal products originating in the EU. Next month there will be physical checks. That is another layer of inspection and regulation. What have been the effects of the current checks from January? What do you anticipate happening from





## HOUSE OF COMMONS

April?

**Nichola Mallon:** In terms of the new controls around the requirement to have an export health certificate from 31 January, Government have been adopting an educative approach to enforcement. We do not have a fully accurate picture, from our perspective, in terms of UK readiness or compliance.

In terms of the physical checks that will be introduced from 30 April, the impact will be quite considerable. As I have said, if you are bringing a lorry of SPS produce across that is considered to be high-risk and you are selected for a check, you will have to take the vehicle—

Q126 **Jon Cruddas:** Is that random or will that be every movement?

**Nichola Mallon:** My understanding is that there will be checks on a percentage. If you are notified, as a driver, you will then have to take your vehicle to Sevington, which is about 22 miles from the Port of Dover. That will be an additional process and an additional time and cost that you will have to factor into your journey.

It would be really important to take the opportunity to get confirmation on some of the outstanding decisions in relation to the border target operating model, particularly the common user charge. As you said, that is due to come into effect on 30 April. If you are a smaller operator and you are being levied a charge on each of your consignments, it could have quite a significant impact. The sooner that level of charge is made public, the more time our members have to plan and prepare.

Q127 **Chair:** In a nutshell, what impact do you expect the entry/exit system to have on the movement of goods and on supply chains when it is fully implemented? Is that yet another question that you cannot really answer at the moment?

**Nichola Mallon:** No, as we have discussed in response to previous questions, if it is implemented as is, at peak passenger periods there will be significant queues of traffic and that will have a significant knock-on impact on freight. It will impact in terms of the just-in-time critical supply chain. If fresh produce is in a lorry for longer, it will have a shorter shelf life and be of lower value, which means an increase in potential wastage.

When it is combined with the border target operating model, there might be a reduction on EU imports, for example, which could lead to reduced product availability and choice and higher prices for UK consumers. There is the significant traffic impact and the knock-on implications for driver welfare. Those would be our key concerns, as is.

Q128 **Chair:** It does seem to me that you are the ideal person to answer that question. Would that be right? Would the others defer to what you are saying? You are the logistics person. You mentioned fresh produce, but what other particular products would you have in mind?



## HOUSE OF COMMONS

**Nichola Mallon:** If we look at exports, we export fresh meat and shellfish from the north. We also take automotive parts via the short straits to assembly lines on the continent. There are implications for the perishable foods that we are importing and the perishable goods that we are exporting and any goods that are critical in terms of just-in-time delivery.

Q129 **Chair:** We know there are delays at the Port of Dover and Folkestone. Some claim that this will turn Kent into a car park. That may well be true, but, if that were to happen, what risk does this perception of Kent present to travel and tourism through the port and the Eurotunnel?

**Jack Steer:** That is a real risk. We just spoke about the potential of people wanting to book last minute but seeing pictures in newspapers, on their phones or on the TV and making decisions around that. It poses real challenges for us.

The way we go about managing EES and the implementation of it is absolutely critical. Nichola makes a really good point. She is talking about the fact that various items that people see on the supermarket shelves today potentially could be impacted. We have to consider the impact that it will have on people's pockets and on UK plc.

I know I am talking about something that we have already spoken about, but, if we do not have the right solution, we have to impress on everybody involved in this that those timelines just simply have to move out. It is not a viable option for us to put something in place that is ultimately going to cause us challenges that we could avoid by simply giving ourselves some more time in order to find the correct solution.

**Jesper Christensen:** After Brexit we talked about implementing a full customs border, and we are seeing the last bit coming in on the UK side now. Almost from day one it was fully implemented on the EU side, yet we managed to solve it. Yes, it was a little bit bumpy, but all the hauliers have found a way around it, especially the controls. The customs control have been taken offline. They do not come off the ferry and sit in the port in big queues waiting for the customs officer to look at them and decide which one he wants to talk to. This is all pre-done. We advise the drivers, going into UK or France, which of them has to see customs. It is on a screen. The controls are taken offline. All the other traffic can go straight on the road.

It is a little bit sad to see that this is now being disrupted only because we want some control on the passengers. It is not really the goods that we want to control; it is the passengers. It is the drivers that are causing this hold up. The system to move the freight from a customs perspective is in place. We can argue about the cost of it, but it is in place. The traffic still moves every day. We really need to contain that. We need to make sure they continue to move and that we do not end up setting up some obstacles by blocking the roads with tourist traffic and things like that.



Q130 **Chair:** Again, to come back to the point I keep coming back to anyway, there are other parts of the world where you would expect similar situations. Is there something intrinsically peculiar or particular to the Channel between France and the United Kingdom that makes it more difficult than it would be if it were between, shall we say, Singapore and China or Malaysia or something like that?

