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Northern Ireland Affairs
Committee

Unfettered Access: Customs Arrangements in Northern Ireland after Brexit

First Report of Session 2019–21

*Report, together with formal minutes relating
to the report*

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Northern Ireland Affairs Committee

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Summary

On 1 January 2021, the Northern Ireland Protocol, agreed by the United Kingdom and the European Union as part of the Withdrawal Agreement, will take effect. The Protocol was conceived as a way of preserving a frictionless north-south border on the island of Ireland, thereby respecting the Belfast/Good Friday Agreement. Its success will be measured by how well it avoids the emergence of new barriers to trade between Northern Ireland and other parts of the UK. The commitment that Northern Ireland shall have ‘unfettered access’ to the rest of the UK internal market, and the associated commitments to protecting that market, is fundamental to this aim. A failure to meet these commitments would have profound consequences for the Northern Ireland economy—for businesses, for consumers and for investment. We therefore decided to hold an inquiry into how trade between Northern Ireland and other parts of the UK would work under the Protocol.

The Protocol sets out the customs status of Northern Ireland and specifies areas of EU law, including the Union Customs Code, that will continue to apply there. However, some matters remain undecided. Important decisions, such as the question of which goods should be subject to EU tariffs on entering Northern Ireland, are delegated to the UK-EU Withdrawal Agreement Joint Committee. The Joint Committee, and its specialised committees, will also play an important role in the application and oversight of the Protocol for as long as it remains in operation. We therefore recommend that information about the work of these committees be made available to the UK Parliament and the Northern Ireland Assembly, so that their decisions can be properly scrutinised. Mechanisms must be established to enable Northern Ireland businesses, representatives and others to engage with these bodies. We also emphasise that the Joint Committee must be a constructive forum for genuine problem-solving, in which the interests of Northern Ireland, and protecting the gains of the Peace Process, are the key concerns.

Other aspects of trade between Northern Ireland and Great Britain will depend on how the UK Government implements the Protocol. The Government’s Command Paper of 20 May, *The UK’s Approach to the Northern Ireland Protocol*, sets out its preferred approach, but questions remain about how the process for moving goods across the Irish Sea will change from 1 January and what the new requirements on businesses will be. We are clear that UK businesses trading across the Irish Sea must not face new up-front or ongoing costs, as these would not be compatible with the Government’s commitment to unfettered access and to maintaining Northern Ireland’s integral place in the UK internal market. We recommend that the Government:

- clarifies what new administrative requirements traders will face;
- reimburses businesses for any new costs incurred; and
- reports regularly on the effect of the new trade arrangements on business competitiveness and investment.

We note that some aspects of the approach outlined in the Command Paper will require agreement by the EU, such as the proposal that Exit Summary Declarations on goods

leaving Northern Ireland for Great Britain be waived. We call on the Government to clarify which aspects of its approach will require agreement from the EU and to explain how it will ensure unfettered access if it does not secure such agreement.

The Protocol presents a number of practical challenges, compounded by the shortage of time available and the added pressures that the Covid-19 pandemic is placing on both government and business. Making the Protocol operational in the next six months will require rapid action to:

- expand and modernise port infrastructure;
- develop new IT platforms; and
- recruit new staff.

This work is of critical importance and needs to be properly scrutinised. We recommend that the Government shares its assessment of the challenges involved and provides opportunities for parliamentary scrutiny between now and the end of the transition period.

We highlight that business is faced with a demanding timetable if it is to be ready for the changes the Protocol will bring. Many key decisions have not yet been taken, and as a result many businesses do not yet know what preparations they need to make. This problem has been compounded by unclear and inconsistent communication by the Government in the months following the publication of the Protocol and a lamentable lack of engagement with business. We therefore urge the Government to:

- provide clear information to business on what preparations it needs to make to trade, by October 2020 at the latest;
- engage proactively with business to ensure it is set up to trade; and
- set up a dedicated advisory service for traders.

Finally, we recommend that the promised Business Engagement Forum is established immediately, and that this is used to inform and consult business on the implementation of the Protocol both now and beyond the end of the transition period.

1 Introduction

1. On 19 October 2019, the UK and the EU announced that they had negotiated a provisional agreement on the UK's withdrawal from the EU.¹ This agreement revised a deal that the previous UK Government had been unable to ratify in Parliament. An important change to the Withdrawal Agreement was the replacement of the Protocol on Ireland/Northern Ireland (commonly known as the 'backstop') with a revised Protocol. Following the 2019 UK general election, the newly elected Parliament passed the European Union (Withdrawal Agreement) Act, signifying its consent for ratification of the Withdrawal Agreement.²

2. The original Northern Ireland Protocol attempted to reconcile the demands of the UK's decision to leave the EU with the guarantees enshrined in the Belfast/Good Friday Agreement and to avoid the creation of a 'hard border' on the island of Ireland. The 'backstop', in the absence of a trade deal, attempted to do this by keeping the UK in a customs union with the EU, thereby avoiding controls and checks at the north-south border. The revised Protocol is different, because it takes the UK out of the customs union while continuing to apply some EU rules in Northern Ireland to avoid the need for checks and controls at the Irish border.

3. The implementation of the Northern Ireland Protocol has profound implications for Northern Ireland's position in the UK's internal market and for the all-island economy. The Protocol exists because the unique circumstances of Northern Ireland, as the only part of the UK with an EU land border, require Brexit to be handled in a distinctive way, a fact which is recognised throughout the Protocol text. The notion of 'unfettered access' to the rest of the UK market is particularly important in this regard, so that existing patterns of trade between Northern Ireland and other parts of the UK are not disrupted. The Protocol also has significant implications for businesses and households in Northern Ireland. The Northern Ireland economy will need to adapt to the new conditions arising from the Protocol. That may see business models and trade patterns change, with benefits and costs being picked up by consumers. There are also implications for business based in Great Britain that trade with Northern Ireland, which will also be affected by the matters that we consider in this report when they move goods across the Irish Sea.

4. The issue of unfettered access is as a priority, because of the crucial importance of trade between Northern Ireland and other parts of the UK to the Northern Ireland economy. The most recent statistics from the Northern Ireland Statistics and Research Agency show that in 2017–18 Great Britain accounted for £10.6 billion of Northern Ireland's exports (49 per cent of total exports and 15 per cent of sales overall) and £13.4 billion of imports (46 per cent of total imports and 29 per cent of total purchases).³ Around 2,500 goods vehicles cross the Irish Sea each day, with more than 850,000 total roll-on/roll-off movements taking place in 2019.⁴ Many supply chains cross the Irish Sea, with businesses sourcing raw materials from Great Britain or importing goods for processing and re-exporting

1 HM Government, [Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community](#), 19 October 2020

2 [European Union \(Withdrawal Agreement\) Act 2020](#)

3 Northern Ireland Statistics and Research Agency, [Overview of Northern Ireland Trade Slide Pack](#), 15 June 2020

4 Northern Ireland Business Brexit Working Group ([UNF0012](#)); Freight Transport Association ([UNF0014](#))

them eastwards.⁵ These supply chains are essential for key sectors such as agri-food and manufacturing, which together support more than 130,000 jobs in Northern Ireland, around 16 per cent of the total.⁶

Our inquiry

5. Noting the potential for significant change, and that the decision not to extend the transition period means that the Protocol takes effect on 1 January 2021, we decided to hold an inquiry into the future customs arrangements that would apply in Northern Ireland under the Protocol.⁷ The purpose of our inquiry was to investigate whether the implementation of the Protocol would create new barriers to trade between Northern Ireland and Great Britain and to examine the effect of the customs elements of the Protocol on the Northern Ireland economy.

6. In the course of our inquiry, we received written evidence from a range of sources, including businesses and sectoral bodies, customs experts, local authorities and academics. Our capacity for holding oral evidence sessions was constrained by the Covid-19 pandemic, but we were nevertheless able to take oral evidence virtually from expert witnesses, the Chancellor of the Duchy of Lancaster, the Rt Hon. Michael Gove MP, the Secretary of State for Northern Ireland, the Rt Hon. Brandon Lewis MP, together with officials from the Northern Ireland Office and the Cabinet Office. We are grateful to all those who took the time to engage with this inquiry.

7. We note, with disappointment, that the Government did not submit written evidence to our inquiry, despite having been invited to do so and it being the convention for Select Committee inquiries on Government policy. On 20 May 2020, the Government published a Command Paper, *The UK's Approach to the Northern Ireland Protocol*, setting out the UK's policy on implementing the Protocol.⁸ This Command Paper clarified some elements of the Government's approach, but inevitably raised further questions. We expect the Government to engage constructively with Select Committee inquiries to enable effective parliamentary scrutiny. The lack of Government written evidence was indicative of the paucity of information provided by the Government on this topic, which is a matter of direct concern to businesses. Government messaging following the announcement of the Protocol was inconsistent, and little was known about the Government's approach to implementing the Protocol until the publication of its Command Paper in May, barely seven months before the new arrangements were due to take effect. Even that paper leaves many questions unanswered.⁹ This lack of clarity has made it difficult to examine what the Protocol will mean for Northern Ireland, but, more importantly, has placed businesses in an unenviable position. Therefore, this report should be seen as an interim report.

5 Northern Ireland Business Brexit Working Group ([UNF0012](#))

6 Northern Ireland Statistics and Research Agency, [Northern Ireland Quarterly Employment Survey](#), 16 June 2020; Department for Agriculture, Environment and Rural Affairs, [Agricultural Census in Northern Ireland Results for Jun 2019](#), January 2020

7 The Protocol will take effect at the end of the transition period. Article 132 of the Withdrawal Agreement allowed the Joint Committee to adopt a decision to extend the transition period before 1 July, but that deadline passed with no decision being taken.

8 Cabinet Office, *The UK's Approach to the Northern Ireland Protocol*, [CP226](#), 20 May 2020, pp. 13

9 Northern Ireland Business Brexit Working Group, [Implementing the Northern Ireland Protocol: What business in Northern Ireland needs & why](#), 5 June 2020

8. **With less than six months to go, businesses are still in the dark about what they should be preparing for on 1 January 2021. The situation is now urgent, and the continued lack of detail risks Northern Ireland not being prepared for the new trading arrangements, an outcome which would have significant economic consequences. We remain to be convinced that the Government fully understands that its political approach, apparently informed by limited understanding of how business works, provides neither the clarity nor the detail that Northern Ireland business requires. Political theory cannot trump commercial necessity. We also remain to be convinced that the cumulative impact of Protocol uncertainty, coupled to Covid-19, has been fully reflected upon.**

9. Our inquiry focused on customs processes. Customs are merely one aspect of the Protocol that will affect businesses in Northern Ireland. In addition to the matters examined in this report, the Protocol has broader implications, including for the operation of VAT in Northern Ireland, state aid, the regulation of agriculture and industry and other regulatory checks. Beyond the scope of the Protocol, the UK leaving the EU raises wider issues for Northern Ireland businesses, such as the terms of trade in services and access to labour.

10. The Government's decision not to agree an extension to the transition period gives the implementation of the Protocol increased urgency. From 1 January 2021, the legal and operational basis on which Northern Ireland trades with other parts of the UK will change overnight. Businesses have fewer than six months in which to prepare for a once-in-a-generation change, while simultaneously managing the challenges brought about by the Covid-19 pandemic.

11. ***Notwithstanding the convention that Government Departments respond to Select Committee reports within 60 days of publication, the existential nature of the matters raised in this report for businesses, compounded by the pressures of Covid-19, merit a response being provided by the end of August.***

2 Customs arrangements under the Northern Ireland Protocol

What the Protocol says about customs

12. Articles 4 to 6 of the Protocol described the customs status of Northern Ireland and the customs rules that will apply there, with Article 4 stating that “Northern Ireland is part of the customs territory of the United Kingdom.” Article 5 set out the ways in which EU customs law will be applied in Northern Ireland, which are described in detail in this chapter. Article 6 explained how the UK internal market will be protected, including the commitment to unfettered access.¹⁰ Other aspects of the Protocol interact with those Articles, as described later in this chapter.

13. Article 5(1) stated that

No customs duties shall be payable for a good brought into Northern Ireland from another part of the United Kingdom by direct transport, notwithstanding paragraph 3, unless that good is at risk of subsequently being moved into the Union [EU], whether by itself or forming part of another good following processing.¹¹

Article 5(2) explained that goods will automatically be considered to be ‘at risk’ unless they:

- a) will not be subject to commercial processing in Northern Ireland; and
- b) meet other criteria for determining their level of risk, to be agreed.

Both the definition of ‘commercial processing’ and the criteria for risk will be decided by the UK-EU Withdrawal Agreement Joint Committee (WAJC). The WAJC will consider factors such as the value and destination of the good and the potential for smuggling. In taking this decision, the WAJC “shall have regard to the specific circumstances in Northern Ireland.”¹² The decisions to be taken by the WAJC are examined in paragraphs 28 to 37 later in this chapter.

14. Articles 5(3) (4) and (5) set out the areas of EU customs law that will apply to Northern Ireland. This applies the EU’s Union Customs Code in Northern Ireland. As stated in Article 12(1), however, UK authorities will implement and apply these laws in Northern Ireland. Furthermore, even when EU tariffs are applied to goods entering Northern Ireland, these tariffs will be paid to the UK and will not be remitted to the EU.¹³

15. Article 5(6) specified the circumstances in which the UK can waive or reimburse tariffs incurred on goods moved into Northern Ireland, including “in respect of goods that can be shown not to have entered the Union.” However, this is subject to EU state aid limits, as set out in Article 10.¹⁴

10 HM Government, [Protocol on Ireland/Northern Ireland](#), 18 October 2019

11 HM Government, [Protocol on Ireland/Northern Ireland](#), 18 October 2019

12 HM Government, [Protocol on Ireland/Northern Ireland](#), 18 October 2019

13 HM Government, [Protocol on Ireland/Northern Ireland](#), 18 October 2019, Art 5(6)

14 HM Government, [Protocol on Ireland/Northern Ireland](#), 18 October 2019

16. Article 6 addressed the protection of the UK internal market. Article 6(1) stated that

Nothing in this Protocol shall prevent the United Kingdom from ensuring unfettered market access for goods moving from Northern Ireland to other parts of the United Kingdom’s internal market.¹⁵

Unfettered access is not a legal term, and it was not clearly defined in the Protocol. Notably, the Protocol did not suggest that EU law will not affect movements of goods from Northern Ireland to Great Britain at all; rather, it stated that the EU laws listed in the Protocol will only be applied to these movements “to the extent strictly required by any international obligations of the Union.”¹⁶ This suggested that some restrictions would still apply.

17. The Protocol did not state that goods moving from Great Britain to Northern Ireland should have unfettered access in the same way as goods moving in the other direction. However, Article 6(2) stated that

Having regard to Northern Ireland’s integral place in the United Kingdom’s internal market, the Union and the United Kingdom shall use their best endeavours to facilitate the trade between Northern Ireland and other parts of the United Kingdom.¹⁷

It added:

The Joint Committee shall keep the application of this paragraph under constant review and shall adopt appropriate recommendations with a view to avoiding controls at the ports and airports of Northern Ireland to the extent possible.¹⁸

18. At the time of its agreement, the Protocol was welcomed by many businesses in Northern Ireland as being preferable to the UK leaving the EU without a Withdrawal Agreement. Angela McGowan of CBI Northern Ireland told us:

We have supported the protocol, and we believe it has moved us away from a no-deal scenario [...] It gives us the opportunity to create a good deal with Europe. Northern Ireland has welcomed it. We recognise that there are complexities with it, but we have to make it work.¹⁹

While the avoidance of a north-south border and the commitment to unfettered access from Northern Ireland to Great Britain were welcomed by some commentators, some businesses told us that unimpeded movement in the opposite direction was also important. The Northern Ireland Retail Consortium said:

We have always argued that is necessary for unfettered access from NI to both the EU and GB markets to allow us to continue to provide NI and GB households with choice and affordability.

It continued:

15 HM Government, [Protocol on Ireland/Northern Ireland](#), 18 October 2019

16 HM Government, [Protocol on Ireland/Northern Ireland](#), 18 October 2019

17 HM Government, [Protocol on Ireland/Northern Ireland](#), 18 October 2019

18 HM Government, [Protocol on Ireland/Northern Ireland](#), 18 October 2019

19 [Q39](#)

It is good to have access to both the RoI and EU markets, but this does not offset the costs of friction in access to/from the GB market.²⁰

Businesses also said they needed detail on how unfettered access would be achieved. The NIRC told us “This is better than no deal, but the position we are in at the minute does not give that unfettered access, and that is where we need the detail.”²¹

The Government’s Command Paper

19. On 20 May 2020, the Government published a Command Paper, *The UK’s Approach to the Northern Ireland Protocol*.²² This paper set out the Government’s policy on the implementation of the Protocol.

20. The Command Paper explained the Government’s understanding of what unfettered access should mean for goods moving from Northern Ireland to Great Britain:

Trade going from Northern Ireland to the rest of the UK...should take place as it does now. There should be no additional processes or paperwork and there will be no restrictions on Northern Ireland goods arriving in the rest of the UK - that is, there will be unfettered access, as provided for by the Protocol.²³

The Government stated that it will legislate to “guarantee unfettered access” by 1 January 2021 and that that means:

- no import customs declarations as goods enter the rest of the UK from Northern Ireland;
- no entry summary (‘safety and security’) declaration as goods enter the rest of the UK from Northern Ireland;
- no tariffs applied to Northern Ireland goods entering the rest of the UK in any circumstances;
- no customs checks;
- no new regulatory checks;
- no additional approvals required for placing goods on the market in the rest of the UK; and
- no requirement to submit export or exit summary declarations for goods leaving Northern Ireland for the rest of the UK.²⁴

The commitment to legislating for unfettered access reinforced the commitment made in the *New Decade, New Approach* deal that restored the Stormont institutions in January.²⁵ However, the Government has explained neither the nature nor the timetable for the

20 Northern Ireland Retail Consortium ([UNF0013](#))

21 [Q22](#)

22 Cabinet Office, *The UK’s Approach to the Northern Ireland Protocol*, [CP226](#), 20 May 2020

23 Cabinet Office, *The UK’s Approach to the Northern Ireland Protocol*, [CP226](#), 20 May 2020, pp. 9

24 Cabinet Office, *The UK’s Approach to the Northern Ireland Protocol*, [CP226](#), 20 May 2020, pp. 9

25 HM Government, [New Decade, New Approach](#), 8 January 2020, pp. 47

introduction of the legislation to guarantee unfettered access. The Command Paper noted that Section 21 of the EU (Withdrawal Agreement) Act 2020 gave Ministers the power to make regulations to enable access for “qualifying Northern Ireland goods” and defining and identifying such goods.²⁶ This may differentiate goods from Northern Ireland, which could qualify for unfettered access, from those originating in the Republic of Ireland or elsewhere. Goods which do not have this qualifying status may be subject to the UK’s customs and regulatory regime. It is therefore an important consideration that Northern Ireland goods can be easily distinguished from others, to ensure they have free access to the UK market while also protecting the integrity of the UK market. We examine in greater detail the Government’s policy on goods moving from Northern Ireland to Great Britain in Chapter 3.

21. For goods moving in the other direction, the Government stated that “we will not levy tariffs on goods remaining within the UK customs territory,” and that “only those goods ultimately entering Ireland or the rest of the EU, or at clear and substantial risk of doing so, will face tariffs.”²⁷ In its use of the term “clear and substantial risk”, the Command Paper differed from the Protocol, which used the term “at risk.”²⁸ It has been reported that the EU Commission will, by contrast, interpret the term “widely.”²⁹ The Command Paper provided examples of goods movements that the Government believes are not at a clear and substantial risk of entering the EU Single Market, such as goods which arrive in Northern Ireland for processing before being re-exported back to Great Britain and goods which are delivered by suppliers in Great Britain for sale in Northern Ireland.³⁰

22. Although the Government’s position is that tariffs will not be levied, it acknowledged that goods moving from Great Britain to Northern Ireland will be subject to “some limited additional processes,” although “[these] will be conducted taking account of all flexibilities and discretion.” The Government confirmed that the UK will not require exit declarations, export declarations, or customs and regulatory clearance for goods leaving Great Britain for Northern Ireland. However, the paper acknowledged that some checks will be required on agri-food movements, building on checks that already take place in order to protect the island of Ireland’s status as a Single Epidemiological Unit.³¹

23. The Command Paper stated that “there will be no new physical customs infrastructure.” This is contradicted by the stated need for some existing infrastructure for agri-food goods to be expanded in order to meet the increased requirement for agri-food checks outlined above.³² Existing facilities at Warrenpoint and the Belfast ports and airports will be maintained, and in some cases expanded. The paper added that “there will be no construction at points of entry where no plant or animal health checks are currently carried out.”³³ We examine in more detail the Government’s approach to goods moving from Great Britain to Northern Ireland in Chapter 4.

24. Business groups in Northern Ireland welcomed the publication of the Command Paper and its acknowledgement of the UK’s obligations under the Protocol, while maintaining

26 [European Union \(Withdrawal Agreement\) Act 2020](#), Section 21

27 Cabinet Office, [The UK’s Approach to the Northern Ireland Protocol](#), CP226, 20 May 2020, pp. 9

28 HM Government, [Protocol on Ireland/Northern Ireland](#), 18 October 2019, Article 5

29 Financial Times, [EU increases pressure on Britain over Irish Sea customs border](#), 7 May 2020

30 Cabinet Office, [The UK’s Approach to the Northern Ireland Protocol](#), CP226, 20 May 2020, pp. 9

31 Cabinet Office, [The UK’s Approach to the Northern Ireland Protocol](#), CP226, 20 May 2020, pp. 12

32 HM Government, [Protocol on Ireland/Northern Ireland](#), 18 October 2019, Article 5

33 Cabinet Office, [The UK’s Approach to the Northern Ireland Protocol](#), CP226, 20 May 2020, pp. 14

that questions remained. The NI Business Brexit Working Group commented that “there is a need to move from ambitions to technical detail very quickly.”³⁴ Its response paper poses more than 60 outstanding questions on how the Protocol would work in practice.³⁵ An analysis of the NI Business Brexit Working Group paper by Dr Katy Hayward of The Queen’s University of Belfast described it as “a critical juncture in recognising the ‘headline’ changes to occur in this area,” but added that “many important aspects and effects of the Protocol are, however, merely skimmed over” and that a large number of questions that had been posed by businesses at the time of the Protocol’s publication remained unanswered.³⁶ We explore some of these specific challenges in chapters 3, 4 and 5 of this report.

25. The Government’s optimistic aspiration to facilitate unfettered access set out in the Command Paper on the revised Northern Ireland Protocol is welcome. The acid test for the Government will be the extent to which it can negotiate the translation of that aspiration into a functional reality.

26. The Government must set out the parliamentary timetable by which it plans to translate its aspiration to legislate for ‘unfettered access’ into law.

27. The Government must clarify the process and criteria by which Northern Ireland goods will be given qualifying status and so benefit from unfettered access. If the Government’s policy includes the certification of goods by businesses, it must set out what actions businesses will need to take no later than 1 October 2020 to allow businesses time to prepare.