I cannot, for the life of me, think that the problems that you have explained, which are real to you because you are having to grapple with this the whole time, are not being replicated elsewhere in the world. Other people will have come across solutions to the same problems.

You are faced with a situation where you have a piece of legislation that appears to emanate from the European Union and there is not a solution, but in other parts of the world you do not have the same degree of problem, as far as we know. Do you have any thoughts on that as a comparison? Is this something intrinsic about the bureaucratic nature of what is being put through? It is not about Brexit; it is about whether or not there is a solution to a problem that appears to apply elsewhere in the world.

**Jesper Christensen:** One of the things we see is that it is a very short crossing, which means there is a very short time to make a decision about who you want to see and who you do not want to see. There is also a finite amount of space to hold traffic on both sides. We really want it to be moving. As I was saying, Brexit brought in a customs border. At least to our mind, the practical side has been solved.

Q131 **Chair:** That happens in all parts of the world. There is nothing new about it.

**Jesper Christensen:** For many years, we have supplied API data, passport data, for everybody going into and out of the EU and to the UK. That is the same as it is for the airlines. In the past, that has satisfied the authorities about whether or not you are the right person to come in.

As we have tried to represent here, we are a little baffled about this suggestion about how it is to be implemented. As far as we can see, this mainly hinges on biometric controls or biometric data that need to be taken. We already have all the other data and a way of sending and controlling it that is already in place.

Q132 **Greg Smith:** We touched on some of these issues earlier. Nichola, these are really for you about driver welfare and impacts on drivers. It is not a technical interest, but, for transparency, I also chair the All-Party Parliamentary Group for Road Freight and Logistics in Parliament, so this is an issue I have come across outside the forum of this Committee as well.

If the car park scenario happens, which, let us face it, is likely, we will get a lot of HGVs, under Brock, outside the perimeter of the port. Notwithstanding the comment that was made earlier about how drivers are used to being out on the road and can sleep in their cabs, et cetera,



## HOUSE OF COMMONS

how worried are you about some of the wider welfare issues for drivers? Those could be quite severe.

Are you worried about the issue of thefts from those vehicles? Across the country more generically, we are seeing issues with HGVs being broken into, curtains slashed and loads stolen. If we suddenly have a not insignificant number of vehicles outside the secure perimeter of the port, how big a challenge is that going to be for the sector?

**Nichola Mallon:** Thank you for your interest in our industry. If I take the issue of theft, it is an increasing concern and of increasing prevalence in terms of members' experience. It is a particular concern if lorries are parked up and the driver is not inside.

As you have said, we also have the issue of driver welfare. Brock is a moving queue. While the driver is in the vehicle, you are reducing the possibility of theft. The longer the driver is in the vehicle, the more concerned we become for her or his welfare. As we have said, drivers are very self-reliant. They will have food and water, but they also require restroom facilities and a range of facilities that they do not have access to. That is why one of the key issues that we need to address is how to improve driver welfare facilities. I go back to the point about having a Government-led way of tracking waiting times and having a threshold or trigger whereby we step in in terms of driver welfare provision.

Gavin asked about the impact on our members. One of the considerations has to be drivers' hours and making sure drivers do not fall foul of that. As I have said, there can be a marginal extension of drivers' hours, but it has to be an extreme and unforeseen event. There are other conditions attached to that. If traffic congestion is a very well-known and foreseen reality as a result of any new processes, that causes issues for drivers and haulage companies.

Q133 **Greg Smith:** The natural follow-on from that is the other big challenge for the sector right now, driver recruitment and retention. Given the work of Logistics UK and what you know from others such as the Road Haulage Association, what impact are you predicting that this will have on what is already quite a tricky situation?

**Nichola Mallon:** Logistics UK is involved with Government in the Generation Logistics campaign. I know you are aware of it. That is all about attracting new people into our industry. We have an issue around driver shortages. We have a challenge in terms of attracting new people and creating a more diverse workforce. If you have scenes where you have long queues of lorries with drivers inside them for considerable periods of time, how would that attract new people into the industry? All of this is related.

As I said, haulage companies are operating under very difficult circumstances with very tight profit margins. Operating costs have been increasing. They cannot necessarily recoup that through revenue. It is a challenging environment.



## HOUSE OF COMMONS

If those images emerge or if the reality is that you have to sit in queues for longer periods and you are subject to disruption and delay, it certainly would impact the attractiveness of the industry, which should be a concern not just for Logistics UK but for UK plc.

**Q134 Greg Smith:** That is really helpful. Just before I ask Jack and Jesper to comment on this, I want to ask about the modelling around not just the just-in-time freight but general bookings of movement of goods in and out of the UK. How big an issue is that going to be in terms of being able to meet the end customer's expectation of when their box of goodies, or whatever it might be, will reach them in France or Belgium or will come back here to the UK?