UK-EU Joint Committees

28. While the Protocol and the Command Paper provided a partial picture of how goods will move between Northern Ireland and Great Britain from the end of the transition period, a number of questions remain. Some of these are matters for the UK Government to determine (see Chapter 3), but others will be decided by the UK-EU Withdrawal Agreement Joint Committee (WAJC). The WAJC is established by Article 164 of the Withdrawal Agreement. It is the body responsible for the implementation and application of the Agreement, including the Northern Ireland Protocol.³⁷ It comprises representatives from both the UK and the EU, and it is co-chaired by the Chancellor of the Duchy of Lancaster, Michael Gove MP, and the EU Vice-President for Interinstitutional Relations and Foresight, Maroš Šefčovič. Operating below the WAJC are a number of Specialised Committees comprised of UK and EU officials, including the Committee on issues related to the implementation of the Protocol on Ireland/Northern Ireland..³⁸ These Committees do not take decisions, but they can make recommendations to the Joint Committee for

34 NI Business Brexit Working Group, [Implementing the Northern Ireland Protocol: What Business in Northern Ireland needs & why](#), 5 June 2020

35 NI Business Brexit Working Group, [Implementing the Northern Ireland Protocol: What Business in Northern Ireland needs & why](#), 5 June 2020

36 Dr Katy Hayward, ‘[The UK Approach to the Northern Ireland Protocol’ command paper \(20 May 2020\): A Précis and Analysis](#), 22 May 2020

37 HM Government, [Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community](#), 19 October 2019

38 HM Government, [Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community](#), 19 October 2019, Article 165

decision. In addition, the Northern Ireland Protocol established a Joint Consultative Working Group on the implementation of the Protocol, which is described as “a forum for the exchange of information and mutual consultation.”³⁹

29. The WAJC can:

Adopt decisions amending this Agreement, provided that such amendments are necessary to correct errors, to address omissions or other deficiencies, or to address situations unforeseen when this Agreement was signed, and provided that such decisions may not amend the essential elements of this Agreement.⁴⁰

The EU Commission proposed amendments to the Agreement at the most recent WAJC meeting on 12 June 2020. The amendments included several additions to the list of EU laws applying in Northern Ireland under the Protocol.⁴¹ The UK Government accepted some of the amendments, but not those amending the Protocol. It has not explained its decision and its position on the proposed amendments.⁴²

30. The WAJC performs specific functions in respect of the Northern Ireland Protocol. On customs, the Protocol tasked the WAJC with setting criteria to determine whether a good entering Northern Ireland from another part of the UK will be subject to EU tariffs. These criteria are:

- a) what constitutes commercial processing of a good; and
- b) whether a good is at risk of moving onward into the EU Single Market.

In taking both decisions, the WAJC “shall have regard to the specific circumstances in Northern Ireland.”⁴³ The WAJC is also tasked with making other decisions relating to the Protocol. For example, when the EU passes a new act that falls within the scope of the Protocol, the WAJC is responsible for deciding whether to add that act to the Protocol.⁴⁴ This could potentially affect the operation of the customs regime in Northern Ireland in the future, if EU customs law were to change or if a change in another area of EU law created new regulatory divergence between the UK and the EU that required the implementation of new controls on goods arriving in Northern Ireland.

31. The WAJC is also required to keep Article 6 of the Protocol (on protection of the UK internal market) “under constant review,”⁴⁵ and “shall adopt appropriate recommendations with a view to avoiding controls at the ports and airports of Northern Ireland to the extent possible.” It can review Article 8 (VAT and excise) and adopt measures “taking into account Northern Ireland’s integral place in the United Kingdom’s internal market.”⁴⁶

39 HM Government, [Protocol on Ireland/Northern Ireland](#), 18 October 2019, Article 15

40 HM Government, [Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community](#), 19 October 2019, Article 164(5)(d)

41 European Commission, [Proposal for a Council Decision establishing the position to be adopted on behalf of the European Union in the Joint Committee established by the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community as regards the adoption of a decision to amend the Agreement](#), COM(2020), 195 final

42 European Scrutiny Committee, [UK-EU Joint Committee Decision of 12 June 2020 amending the Withdrawal Agreement](#), Twelfth Report of Session 2019–21, 24 June 2020

43 HM Government, [Protocol on Ireland/Northern Ireland](#), 18 October 2019, Article 5

44 HM Government, [Protocol on Ireland/Northern Ireland](#), 18 October 2019, Article 13(4)

45 HM Government, [Protocol on Ireland/Northern Ireland](#), 18 October 2019, Article 6(2)

46 HM Government, [Protocol on Ireland/Northern Ireland](#), 18 October 2019, Article 8

32. The Command Paper identified other matters where the Government believes a decision should be reached by the WAJC. For example, the Government argued that the Joint Committee should agree to waive the requirement for exit summary declarations and export declarations for goods leaving Northern Ireland for Great Britain.⁴⁷

33. In their public comments, the Government and the EU Commission expressed different views on the role of the WAJC in implementing the Protocol. The UK's co-chair of the WAJC, the Chancellor of the Duchy of Lancaster, stated that WAJC meetings are an opportunity to “develop the Protocol.”⁴⁸ By contrast, the Commission has made clear its view that “the Protocol on Ireland/Northern Ireland cannot be renegotiated, including in the Joint Committee.”⁴⁹ It is therefore unclear whether the Commission would accept that the WAJC has a role to play in taking decisions beyond those specifically provided for in the Protocol, and whether it would consider it appropriate for it to take a decision such as the one described by the UK in the Command Paper. It is noteworthy, however, that the Commission itself proposed amendments to the Withdrawal Agreement that would have altered the Protocol at the WAJC meeting of 12 June 2020.

34. By agreeing the Protocol, both parties affirmed their recognition of the unique circumstances in Northern Ireland and the need to protect the Belfast/Good Friday Agreement. The preamble to the Protocol emphasised the importance of “maintaining the integral place of Northern Ireland in the United Kingdom’s internal market” of “avoiding controls at the ports and airports of Northern Ireland to the extent possible”, and ensuring that “the application of this Protocol should impact as little as possible on the everyday life of communities in both Ireland and Northern Ireland.” Article 1, which sets out the objectives of the Protocol, stated that its purpose is to “address the unique circumstances on the island of Ireland, to maintain the necessary conditions for continued North-South co-operation, to avoid a hard border and to protect the 1998 Agreement in all its dimensions.”⁵⁰ Both parties also agreed to take the circumstances in Northern Ireland into account when taking decisions on how the Protocol will be implemented. Article 5(2) stated that when considering the definition of ‘at risk’ goods, the WAJC “shall have regard to the specific circumstances in Northern Ireland.” Article 6(2) stated that “the Union and the United Kingdom shall use their best endeavours to facilitate the trade between Northern Ireland and the other parts of the United Kingdom”. It instructed the Joint Committee to “keep the application of this paragraph under constant review” and to “adopt appropriate recommendations with a view to avoiding controls at the ports and airports of Northern Ireland to the extent possible.”

35. Meetings of the WAJC took place on 30 March and 12 June. The Specialised Committee on the Protocol has met once, on 30 April. It is understood that the Specialised Committee will meet again on 16 July, and that the Joint Committee will next meet in September.⁵¹

36. We are concerned that, in spite of the importance and urgency of the work to be done by the Joint Committee and Specialised Committee in order to implement the Protocol, they have met a combined total of three times.

47 Cabinet Office, The UK’s Approach to the Northern Ireland Protocol, [CP226](#), 20 May 2020, pp. 10

48 [Oral evidence taken before the Committee on the Future Relationship with the European Union on 11 March, Q25](#)

49 EU Commission, [Technical note on the implementation of the Protocol on Ireland/Northern Ireland](#), 30 April 2020

50 HM Government, [Protocol on Ireland/Northern Ireland](#), 18 October 2019

51 Twitter, [Jennifer Rankin](#) [Brussels Correspondent, the Guardian], 7 July

37. **Both the UK and the EU will need to engage constructively to make the Protocol work. The Protocol was created to address the specific circumstances of Northern Ireland. In line with the Protocol, the Joint Committee should therefore be a problem-solving forum where the best interests of Northern Ireland come first and the operation of the all-island economy is taken into account.**

Scrutiny of the UK-EU Committees

38. The WAJC makes decisions that will have significant implications for Northern Ireland, the UK and the EU. However, opportunities to scrutinise those decisions are limited. The meetings of the WAJC and its specialised committees are confidential. Agendas, minutes and decisions of the Committee are not published, although the rules allow the co-chairs discretion to do so (and the provisional agendas of WAJC meetings have been published in advance).⁵²⁵³ The UK and the EU have both released press statements following each meeting, from which a partial account of the discussions can be interpreted.⁵⁴ Even less information is available on the Specialised Committee on the Northern Ireland Protocol, for which neither agendas, minutes nor recommendations have been made available.

39. Some parliamentary scrutiny has been conducted of the UK Government's role in the WAJC. The UK's co-chair, the Chancellor of the Duchy of Lancaster, has appeared before Select Committees including the Northern Ireland Affairs Committee, and he has answered questions about the WAJC at these appearances. He has also, following a letter from the Chairs of eight House of Commons Select Committees (including the Northern Ireland Affairs Committee), committed to providing Written Ministerial Statements both before and after each WAJC meeting.⁵⁵ As Written Statements are not subject to oral examination by Members, however, the Government controls whether and when it can be questioned on its approach to the implementation of the Protocol in the Joint Committee. The Specialised Committee is subject to even less scrutiny. The Chancellor of the Duchy of Lancaster's position in his letter to Select Committee Chairs was that "Specialised Committees cannot take decisions, so it is appropriate for Parliamentary oversight to focus on the work of the WAJC."⁵⁶

40. **Effective parliamentary scrutiny of decision-making in the Joint Committee and Specialised Committees will require active facilitation by Government, because the relevant papers and records are not in the public domain.**

41. ***In consultation with the Liaison Committee, the Government must agree routinely to share the relevant agendas, summary minutes and minutes of the Joint Committee and the specialised committees with the appropriate parliamentary Select Committees and Committees of the Northern Ireland Assembly.***

42. Elected representatives and civil society exercise a degree of influence over the Government's approach to discussions in the WAJC and its specialised committees.

52 HM Government, [Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community](#), 19 October 2019, Annex VIII, Rules 7–10

53 EU Commission, [Provisional agenda of the second meeting of the Joint Committee](#), 8 June 2020

54 E.g. Cabinet Office, [Second meeting of the Withdrawal Agreement Joint Committee](#), 12 June 2020; EU Commission, [Press statement by Vice-President Maroš Šefčovič following the second meeting of the EU-UK Joint Committee](#), 12 June 2020

55 [Letter from the Chancellor of the Duchy of Lancaster](#), 24 March 2020

56 [Letter from the Chancellor of the Duchy of Lancaster](#), 24 March 2020

Article 14 of the Northern Ireland Protocol stated that the Specialised Committee shall consider proposals from the North-South Ministerial Council and north-south implementation bodies set up under the Belfast/Good Friday Agreement, the Northern Ireland Human Rights Commission, the Equality Commission for Northern Ireland, and the Joint Committee of representatives of the Human Rights Commissions of Northern Ireland and Ireland.⁵⁷ However, businesses and trade unions cannot directly influence or inform discussions on the design of the new customs system. The Northern Ireland Retail Consortium argued that:

the Joint Committee needs to talk to business. It needs to talk about the evidentiary threshold on how it is going to judge what is at risk and what is not at risk. You have to remember that what the joint committee decides will pretty much mould how our business looks for the foreseeable future.

It added:

We do not feel there has been enough business input yet, but we will need to be able to talk to the specialised committee, which will have more of a role in looking at the needs of business. We still need to be able to give evidence to that committee, in the same way as we are giving evidence today, on solutions and challenges, providing it with the problems and possible solutions. As of yet, we have not seen that.

43. In its Command Paper, the Government committed to establishing a Business Engagement Forum “to put forward proposals and provide feedback on how to maximise the free flow of trade,” but it is not clear how this will operate in practice and what connection, if any, the new forum will have to the work of the WAJC and its related committees.

44. ***The Government must establish a mechanism by which Northern Ireland businesses, representatives, trade unions, academics and other interested parties can engage with the Joint Committee, Specialised Committees and the Joint Consultative Working Group.***

45. Clarification is required on how the implementation of the Protocol will be scrutinised beyond the end of the transition period. The WAJC can decide to adopt new acts of EU law into the Protocol’s annexes.⁵⁸ Such decisions will alter the law in part of the UK and potentially create new regulatory divergence between Northern Ireland and Great Britain. Article 15(3) of the Protocol stated that the EU shall inform the UK about planned changes to EU law that would have effect under the Protocol, and that the Working Group can also be used by the UK and the EU to exchange information about implementation.⁵⁹ However, no mechanisms have been set up to allow the Parliaments of the UK to scrutinise those decisions and the laws to which they give effect.

46. Regulatory divergence between Great Britain and Northern Ireland may arise due to not only new EU laws, but new UK laws. Following the end of the transition period, the UK will no longer be bound by EU laws and will be able to legislate in ways that may create divergence between UK and EU law. In cases where the Protocol continues to apply

57 HM Government, [Protocol on Ireland/Northern Ireland](#), 18 October 2019

58 HM Government, [Protocol on Ireland/Northern Ireland](#), 18 October 2019, Article 13(4)

59 HM Government, [Protocol on Ireland/Northern Ireland](#), 18 October 2019

EU law in Northern Ireland, this will create new divergence between Great Britain and Northern Ireland. The extent to which divergence is possible will depend on the nature of the future relationship between the UK and the EU, which could include commitments to regulatory alignment in some areas. However, the Government repeatedly stated that its objective in the future relationship negotiations is to maximise the UK's regulatory autonomy. It said that "we will not agree to any obligations for our laws to be aligned with the EU's."⁶⁰ The Government's preferred agreement is one in which regulatory divergence between Great Britain and Northern Ireland is at least possible.

47. The Government has not made any proposals on how scrutiny of the Protocol might work post-transition. In a letter to Select Committee Chairs in May 2020, the Chancellor of the Duchy of Lancaster, stated that "the Government will prepare plans for scrutiny of the application after the end of the transition period of the Northern Ireland Protocol at a later date, when we are nearer to that point and have more clarity on what that may involve."⁶¹ The Government has also not made any proposals on how the Northern Ireland Protocol will be considered when new laws are made in the UK. One approach, proposed by the Institute for Government, would be for future legislation to include a Northern Ireland Protocol impact statement.⁶²

48. The Northern Ireland Protocol creates new possibilities of future legal divergence between Northern Ireland and Great Britain. The extent of this divergence will depend, in part, on the outcome of talks on the future relationship, and, in part, on future policy decisions taken by the UK Government. Both the UK Parliament and the Northern Ireland Assembly will need to be able to monitor and scrutinise the Protocol beyond the end of the transition period.

49. *The Government must establish mechanisms for the reporting and scrutiny of future regulatory divergence arising from the Northern Ireland Protocol after the transition period. At a minimum, those mechanisms should include a requirement that all future UK legislation include a Northern Ireland Protocol Impact Statement. This statement should:*

- a) *report any interaction between the legislation and the areas of EU law listed in Annex 2 of the Northern Ireland Protocol; and*
- b) *state whether the legislation creates new regulatory divergence between Northern Ireland and Great Britain as a result of the Northern Ireland Protocol.*

The Government should establish a mechanism that allows Parliament and the Northern Ireland Assembly to be informed whenever the EU, in the Joint Consultative Working Group, notifies the UK of planned EU legislation within the scope of the Protocol.

60 HM Government, [The Future Relationship with the EU: the UK's Approach to Negotiations](#), 27 February 2020

61 [Letter from the Chancellor of the Duchy of Lancaster](#), 27 May 2020

62 Institute for Government, [Implementing Brexit: the Northern Ireland Protocol](#), 24 May 2020 pp. 59

3 Movement of goods from Northern Ireland to Great Britain

Defining ‘unfettered access’

50. The Protocol guaranteed “unfettered market access for goods moving from Northern Ireland to other parts of the United Kingdom’s internal market.”⁶³ ‘Unfettered access’ is not a legal term, and it can be understood in different ways. Even within the UK market, businesses currently accept certain costs and administrative requirements associated with the movement of goods, such as checks on live animals moving from Great Britain to Northern Ireland. The Command Paper stated that:

Trade going from Northern Ireland to the rest of the UK...should take place as it does now. There should be no additional process or paperwork and there will be no restrictions on Northern Ireland goods arriving in the rest of the UK.⁶⁴

51. Businesses shared their understanding of what would constitute unfettered access. The Dairy Council for Northern Ireland took it to mean that “the flow of goods from NI to GB can continue as at present, with no impediment that would reduce the competitiveness of NI dairy products.”⁶⁵ Businesses generally accepted that additional documentary checks on movements of goods from Northern Ireland to Great Britain, such as exit summary declarations (which the Government had at one point suggested would be required), would not be compatible with the promise of unfettered access.⁶⁶ The Northern Ireland Business Brexit Working Group said that “it will be essential for the UK government to negotiate something bespoke for NI when it comes to the requirements for exit summary declarations between NI and GB.”⁶⁷

52. Several contributors to the inquiry expressed the view that for their businesses “unfettered access is not just about one-way movement.”⁶⁸ The Northern Ireland Business Brexit Working Group explained that many businesses in Northern Ireland need access to the UK market to source raw materials or components for processing, with the finished product in some cases being re-shipped to the UK.⁶⁹ Wesley Aston of the Ulster Farmers’ Union highlighted that the text of the Protocol did not guarantee unfettered access in both directions:

In terms of defining what unfettered access is, this is primarily NI to GB trade. It is not necessarily the other trade flow you mentioned, which is GB to NI. That is one where Europe is clearly saying, “Sorry, we have our rules.” That is not just about tariffs. It is about SPS [Sanitary and Phytosanitary, i.e.

63 HM Government, [Protocol on Ireland/Northern Ireland](#), 18 October 2019, Article 6(1)

64 Cabinet Office, [The UK’s Approach to the Northern Ireland Protocol](#), [CP226](#), 20 May 2020, pp. 9

65 Dairy Council for Northern Ireland ([UNF0009](#))

66 [Q7](#)

67 Northern Ireland Business Brexit Working Group ([UNF0012](#))

68 Northern Ireland Business Brexit Working Group ([UNF0012](#))

69 Northern Ireland Business Brexit Working Group ([UNF0012](#))

animal and plant health and safety] controls, and the UK Government do not really have any gift in that respect. That causes us real concern in any event, anyhow.⁷⁰

53. Witnesses were clear that unfettered access should mean the absence of not only formal processes and declarations, but new compliance costs for businesses that could affect competitiveness. The Dairy Council for Northern Ireland stated that “the notion of ‘unfettered access’ must include recognition of the additional costs NI dairy companies will have in getting products in to the GB market as a consequence of the additional documentation and checks that will be required.”⁷¹ Anne Donaghy of Mid and East Antrim Borough Council noted that small businesses are especially sensitive to additional costs:

Even a light-touch digitalisation of the system will add cost and burden on small businesses. Many of our SMEs are fewer than 10 people. How do you start to find a resource within that to complete the declaration and complete the paperwork? It will be very difficult to get the skill base and resource to do so.⁷²

Some businesses would bear these costs directly, while others would employ the services of professional customs agents. The Freight Transport Association reported that the average cost charged for completing a basic export declaration was £26 and that businesses could also face additional administration costs, IT costs, training costs and other one-off costs in order to meet the new requirements.⁷³ The Northern Ireland Business Brexit Working Group added that non-compliance could entail further costs. It noted that incorrectly completed exit summary declarations are currently subject to a £300 fine. Goods could also be denied passage, which would result in further costs.⁷⁴ Other concerns include write-offs due to the perishability of goods and negative effects on animal welfare arising from delays on livestock movements.

54. The Dairy Council for Northern Ireland raised further concerns about the proposals for defining “qualifying Northern Ireland goods,” noting that any requirement for checks to verify this status may not be compatible with the commitment to unfettered access. It added that Northern Ireland goods must not be discriminated against in the market in Great Britain.⁷⁵

55. In practice, we expect ‘unfettered access’ to mean the absence of new regulatory barriers, costs or administrative requirements to businesses moving goods from Northern Ireland to Great Britain. Benefits would accrue from the same being true for movements in the opposite direction.

56. *The Government must ensure that Northern Ireland businesses do not face new up-front or ongoing costs in order to move goods from Northern Ireland to Great Britain. Such costs would not be compatible with the Government’s commitment to unfettered access.*

70 [Q11](#)

71 Dairy Council for Northern Ireland ([UNF0009](#))

72 [Q21](#)

73 Freight Transport Association ([UNF0014](#))

74 Northern Ireland Business Brexit Working Group ([UNF0012](#))

75 Dairy Council for Northern Ireland ([UNF0009](#))

Guaranteeing unfettered access

57. All the definitions of “unfettered access” discussed in the previous section [see paragraphs 50 to 56] were predicated on the assumption that unfettered access means no new declarations to move goods from Northern Ireland to Great Britain. Importantly, the Command Paper promised “no additional processes or paperwork” for those movements. That included no import declarations or entry summary declarations on goods entering Great Britain from Northern Ireland, and no export declarations or exit summary declarations for goods leaving Northern Ireland for Great Britain.⁷⁶ The paper acknowledged that a small number of goods will be exempt from those arrangements and that some goods will be subject to new procedures when leaving Northern Ireland, such as movements of endangered species and goods moving under certain customs procedures. However, those special cases will apply to “minimal volumes” of trade.⁷⁷

58. The Government’s commitment to waive the requirement for import or entry summary declarations can be met unilaterally. Once the transition period ends, the UK will have the right to determine the conditions under which goods can enter its territory, and it could waive these requirements on goods entering Great Britain from Northern Ireland. However, other customs formalities cannot be waived by the UK unilaterally, such as the requirement for export declarations or exit summary declarations on goods leaving Northern Ireland, because those declarations inform the customs authorities that goods are to be taken out of the EU’s customs territory.⁷⁸ Those declarations are requirements of the Union Customs Code, which continues to apply in Northern Ireland under Article 5 of the Protocol.⁷⁹ The Command Paper argued that the requirement for export or exit summary declarations should be waived, and that the UK and the EU should agree on this approach in the Withdrawal Agreement Joint Committee (WAJC).⁸⁰ The Government argued that:

it makes no sense for Northern Ireland businesses to be required to complete an export or exit summary declaration as they send goods directly to the rest of the UK. Self-evidently goods being sent away from the Single Market cannot create a back door into it; and any such goods subsequently leaving the UK would be subject to both exit and entry checks anyway en route to their new destination.⁸¹

However, the EU indicated that it would not agree to such an approach. Michel Barnier, the Head of the EU’s Task Force for Relations with the United Kingdom, commented that “some of the objectives set out in this Command Paper—such as avoiding exit declarations on goods moving from Northern Ireland to Great Britain—are incompatible with the legal commitments accepted by the UK in the Protocol.”⁸² When we raised the EU’s objections to the Command Paper with the Chancellor of the Duchy of Lancaster, he reiterated that exit summary declarations “will not be required.”⁸³ He did not say whether that is because

76 Cabinet Office, The UK’s Approach to the Northern Ireland Protocol, [CP226](#), 20 May 2020, pp. 9

77 Cabinet Office, The UK’s Approach to the Northern Ireland Protocol, [CP226](#), 20 May 2020, pp. 9

78 [Council Regulation \(EC\) No. 952/2013](#)

79 HM Government, [Protocol on Ireland/Northern Ireland](#), 18 October 2019, Article 5(3)

80 Cabinet Office, The UK’s Approach to the Northern Ireland Protocol, [CP226](#), 20 May 2020, pp. 10

81 Cabinet Office, The UK’s Approach to the Northern Ireland Protocol, [CP226](#), 20 May 2020, pp. 10

82 EU Commission, [Statement by Michel Barnier following Round 4 of negotiations for a new partnership between the European Union and the United Kingdom](#), 5 June 2020

83 [Q64](#)

the Government believes that the EU Commission will ultimately agree to the approach set out in the Command Paper, or whether it believes that exit summary declarations will not be required in any case.

59. It is unclear whether the Government believes that the agreement of the WAJC is necessary or merely desirable to avoid the imposition of export or exit summary declarations on goods leaving Northern Ireland. There has to be a suspicion that the Government sees its Command Paper as just that, a command, rather than a proposal which requires negotiation and agreement. The UK's approach depends on the EU granting waivers from export declarations and exit summary declarations. While the Government's interpretation is desirable, it is ultimately a matter for the EU whether it grants that concession. We note that such declarations will be required under the Protocol if the rule is not waived, and that this would be incompatible with the commitment to unfettered access.

60. The Government must set out, in a timely fashion, how it will facilitate unfettered access if it does not secure a waiver from export declarations and exit summary declarations in the Joint Committee.