**Nichola Mallon:** Customers' expectations have increased over time. They want products at maximum speed. That creates a very competitive environment. The short straits are the route of choice. It is highly efficient and there is a high frequency of services. The speed is a very real consideration and benefit. If we see delays and disruption, it will impact on the benefits that are to be had. It will certainly put pressure on logistics companies, which are trying to get the goods where they need to be in the shortest period of time.

**Q135 Greg Smith:** That is helpful. Gentlemen, do you have anything to add to those observations?

**Jack Steer:** Nichola has covered off a huge amount in that answer, but there is one thing that I would add from an operator's perspective. If you put yourself in the shoes of a lorry driver, one of the reasons they enjoy ferry travel is the amenities that are on board a ship. If you consider a lorry driver, it is not just about being able to go on, sit down, relax, get a drink and have something to eat. There are showers on board. They can refresh themselves. There are areas where they can have quiet time. They can have a rest, sleep and have a proper relax.

That delay to all of these things has a fundamental impact on their own personal journey, not only through Kent or off into Calais, through France and wherever it is they may be going. It has a real-time impact on their overall well-being. We need to consider constantly how we alleviate those challenges of time for all our customers. As I say, our ships, as are DFDS's ships, are specifically designed to enable that welfare for those individuals on board our ships.

**Jesper Christensen:** I would just echo that and say that we do not trivialise the welfare of freight drivers in any way. Brock has come in. As I said, we do not particularly like Brock. Nobody likes Brock.

As Nichola is saying, it is a rolling queue. The driver cannot stop, climb in the back and go to sleep. It also means that certain drivers run out of hours. They have to leave the queue and then rejoin it, which just compounds the issue. We want the queue to be as close to the port as possible. We do not really want a car park close to the M25 because we



## HOUSE OF COMMONS

need to be able to pull it when we need it. To us, whatever solution it is, we want to be able to take it through the port as quickly as possible, so we do not have them sitting out on the motorway for any period of time.

**Q136 Chair:** I have one last question. Are you concerned about the stricter imposition of the 90-in-180-days rule for non-EU freight and coach drivers due to EES? How big of a problem is this 90-in-180-days limit for United Kingdom nationals staying in the EU who are currently drivers for freight companies? Is this something you have come across? What is the nature of the problem? Could you please give us a comment?

**Jesper Christensen:** We do not see it as much because we do not know how our passengers are moving in and out of EU and whether they are falling foul of it or not. With the new rules, as a non-Schengen person, you will have to give a little bit of consideration to how you travel because you could fall foul of it if you travel regularly.

At the moment, the system is by wet-stamping passports. A lot of our staff who travel quite frequently have run out of pages in their passports in a very short period of time. They are only in there for a little bit. There are some considerations that people will have to make, especially the coach drivers who run these regular routes in and out. If people who travel for business also want to go on holiday, they will need to keep an eye on how many days they have used up. It is not really something that we can see.

**Nichola Mallon:** All I would add is that, if there is considerable delay and disruption, that will have to be factored in for UK hauliers. It will impact drivers who are over with high levels of frequency, drivers who are involved in music tours or businesses that go on tour around the European Union. From our perspective, it would be an added consideration that logistics companies will have to factor in in terms of their scheduling of drivers and routes.

**Q137 Chair:** My final point comes back to what I have already said. There seem to be difficulties that appear to be somewhat intractable. On the other hand, I am an optimist. I am just wondering whether the three of you could have discussions after this session with other people who you know might have novel ideas as to how to work out solutions for this problem. You could talk to one another and then come back to us with a joint letter or something.

There may be some extremely well-known organisation that has experience of this kind of thing. Some of the international comparisons seem to be worth looking at. I think I said Singapore and China. It is more Singapore and Malaysia, if I could put it that way around.

The point is that there are comparable situations. You would have thought they would have this situation in the rest of the world. It seems to me that it is worth looking at that. If you could put your heads together, write us a letter and suggest something along these lines, we can take it up with the Government.



## HOUSE OF COMMONS

**Jack Steer:** Chair, thank you. I would welcome the opportunity to do that in conjunction with the other partners that are involved.

**Chair:** Yes, with whoever else who you feel is appropriate.

**Jack Steer:** Yes, that is absolutely right. We have to do that through our partners in Dover Harbour Board. Of course, we would all welcome the opportunity to put forward submissions.

**Chair:** We do not want a 30-page analysis to be presented. We really want to get people's heads together to work out whether there is a solution to this. If there is not, we can go back to the source of the problem, which is the manner in which the EES has been put together. That is another problem for another day.

Thank you all very much for coming. I look forward to receiving your comments. Thank you.