4 Movement of goods from Great Britain to Northern Ireland

Access to the UK market

61. The Northern Ireland Protocol did not explicitly guarantee unfettered access for goods moving from Great Britain to Northern Ireland in the same way that it did for goods moving in the opposite direction. However, Article 6(2) stated:

Having regard to Northern Ireland’s integral place in the United Kingdom’s internal market, the Union and the United Kingdom shall use their best endeavours to facilitate the trade between Northern Ireland and other parts of the United Kingdom, in accordance with applicable legislation and taking into account their respective regulatory regimes as well as the implementation thereof. The Joint Committee shall keep the application of this paragraph under constant review and shall adopt appropriate recommendations with a view to avoiding controls at the ports and airports of Northern Ireland to the extent possible.⁸⁴

Functional internal markets are predicated on businesses and consumers having equally unrestricted access to a marketplace where all participants buy and sell on equal terms. Witnesses repeatedly emphasised the importance of the movement of goods from Great Britain to Northern Ireland to Northern Ireland’s economy. The Northern Ireland Business Brexit Working Group told us that “unfettered access is not just about one-way movement,” noting that Northern Ireland is part of complex supply chains that cross the Irish Sea in both directions.⁸⁵ The Freight Transport Association reported that in 2019 a total of 425,166 roll-on/roll-off freight movements were recorded entering Northern Ireland ports from Great Britain.⁸⁶

62. Contributors to the inquiry told us that the Protocol could potentially create significant compliance costs for businesses moving goods from Great Britain to Northern Ireland. The Government’s own analysis identified additional costs associated with east-west movements. The Impact Assessment accompanying the European Union (Withdrawal Agreement) Act 2020 estimated that the cost of declarations for such movements ranges from £15 to £56.⁸⁷ In addition, the Command Paper confirmed that agri-food goods will be subject to additional checks on entry into Northern Ireland and that certain goods will require export health certificates and phytosanitary certificates.⁸⁸ Aodhán Connolly of the Northern Ireland Retail Consortium told us that the current cost of an export health certificate is approximately £200.⁸⁹ The Federation of Small Businesses told us that the various requirements “would add significant cost to small businesses.”⁹⁰

63. Some goods entering Northern Ireland from Great Britain may be subject to tariffs under the Protocol, if the UK and the EU do not negotiate tariff-free access for UK goods

84 Cabinet Office, The UK’s Approach to the Northern Ireland Protocol, [CP226](#), 20 May 2020, Article 5(3)

85 Northern Ireland Business Brexit Working Group ([UNF0012](#))

86 Freight Transport Association ([UNF0014](#))

87 [Impact Assessment \(IA\): European Union \(Withdrawal Agreement\) Bill](#), Bill 7 -2019], p. 55

88 [Qq103–106](#)

89 [Q5](#)

90 FSB Northern Ireland ([UNF0006](#))

to the EU market. The Protocol gave the UK limited powers to reimburse or waive tariffs, but some firms may face additional costs (see paragraph 83). The Ulster Farmers' Union stated that tariffs "would be a big issue," because of the associated costs for consumers and the effect on competitiveness.⁹¹

64. The effect of tariffs would be mitigated by a Free Trade Agreement between the UK and the EU. Angela McGowan of CBI Northern Ireland told us that "a zero-tariff trade deal... would ease things a lot."⁹² Aodhán Connolly told us that at present 70 per cent of goods brought into Northern Ireland did so under zero-tariff or preferential tariff arrangements as a result of EU membership. He concluded that Free Trade Agreements to replace the current arrangements were needed "very quickly."⁹³ The Government stated that it will pursue a zero-tariff, zero-quota trade deal with the EU.⁹⁴ However, the Chancellor of the Duchy of Lancaster told the Lords EU Committee that the UK might compromise on this objective in order to avoid signing up to level playing field commitments as part of the future relationship.⁹⁵

65. Businesses warned that the costs of compliance and of tariffs would place Northern Ireland at a competitive disadvantage with other parts of the UK.⁹⁶ The Northern Ireland Business Brexit Working Group told us that this could result in some of its members losing business:

If it is easier to do business in Scotland or Ireland because of potential new burdens in Northern Ireland, they will do that. It is a matter of simple equations. If there are new costs in terms of tariffs, paperwork or staff hours, and if costs exceed the product margin, then the product or business model becomes unviable. Supply chains will always take the path of least resistance and businesses seek to reduce unnecessary uncertainties and risks.⁹⁷

66. We asked the Chancellor of the Duchy of Lancaster whether the Government would offer financial support to businesses to reflect any additional costs brought about by the need to comply with the Protocol, such as completing new declarations or setting up new hardware or software. He referred to a "generous package of support for businesses" and said that the Government was engaging with businesses to understand what support would be required, but he did not specify which costs would be covered.⁹⁸ Such support would be required from 1 January, leaving limited time for any such scheme to be established. In providing such support, the Government will need to be mindful of state aid limits applying under Article 10 of the Protocol.

The Government's Command Paper

67. The Command Paper acknowledged that under the Protocol "UK authorities apply EU customs rules to goods entering Northern Ireland." That means:

91 [Q26](#)

92 [Q38](#)

93 [Q32](#)

94 HM Government, [The Future Relationship with the EU: The UK's Approach to Negotiations](#), 27 February 2020

95 [Oral Evidence taken before the House of Lords Select Committee on the European Union on 5 May 2020](#), Q15

96 [Q38](#); Northern Ireland Business Brexit Working Group, [Implementing the Northern Ireland Protocol: What business in Northern Ireland needs & why](#), 5 June 2020

97 Northern Ireland Business Brexit Working Group ([UNF0012](#))

98 [Qq77-79, Q107](#)

some new administrative process for traders, notably new electronic import declaration requirements, and safety and security information, for goods entering Northern Ireland from the rest of the UK. These are needed to make sure that tariffs are not paid on trade within the UK and that goods going to Ireland pay tariffs when they should.⁹⁹

The paper stated that those processes will be “electronic . . . streamlined and simplified to the maximum extent,” thereby avoiding the need for checks and new customs infrastructure at points of entry into Northern Ireland.¹⁰⁰ However, the Government acknowledged that the situation is different for agri-food goods and that “some checks will be needed, supported by relevant electronic processes, in line with the island of Ireland’s existing status as a Single Epidemiological Unit.” Consequently, expanded infrastructure will be required at ports where checks are already carried out to handle increased volumes of checks.¹⁰¹

68. Some elements of the approach outlined in the Command Paper will be at the discretion of the UK Government. The paper guaranteed “no export declaration, exit declarations, or customs and regulatory clearance for any goods as they leave the rest of the UK for Northern Ireland.”¹⁰² The paper noted that under the Protocol, UK authorities are responsible for the application of customs rules and can “exercise discretion, including with regard to the risk assessment of goods.” The Government argued that the UK can use that discretion to minimise checks:

It should be noted, for example, that the UK currently checks only 4% of third country movements notified through customs declarations, with under 1% involving physical fiscal checks of the consignments, and clearly goods from the rest of the UK will not present a similar level of risk to third country movements.¹⁰³

69. Other elements of the approach laid out in the Command Paper will require co-operation or agreement by the EU. On agri-food, the paper noted:

the process by which controls are conducted, and their frequency—including the level of physical checks required—will need to be discussed with the EU in the Withdrawal Agreement Joint Committee, within the context of the provision in the Protocol that both parties must use their “best endeavours” to avoid controls at Northern Ireland ports as far as possible, and adopt recommendations in the Committee accordingly. We will actively seek to simplify and minimise electronic documentary requirements for this trade.¹⁰⁴

The Government is also seeking to agree with the EU a principle that tariffs should not be levied on ‘internal UK trade’ and mechanisms for putting this into practice.¹⁰⁵

99 Cabinet Office, *The UK’s Approach to the Northern Ireland Protocol*, [CP226](#), 20 May 2020, pp. 12

100 Cabinet Office, *The UK’s Approach to the Northern Ireland Protocol*, [CP226](#), 20 May 2020, pp. 12

101 Cabinet Office, *The UK’s Approach to the Northern Ireland Protocol*, [CP226](#), 20 May 2020, pp. 12

102 Cabinet Office, *The UK’s Approach to the Northern Ireland Protocol*, [CP226](#), 20 May 2020, pp. 12

103 Cabinet Office, *The UK’s Approach to the Northern Ireland Protocol*, [CP226](#), 20 May 2020, pp. 12

104 Cabinet Office, *The UK’s Approach to the Northern Ireland Protocol*, [CP226](#), 20 May 2020, pp. 13

105 Cabinet Office, *The UK’s Approach to the Northern Ireland Protocol*, [CP226](#), 20 May 2020, pp. 12

70. It is not clear what degree of agreement the Government believes that it needs from the EU in order to put into practice the approach set out in the Command Paper. The paper did not state whether the Government will be seeking customs facilitations allowed for under the Union Customs Code, such as deferred accounting or simplified declarations, or whether it will be seeking bespoke arrangements. Nor is it clear whether the EU would agree to any such requests. As we noted in Chapter 2 [see paragraph 33], the EU Commission has repeatedly stated its position that the Protocol cannot be renegotiated by the Withdrawal Agreement Joint Committee (WAJC). The scope of what the EU's representatives on the WAJC may agree to is also limited by EU law, and so any decisions proposed by the Government will need to be decisions that the WAJC is empowered to make.

71. The Protocol recognised Northern Ireland's integral place in the UK's internal market. That recognition should mean that businesses and consumers in Northern Ireland can buy as freely from Great Britain as they can sell into it. The Command Paper confirmed that that will not be the case. Movements of goods from Great Britain to Northern Ireland will be subject to new administrative requirements, with associated costs. In this respect, Northern Ireland businesses will trade at a competitive disadvantage with other UK firms, and consumers in Northern Ireland are likely to see increased prices and reduced choice as a result. The net effect of those changes will create an imbalance in the UK internal market that may have wider implications for the Union.

72. The Government must deposit in the Libraries of both Houses of Parliament quarterly reports for the first two years after the introduction of the new arrangements, and annual reports thereafter, on the effect of the new customs regime on (a) investment and (b) business competitiveness in Northern Ireland.

73. The Government must commit to covering the costs to businesses of complying with the Protocol, such as the cost of completing new declarations and the cost of new hardware and software, to prevent any disincentive to trade between Northern Ireland and the rest of the UK. In providing such support, the Government will need to consider the effect of the provision of such support on compliance with Article 10 of the Protocol concerning state aid.

74. The Command Paper correctly prioritised minimising administration associated with moving goods from Great Britain to Northern Ireland. However, elements of the Government's approach rely on agreement and co-operation by the EU, and the Command Paper does not specify what form such agreement and co-operation might take and what specific decisions the Joint Committee will need to take to implement that approach.

75. The Government must set out the decisions that it believes must be taken by the Withdrawal Agreement Joint Committee to implement the Protocol in the way outlined in its Command Paper. It must clarify which of the facilitations allowed under the Union Customs Code the Government would seek to employ, and whether it will seek any additional facilitations.

Movement of goods

76. Following the publication of the Command Paper, the Government began to inform businesses of the processes by which they will be asked to comply with the Union Customs Code when moving goods across the Irish Sea into Northern Ireland. HMRC has begun to contact traders and inform them of how the new process for making customs declarations will work from 1 January 2021. Goods intended to be moved from Great Britain to Northern Ireland will require a declaration to be ‘pre-lodged’ before shipping across the Irish Sea. Declarations will be made using the new Goods Vehicle Movement Service (GVMS) IT platform developed by HM Revenue and Customs. Each vehicle will have a Goods Movement Reference (GMR) to provide HMRC with data about what is being carried, including detail required for making any necessary customs declarations.¹⁰⁶ The GMR will be checked at the port of departure from Great Britain. If the GMR is invalid—for example, because data is missing—then the vehicle will not be allowed to board. Once all vehicles are onboard, the data for their cargo is uploaded to HMRC, where it can be analysed and assessed for risk during passage across the Irish Sea. Carriers will then be notified by HMRC of whether further checks are required on arrival. If no checks are required, vehicles will be able to continue to their destinations.¹⁰⁷

77. It is unclear what information will be required for a GMR to be considered valid and to be granted permission to board. It is also unclear whether that information will be equivalent to the information required for imports under the Union Customs Code. In addition, we do not know whether the declarations will be digital or whether paperwork will be required.¹⁰⁸

78. Animal and plant products will be subject to further Sanitary and Phytosanitary (SPS) checks, as acknowledged in the Command Paper. These will be required to move through a designated Border Control Post (BCP), which must be approved by the EU. The Command Paper stated that the Government will, at a minimum, designate Larne port as an entry point for live animals, because Larne is already a point of entry for livestock, and request designations for additional categories of goods at Belfast port.¹⁰⁹ Animal and plant products will also require documentation. Animal products will require export health certificates, and plant products will require phytosanitary certificates.¹¹⁰ However, the Chancellor of the Duchy of Lancaster told us that the requirement for phytosanitary certificates would “depend on the nature of the product.”¹¹¹ Further declarations may be required, such as certificates of origin to determine the point of origin of the goods. That might be necessary to, for example, determine whether a good would qualify for preferential tariff rates under a future UK-EU trade agreement. The Chancellor of the Duchy of Lancaster was unable to confirm whether certificates of origin would be required for goods moving from Great Britain to Northern Ireland under the Protocol.¹¹²

106 Twitter, [Joe Mayes](#) [Brexit Correspondent, Bloomberg], 29 June 2020

107 Twitter, [Joe Mayes](#) [Brexit Correspondent, Bloomberg], 29 June 2020

108 Twitter, [Joe Mayes](#) [Brexit Correspondent, Bloomberg], 29 June 2020

109 Cabinet Office, *The UK’s Approach to the Northern Ireland Protocol*, [CP226](#), 20 May 2020, pp. 13

110 Twitter, [Joe Mayes](#) [Brexit Correspondent, Bloomberg], 29 June 2020

111 [Qq104–105](#)

112 [Q106](#)

79. *The Government must clarify by 1 October 2020 under what circumstances, if any, movements of goods from Great Britain to Northern Ireland will be subject to customs or regulatory checks. Specifically, the Government must confirm the circumstances under which the following would be required:*

- a) *import declarations;*
- b) *entry summary declarations;*
- c) *safety and security certificates;*
- d) *export health certificates;*
- e) *phytosanitary certificates; and*
- f) *certificates of origin.*

Tariffs

80. Under Article 5 of the Protocol, goods entering Northern Ireland that are subject to processing or that are deemed to be ‘at risk’ of entering the EU Single Market via the Irish border will be subject to EU tariffs.¹¹³ This creates the possibility that goods entering Northern Ireland from Great Britain may be subject to tariffs, with the increase in the cost of bringing goods into Northern Ireland potentially being passed on to consumers. A study by the UK Trade Policy Observatory estimated that 64 per cent of goods travelling from Great Britain to Northern Ireland would face tariffs under the Protocol.¹¹⁴ That risk would be mitigated if the UK and the EU were to agree a future relationship that enabled tariff-free trade, which is the Government’s stated ambition. The Command Paper stated that tariffs should not be levied on internal UK trade and that the Government will seek agreement for that approach in the WAJC. In the absence of such an agreement, however, the default situation would be tariffs being applied to goods subject to processing or at risk of onward movement to the EU.

81. Article 5(6) of the Protocol allowed the UK to reimburse or waive tariffs applicable under the Protocol.¹¹⁵ The Chancellor of the Duchy of Lancaster confirmed that “we want to make sure that, in the event of there not being a free trade agreement of whatever kind with the EU, we are in a position to indemnify and reimburse companies for tariffs.”¹¹⁶ This could lower the cost to business of bringing goods into Northern Ireland. However, the cost may not be eliminated completely.

82. Crucially, the UK’s ability to waive or reimburse tariffs will be subject to EU state aid limits, as set out in Article 10 of the Protocol. As a result, the UK would only be able to waive or reimburse any single business for tariffs up to a de minimis value of €200,000 over any continuous three-year period before requiring approval from the EU Commission. Many larger firms would probably reach that limit and would need Commission approval. The Protocol stated that “in taking decisions under Article 10, the European Commission shall take the circumstances in Northern Ireland into account as appropriate.”¹¹⁷ However,

113 Cabinet Office, The UK’s Approach to the Northern Ireland Protocol, [CP226](#), 20 May 2020, Article 5(2)

114 UK Trade Policy Observatory, [Expert Witness Evidence from Professor L Alan Winters CB](#), 9 December 2019, pp. 2

115 Cabinet Office, The UK’s Approach to the Northern Ireland Protocol, [CP226](#), 20 May 2020, Article 5(2)

116 [Q139](#)

117 Cabinet Office, The UK’s Approach to the Northern Ireland Protocol, [CP226](#), 20 May 2020, Article 5(6)(d)

it is not clear what view the Commission would take on any state aid exceeding the de minimis threshold. If the Commission were to refuse to approve state aid beyond that limit, further tariff waivers or reimbursements would not be possible without breaching Article 10 of the Protocol.

83. The design of the system will affect costs for traders. For example, if tariffs are waived then businesses will not bear the same up-front cost as if they have to apply for reimbursements. In either case, businesses will need to demonstrate that their goods qualify for compensation, and a mechanism would need to be applied to calculate and track compensation. These processes will create administrative burdens and costs for traders. The Government is yet to confirm how the system of waivers and/or reimbursements will work in practice.

84. We welcome the Government's assurance that it will waive and/or reimburse tariffs on goods moving from Great Britain to Northern Ireland, even where such goods are classified as being 'at risk' of entering the EU market. This assurance is key to maintaining business confidence in Northern Ireland, the UK and the EU.

85. The Government must confirm how it intends to use the flexibilities allowed under Article 5(6) of the Protocol to waive or reimburse the cost of tariffs on the movement of goods from Great Britain to Northern Ireland.

5 Making the Protocol operational

What needs to be done

86. The Northern Ireland Protocol will take full effect on 1 January 2021, following the end of the transition period. Not only do the UK and the EU need to decide how the Protocol should be implemented by that point, but the UK will need to take a number of steps to comply with its obligations under the Protocol and to ensure that trade across the Irish Sea is not disrupted. Businesses moving goods across the Irish Sea will also need to be ready to comply with any new obligations. That will be a significant challenge, made more difficult by the stress that the Covid-19 pandemic is placing on both government and business resources.

Business engagement

87. Before businesses can prepare, they must know what they are preparing for. Although the Government's Command Paper clarified how the Government intended to implement the Protocol, until that point businesses had little detail on what they would be expected to do. Aodhán Connolly of the Northern Ireland Retail Consortium told us:

The big cry from business is to give us that detail. If you are promising that it is unfettered, explain it to us. We want to see how it works because we need to prepare.¹¹⁸

This issue was compounded by inconsistent messages from Government on what the Protocol would require businesses to do. The then Secretary of State for Exiting the EU, the Rt Hon. Stephen Barclay MP, initially told the House of Lords Committee on the European Union that no checks would be required for goods moving from Northern Ireland to Great Britain, before revising his remarks to confirm that exit summary declarations would be required.¹¹⁹ The then Secretary of State for Northern Ireland, the Rt Hon. Julian Smith MP, told our predecessor Committee that “there will be some information required, but it is a minimal amount.”¹²⁰ However, two weeks later the Prime Minister told Northern Ireland businesses that there would be “no forms, no checks, no barriers of any kind,” without saying how this would be achieved.¹²¹ Before the publication of the Government's Command Paper, businesses who gave evidence to our inquiry told us that they expected to complete exit summary declarations.¹²²

88. We heard that the Government conducted very limited engagement with Northern Ireland businesses about the implementation of the Protocol. Engagement may have increased after the publication of the Command Paper. Speaking before the publication of that paper, Wesley Aston of the Ulster Farmers' Union told us:

118 [Q22](#)

119 [Oral evidence taken before the House of Lords Select Committee on the European Union](#), 21 October 2019, Qq 9–10

120 [Oral evidence taken on 23 October 2019](#), Q3

121 Belfast Telegraph, [Johnson tells Northern Ireland businesses to 'bin' customs forms](#), 8 November 2019

122 Federation of Small Businesses Northern Ireland ([UNF0006](#)); Northern Ireland Business Brexit Working Group ([UNF0012](#))

I have not talked about Brexit for some considerable time, having spoken about it for the previous four years. We have had no involvement, no engagement.¹²³

We were told that engagement with business had fallen compared with that undertaken by the previous Government. Mr Connolly told us that “we have not had the sort of engagement that we had prior in the process and even up to perhaps last July.” He gave the example of the Business and Trade Union Alternative Arrangements Advisory Group, which was set up by the previous Government to explore solutions for avoiding a land border, but which has not met since August 2019.¹²⁴

89. In the Command Paper, the Government committed to setting up a Business Engagement Forum “to allow Northern Ireland’s businesses to put forward proposals and provide feedback on how to maximise the free flow of trade.” At the time of publication (14 July 2020) this forum, lamentably, has not yet met. However, the Secretary of State for Northern Ireland told us that “we have found businesses very keen to engage and their representative groups very engaged in the process.”¹²⁵ The previous Government’s consultative groups also included a number of non-business representatives, such as trade unions, trade and customs experts and academics.¹²⁶

90. Despite the publication of the Command Paper, some aspects of how trade will work under the Protocol remain obscure. The Command Paper set out the Government’s aspiration, and while some aspects of its vision can be implemented unilaterally and can therefore be predicted with reasonable certainty, other aspects—particularly those relating to east-west trade—will require agreement in the Withdrawal Agreement Joint Committee.¹²⁷

91. The environment in which businesses will operate from 1 January will be shaped by whether the UK and the EU reach an agreement on their future relationship and on the terms of that deal. The exact terms on which businesses can move goods from Great Britain to Northern Ireland will remain unknowable until those decisions have been taken. If no deal is reached, businesses may need to make extensive preparations. In that case, businesses must be provided with the maximum time in which to prepare. We asked the Chancellor of the Duchy of Lancaster to confirm the cut-off date when the Government would tell businesses to proceed on the basis of no agreement. He replied that “we do not have a date per se pencilled in, but it is the case that, if we have not secured significant progress by October, it will be difficult.”¹²⁸

92. Previous experience suggests that many businesses may not be prepared for a sudden change in circumstances from 1 January. No deal was a realistic outcome on several occasions during the negotiations on the Withdrawal Agreement in 2019. The possibility of no deal led the Government to issue several warnings to business to prepare. In spite of those warnings, internal Government data published in October 2019 showed that 61

123 [Q7](#)

124 HM Government, [Press release: Business group established to look at Brexit backstop alternatives](#), 26 June 2019; PQ 23539 [On the Business and Trade Union Alternative Arrangements Advisory Group]

125 [Q81](#)

126 HM Government, [Press release: Technical advisory group on alternative arrangements to the backstop established](#), 20 June 2019; HM Government, [Business group established to look at Brexit backstop alternatives](#), 26 June 2019

127 Cabinet Office, [The UK’s Approach to the Northern Ireland Protocol](#), [CP226](#), 20 May 2020, pp. 7

128 [Q61](#)

per cent of UK businesses had not begun to look at how to prepare.¹²⁹ A UK-wide survey by the Federation of Small Businesses in September 2019 found that only one-fifth of businesses surveyed had prepared for a no-deal scenario, even though at the time the negotiating deadline was little more than a month away.¹³⁰

93. Businesses are also likely to have less capacity to prepare because of the disruption caused by the Covid-19 pandemic. The Director of CBI Northern Ireland, Angela McGowan gave us an example:

I had a very large pharmaceutical company say to me last week that at its board meeting it had to make a decision in early March: “Are we going to now concentrate on Brexit and getting ready, or are we going to concentrate on Covid?” It chose Covid. At the moment, I can honestly say that companies are not even thinking about this. They do not have the capacity to put any plans in place.¹³¹

94. Business engagement will be needed beyond January 2021. Changes to EU law applying under the Protocol and future UK legislation both have the potential to change the basis on which Northern Ireland trades with the rest of the UK by creating new divergence between Great Britain and Northern Ireland. In addition, businesses may be asked to comply with new requirements at relatively short notice without the benefit of a transition period of the kind negotiated as part of the Brexit process and without the necessary training and equipment to comply. The new Business Engagement Forum may be a suitable mechanism for alerting businesses to relevant changes to legislation.

95. There is a widespread perception that the Government has failed to communicate effectively with businesses and wider society in Northern Ireland, and that the Government has not involved Northern Ireland stakeholders sufficiently in developing the arrangements under which traders will be expected to operate once the Protocol takes effect.

96. *The Government must begin registering businesses for its new customs systems by 1 October 2020. Businesses must be told what preparations they need to make in order to avoid disruption to goods movements in January 2021.*

97. *We welcome the formation of the Business Engagement Forum to improve communications with businesses in Northern Ireland. The Government must publish terms of reference for the forum, so that its purpose can be properly understood, and it must clarify how it will engage small businesses and trade unions with the forum. Given that the Cabinet Office leads the Government’s work on the Withdrawal Agreement Joint Committee, whose decisions will be of significant consequence for businesses, the Cabinet Office must work closely with the Northern Ireland Office on business engagement.*

98. *The Government must ensure that the Business Engagement Forum is informed and consulted on future developments in relation to the Protocol, including new UK Government legislation, new EU legislation that may apply under Annex 2 of the Protocol and decisions of the Joint Committee.*

129 Politico, [UK government preparing ‘shock and awe’ Brexit media campaign](#), 17 June 2020

130 Financial Times, [Small businesses unprepared for no-deal Brexit, survey shows](#), 27 September 2019

131 [Q17](#)

99. *The Government must set up a dedicated advisory service to support businesses in their preparations for moving goods across the Irish Sea under the Protocol.*

Infrastructure

100. The Command Paper confirmed that expanded infrastructure will be needed at Belfast port, Belfast International airport, Belfast City airport and Warrenpoint port to handle increased volumes of agri-food goods requiring checks under the Protocol, and that Larne will be designated as an entry point for live animals.¹³² The Department for Agriculture, Environment and Rural Affairs (DAERA) in Northern Ireland has begun work on the required infrastructure. In June 2020, the Department provided an update to the Agriculture, Environment and Rural Affairs Committee (AERA) on progress, where it noted the limited time to implement the required infrastructure before the end of the transition period. The Permanent Secretary of DAERA, Denis McMahon, told the AERA Committee that:

While some preliminary work had been done, we have only been in a position since 27 May 2020 to really develop options for a minimum viable product, which is really a way of saying the basic product to make things work to meet the requirements of the protocol.¹³³

The Permanent Secretary said that “we have a huge task ahead of us and very little time to accomplish it.” He confirmed that DAERA’s delivery assessment for the project was amber/red, meaning:

successful delivery of the programme or project is in doubt with major risks or issues apparent in a number of key areas; urgent action is needed to ensure these are addressed, and whether resolution is feasible.¹³⁴

101. The Permanent Secretary told the AERA Committee that the current infrastructure at Northern Ireland’s ports is:

paper-based, labour-intensive and representative of working patterns that existed before e-certification and electronic signatures became acceptable. The supporting infrastructure, including IT, is not of a sufficient standard—in fact, it is almost non-existent—and we have facilities that do not meet the demands of modern import/export management systems, regardless of the need for changes under the protocol.¹³⁵

Despite the challenges involved in overhauling the system, he noted the opportunity to digitise processes and deliver “significant efficiencies” that could make Northern Ireland

132 Cabinet Office, *The UK’s Approach to the Northern Ireland Protocol*, CP226, 20 May 2020, pp. 13

133 Northern Ireland Assembly, [Official Report: Minutes of Evidence - Committee for Agriculture, Environment and Rural Affairs](#), 4 June 2020

134 Northern Ireland Assembly, [Official Report: Minutes of Evidence - Committee for Agriculture, Environment and Rural Affairs](#), 4 June 2020

135 Northern Ireland Assembly, [Official Report: Minutes of Evidence - Committee for Agriculture, Environment and Rural Affairs](#), 4 June 2020

a more attractive place to do business in the future.¹³⁶ Several contributors to the inquiry agreed that the Protocol could provide the impetus for modernising customs processes and to encourage businesses to take up new and more efficient practices.¹³⁷

102. DAERA stressed the need for co-operation from the UK Government and the EU to make the new arrangements work.¹³⁸ It welcomed the Government's commitment to fund the construction of new infrastructure for agri-food imports required by the Command Paper.¹³⁹

103. We welcome the Government's clarification that, although existing infrastructure at points of entry may require expansion, it does not intend to create new infrastructure at points of entry that do not already process plant or animal products.

104. The implementation of the Protocol is potentially an opportunity to update the UK's customs and port infrastructure with digital technology. We note that modernising Northern Ireland's customs infrastructure has the potential to make Northern Ireland a more attractive place to do business.

Digital platforms

105. Operating the Protocol will require the creation of new digital platforms. HMRC has already informed businesses moving goods from Great Britain to Northern Ireland that they will need to use the Goods Vehicle Movement Service (GVMS) platform to do so. However, the Committee on the Future Relationship with the European Union was told by the Port of Dover that this system was still at the "specification phase" and had not undergone full testing.¹⁴⁰ Witnesses to CFREU's inquiry nonetheless thought it possible to have such a system up and running in time for the end of the transition period, noting that French customs had specified and built a similar system in six months.¹⁴¹ Giving evidence to the Treasury Committee in October 2019, the Chief Executive and First Permanent Secretary to HMRC Jim Harra said that:

We will be working between now and 1 January 2021 to make sure both that we have the systems in place and that businesses have the guidance they need to comply with whatever the new requirements are.

He added:

We will aim for that to happen by 1 January 2021. That is what we will work up plans to do. From our point of view, with internal systems we feel confident about that.¹⁴²

136 Northern Ireland Assembly, [Official Report: Minutes of Evidence - Committee for Agriculture, Environment and Rural Affairs](#), 4 June 2020

137 Stephen Cox ([UNF0008](#)),

138 Northern Ireland Assembly, [Official Report: Minutes of Evidence - Committee for Agriculture, Environment and Rural Affairs](#), 4 June 2020

139 Northern Ireland Assembly, [Official Report: Minutes of Evidence - Committee for Agriculture, Environment and Rural Affairs](#), 4 June 2020; Cabinet Office, *The UK's Approach to the Northern Ireland Protocol*, [CP226](#), 20 May 2020, pp. 13

140 Financial Times, [UK's post-Brexit financial rules add pressure on EU over market access](#), 23 June 2020

141 [Evidence taken before the Committee on the Future Relationship with the European Union](#), 23 June 2020, Qq469–470

142 [Oral evidence taken before the Treasury Select Committee](#), 22 October 2019, Qq272–273

106. Other platforms are likely to be required in addition to GVMS. For example, a rebate system will be needed to run the UK's system of tariff waivers and reimbursements, so that businesses can be compensated for any tariffs paid on goods travelling from Great Britain to Northern Ireland. A further system may be required to oversee the operation of VAT, in view of the continued application of EU VAT laws in Northern Ireland under Article 8 of the Protocol and the divergence this could create between administration of VAT in Northern Ireland and in the rest of the UK. Neither the Command Paper nor the information shared with business so far specify how these systems will work or whether the two systems are either compatible or capable of being made compatible.

107. Any new systems would require businesses to be registered before they can trade under the Protocol. Many businesses did not prepare for Brexit and now have reduced capacity due to the economic effects of the Covid-19 pandemic on existing business models.

108. The Government stated that many administrative requirements on Great Britain to Northern Ireland movements can be simplified or waived using digital processes. Such facilitations will require co-operation with and agreement by the EU. We welcome the aspiration to streamline customs processes, but businesses need more detail if they are to take advantage of these facilitations and avoid incurring new costs. The Government will also need to ensure there is sufficient time to trial and test the new processes so that business can use them with confidence from 1 January.

109. HMRC's engagement with businesses on the IT required to implement the Protocol is welcome. As previous Brexit deadlines have shown, however, supporting businesses to prepare appropriately is challenging. This challenge is compounded by the effects of Covid-19 on businesses and on public finances.

110. *The Government must publish the risk register for the implementation of its IT platform for managing the movement of goods across the Irish Sea, so that this project can be properly scrutinised. HMRC officials should agree to provide a written update to the Committee before the end of July, and to appear before the Committee to give oral evidence on the implementation of the project before the end of October.*

Workforce capacity

111. The administration of the Northern Ireland Protocol will generate increased volumes of customs declarations and certifications of goods. Northern Ireland-based companies responding to a survey carried out by Northern Ireland's Department for the Economy in March 2020 said that they expected the volume of declarations they dealt with to rise from 500 to 600 per month to hundreds per day.¹⁴³ Meeting that surge in demand will require workforce expansion.

112. Although some traders will have the capacity to fill out their own customs declarations, many will outsource those functions to customs services companies. The Road Haulage Association has suggested that some 50,000 new customs staff will be needed UK-wide to meet additional demand.¹⁴⁴ The Government has not provided its own estimate,

143 Department for the Economy, [Customs Capacity Study within Service Providers](#), March 2020

144 The Guardian, [UK races to find extra 50,000 staff for post-Brexit paperwork](#), 28 February 2020

but it acknowledged that that figure is “not far off.”¹⁴⁵ The British International Freight Association warned that recruitment is falling “many thousands short” of this target. The Department for the Economy’s survey of customs providers noted that “there are very few Customs Clearance Agents currently operating in the local market, and these businesses have been very conservative in terms of scaling up for Brexit, with little recruitment during 2019.” The report found that many providers were “adopting a wait-and-see policy” until the Brexit outcome became clearer. Some respondents to the Department for the Economy’s survey noted that there was a “lack of available suitable personnel.”¹⁴⁶

113. The Government committed resources to increasing recruitment in the sector. The Chancellor of the Duchy of Lancaster said that the Government is working to establish a “customs agent academy” to train some of the required staff, although a date for the academy’s opening has not yet been confirmed.¹⁴⁷ It also announced a new funding package to support customs intermediaries to scale up their operations to handle increased volumes of EU trade.¹⁴⁸ However, it remains unclear whether the UK will have sufficient customs capacity to facilitate the implementation of the Protocol from 1 January. Respondents to the Department for the Economy’s survey noted that it can take between six and 12 months to train a new employee, suggesting that recruitment will need to take place very soon.¹⁴⁹ The amount of new capacity required may also not be apparent until a late stage, because aspects of the Government’s approach to implementing the Protocol will depend on decisions being taken in the WAJC. It is likely that the situation will not become clear until at least October, by which point time to act before the Protocol takes effect on 1 January will be extremely short.

114. The Protocol will increase demand for export health certificates (EHC), which are required for agri-food products. An EHC must be signed by an Official Veterinarian. The Dairy Council for Northern Ireland told us that it was unlikely that the UK would have sufficient vets to meet demand “for a period after the end of the Transition Period.”¹⁵⁰ The Chief Veterinary Officer for Northern Ireland, Robert Huey, told the Northern Ireland Assembly’s Agriculture, Environment and Rural Affairs Committee that “I have what I have. There is no cavalry coming over the hill,” but that the Department would work with its existing capacity and divert resources from elsewhere if necessary. In addition, vets would be supported by port inspectors, where possible.¹⁵¹

115. ***The Government must set out:***

- a) ***how many new customs transactions on movements of goods between Great Britain and Northern Ireland it believes will take place under the Protocol in each of the next three years;***
- b) ***the number of additional customs agents and official veterinarians it estimates will be needed to process those transactions; and***

145 Financial Times, [UK falling short of post-Brexit target for customs agents, warns industry](#), 26 May 2020

146 Department for the Economy, [Customs Capacity Study within Service Providers](#), March 2020

147 Belfast Telegraph, [Brexit: UK to set up academy for 50,000 customs form-fillers](#), 4 May 2020

148 HM Government, [Press release: new measures to support customs intermediaries](#), 12 June 2020

149 Department for the Economy, [Customs Capacity Study within Service Providers](#), March 2020

150 Dairy Council for Northern Ireland (UNF0009)

151 Northern Ireland Assembly, [Official Report: Minutes of Evidence - Committee for Agriculture, Environment and Rural Affairs](#), 4 June 2020

- c) *the number of customs agents and official veterinarians recruited since the adoption of the Protocol.*

Enforcement and fraud prevention

116. On 1 January 2021, the basis on which Northern Ireland trades with other parts of the United Kingdom will change literally overnight. As our report shows, this will require the operation of a new legal arrangement and of a multitude of new systems and processes. What is more, the new arrangements have been developed in haste as a result of the political imperatives of the UK's decision to leave the EU. In these circumstances, the Protocol will undoubtedly create new opportunities for smuggling and fraud. The Protocol acknowledged that risk. Article 5(2)(d) stated that the Withdrawal Agreement Joint Committee must take that factor into account when defining whether goods are considered to be "at risk" and therefore subject to EU tariffs.¹⁵²

117. The Protocol is designed to address Northern Ireland's unique circumstances and to secure the gains of the peace process. In the past, organised criminals used the proceeds of smuggling and fraud to fund campaigns of violence and terror seeking to undermine the hard-won gains of peace. Such criminals will undoubtedly attempt to exploit the new situation created by the Protocol and will seek to profit illegally from the new trading arrangements in Northern Ireland.

118. The introduction of new customs arrangements is an opportunity for new kinds of customs fraud. We note that in the past the proceeds of such crimes have been used to fund paramilitarism. The Protocol was conceived to protect the gains of the peace process, and it must be implemented effectively in order to serve that function. An important element of effective implementation will be close liaison with the Police Service of Northern Ireland and the Gardaí to prevent exploitation of the new arrangements for criminal gain. Our Committee intends to monitor this issue closely.

152 HM Government, [Protocol on Ireland/Northern Ireland](#), 18 October 2019

Conclusions and recommendations

Introduction

1. With less than six months to go, businesses are still in the dark about what they should be preparing for on 1 January 2021. The situation is now urgent, and the continued lack of detail risks Northern Ireland not being prepared for the new trading arrangements, an outcome which would have significant economic consequences. We remain to be convinced that the Government fully understands that its political approach, apparently informed by limited understanding of how business works, provides neither the clarity nor the detail that Northern Ireland business requires. Political theory cannot trump commercial necessity. We also remain to be convinced that the cumulative impact of Protocol uncertainty, coupled to Covid-19, has been fully reflected upon. (Paragraph 8)
2. *Notwithstanding the convention that Government Departments respond to Select Committee reports within 60 days of publication, the existential nature of the matters raised in this report for businesses, compounded by the pressures of Covid-19, merit a response being provided by the end of August.* (Paragraph 11)

Customs arrangements under the Northern Ireland Protocol

3. The Government's optimistic aspiration to facilitate unfettered access set out in the Command Paper on the revised Northern Ireland Protocol is welcome. The acid test for the Government will be the extent to which it can negotiate the translation of that aspiration into a functional reality. (Paragraph 25)
4. *The Government must set out the parliamentary timetable by which it plans to translate its aspiration to legislate for 'unfettered access' into law.* (Paragraph 26)
5. *The Government must clarify the process and criteria by which Northern Ireland goods will be given qualifying status and so benefit from unfettered access. If the Government's policy includes the certification of goods by businesses, it must set out what actions businesses will need to take no later than 1 October 2020 to allow businesses time to prepare.* (Paragraph 27)
6. We are concerned that, in spite of the importance and urgency of the work to be done by the Joint Committee and Specialised Committee in order to implement the Protocol, they have met a combined total of three times. (Paragraph 36)
7. Both the UK and the EU will need to engage constructively to make the Protocol work. The Protocol was created to address the specific circumstances of Northern Ireland. In line with the Protocol, the Joint Committee should therefore be a problem-solving forum where the best interests of Northern Ireland come first and the operation of the all-island economy is taken into account. (Paragraph 37)
8. Effective parliamentary scrutiny of decision-making in the Joint Committee and Specialised Committees will require active facilitation by Government, because the relevant papers and records are not in the public domain. (Paragraph 40)

9. *In consultation with the Liaison Committee, the Government must agree routinely to share the relevant agendas, summary minutes and minutes of the Joint Committee and the specialised committees with the appropriate parliamentary Select Committees and Committees of the Northern Ireland Assembly. (Paragraph 41)*
10. *The Government must establish a mechanism by which Northern Ireland businesses, representatives, trade unions, academics and other interested parties can engage with the Joint Committee, Specialised Committees and the Joint Consultative Working Group. (Paragraph 44)*
11. The Northern Ireland Protocol creates new possibilities of future legal divergence between Northern Ireland and Great Britain. The extent of this divergence will depend, in part, on the outcome of talks on the future relationship, and, in part, on future policy decisions taken by the UK Government. Both the UK Parliament and the Northern Ireland Assembly will need to be able to monitor and scrutinise the Protocol beyond the end of the transition period. (Paragraph 48)
12. *The Government must establish mechanisms for the reporting and scrutiny of future regulatory divergence arising from the Northern Ireland Protocol after the transition period. At a minimum, those mechanisms should include a requirement that all future UK legislation include a Northern Ireland Protocol Impact Statement. This statement should:*
 - a) *report any interaction between the legislation and the areas of EU law listed in Annex 2 of the Northern Ireland Protocol; and*
 - b) *state whether the legislation creates new regulatory divergence between Northern Ireland and Great Britain as a result of the Northern Ireland Protocol.*

The Government should establish a mechanism that allows Parliament and the Northern Ireland Assembly to be informed whenever the EU, in the Joint Consultative Working Group, notifies the UK of planned EU legislation within the scope of the Protocol. (Paragraph 49)

Movement of goods from Northern Ireland to Great Britain

13. In practice, we expect ‘unfettered access’ to mean the absence of new regulatory barriers, costs or administrative requirements to businesses moving goods from Northern Ireland to Great Britain. Benefits would accrue from the same being true for movements in the opposite direction. (Paragraph 55)
14. *The Government must ensure that Northern Ireland businesses do not face new up-front or ongoing costs in order to move goods from Northern Ireland to Great Britain. Such costs would not be compatible with the Government’s commitment to unfettered access. (Paragraph 56)*
15. It is unclear whether the Government believes that the agreement of the WAJC is necessary or merely desirable to avoid the imposition of export or exit summary declarations on goods leaving Northern Ireland. There has to be a suspicion that the Government sees its Command Paper as just that, a command, rather than a proposal which requires negotiation and agreement. The UK’s approach depends on the EU granting waivers from export declarations and exit summary declarations.

While the Government's interpretation is desirable, it is ultimately a matter for the EU whether it grants that concession. We note that such declarations will be required under the Protocol if the rule is not waived, and that this would be incompatible with the commitment to unfettered access. (Paragraph 59)

16. *The Government must set out, in a timely fashion, how it will facilitate unfettered access if it does not secure a waiver from export declarations and exit summary declarations in the Joint Committee.* (Paragraph 60)

Movement of goods from Great Britain to Northern Ireland

17. The Protocol recognised Northern Ireland's integral place in the UK's internal market. That recognition should mean that businesses and consumers in Northern Ireland can buy as freely from Great Britain as they can sell into it. The Command Paper confirmed that that will not be the case. Movements of goods from Great Britain to Northern Ireland will be subject to new administrative requirements, with associated costs. In this respect, Northern Ireland businesses will trade at a competitive disadvantage with other UK firms, and consumers in Northern Ireland are likely to see increased prices and reduced choice as a result. The net effect of those changes will create an imbalance in the UK internal market that may have wider implications for the Union. (Paragraph 71)
18. *The Government must deposit in the Libraries of both Houses of Parliament quarterly reports for the first two years after the introduction of the new arrangements, and annual reports thereafter, on the effect of the new customs regime on (a) investment and (b) business competitiveness in Northern Ireland.* (Paragraph 72)
19. *The Government must commit to covering the costs to businesses of complying with the Protocol, such as the cost of completing new declarations and the cost of new hardware and software, to prevent any disincentive to trade between Northern Ireland and the rest of the UK. In providing such support, the Government will need to consider the effect of the provision of such support on compliance with Article 10 of the Protocol concerning state aid.* (Paragraph 73)
20. The Command Paper correctly prioritised minimising administration associated with moving goods from Great Britain to Northern Ireland. However, elements of the Government's approach rely on agreement and co-operation by the EU, and the Command Paper does not specify what form such agreement and co-operation might take and what specific decisions the Joint Committee will need to take to implement that approach. (Paragraph 74)
21. *The Government must set out the decisions that it believes must be taken by the Withdrawal Agreement Joint Committee to implement the Protocol in the way outlined in its Command Paper. It must clarify which of the facilitations allowed under the Union Customs Code the Government would seek to employ, and whether it will seek any additional facilitations.* (Paragraph 75)
22. *The Government must clarify by 1 October 2020 under what circumstances, if any, movements of goods from Great Britain to Northern Ireland will be subject to customs or regulatory checks. Specifically, the Government must confirm the circumstances under which the following would be required:)*

- a) *import declarations;*
 - b) *entry summary declarations*
 - c) *safety and security certificates;*
 - d) *export health certificates;*
 - e) *phytosanitary certificates; and*
 - f) *certificates of origin. (Paragraph 79)*
23. We welcome the Government's assurance that it will waive and/or reimburse tariffs on goods moving from Great Britain to Northern Ireland, even where such goods are classified as being 'at risk' of entering the EU market. This assurance is key to maintaining business confidence in Northern Ireland, the UK and the EU. (Paragraph 84)
24. *The Government must confirm how it intends to use the flexibilities allowed under Article 5(6) of the Protocol to waive or reimburse the cost of tariffs on the movement of goods from Great Britain to Northern Ireland. (Paragraph 85)*

Making the Protocol operational

25. There is a widespread perception that the Government has failed to communicate effectively with businesses and wider society in Northern Ireland, and that the Government has not involved Northern Ireland stakeholders sufficiently in developing the arrangements under which traders will be expected to operate once the Protocol takes effect. (Paragraph 95)
26. *The Government must begin registering businesses for its new customs systems by 1 October 2020. Businesses must be told what preparations they need to make in order to avoid disruption to goods movements in January 2021. (Paragraph 96)*
27. *We welcome the formation of the Business Engagement Forum to improve communications with businesses in Northern Ireland. The Government must publish terms of reference for the forum, so that its purpose can be properly understood, and it must clarify how it will engage small businesses and trade unions with the forum. Given that the Cabinet Office leads the Government's work on the Withdrawal Agreement Joint Committee, whose decisions will be of significant consequence for businesses, the Cabinet Office must work closely with the Northern Ireland Office on business engagement. (Paragraph 97)*
28. *The Government must ensure that the Business Engagement Forum is informed and consulted on future developments in relation to the Protocol, including new UK Government legislation, new EU legislation that may apply under Annex 2 of the Protocol and decisions of the Joint Committee. (Paragraph 98)*
29. *The Government must set up a dedicated advisory service to support businesses in their preparations for moving goods across the Irish Sea under the Protocol. (Paragraph 99)*

30. We welcome the Government's clarification that, although existing infrastructure at points of entry may require expansion, it does not intend to create new infrastructure at points of entry that do not already process plant or animal products. (Paragraph 103)
31. The implementation of the Protocol is potentially an opportunity to update the UK's customs and port infrastructure with digital technology. We note that modernising Northern Ireland's customs infrastructure has the potential to make Northern Ireland a more attractive place to do business. (Paragraph 104)
32. The Government stated that many administrative requirements on Great Britain to Northern Ireland movements can be simplified or waived using digital processes. Such facilitations will require co-operation with and agreement by the EU. We welcome the aspiration to streamline customs processes, but businesses need more detail if they are to take advantage of these facilitations and avoid incurring new costs. The Government will also need to ensure there is sufficient time to trial and test the new processes so that business can use them with confidence from 1 January. (Paragraph 108)
33. HMRC's engagement with businesses on the IT required to implement the Protocol is welcome. As previous Brexit deadlines have shown, however, supporting businesses to prepare appropriately is challenging. This challenge is compounded by the effects of Covid-19 on businesses and on public finances. (Paragraph 109)
34. *The Government must publish the risk register for the implementation of its IT platform for managing the movement of goods across the Irish Sea, so that this project can be properly scrutinised. HMRC officials should agree to provide a written update to the Committee before the end of July, and to appear before the Committee to give oral evidence on the implementation of the project before the end of October.* (Paragraph 110)
35. *The Government must set out:*
 - a) *how many new customs transactions on movements of goods between Great Britain and Northern Ireland it believes will take place under the Protocol in each of the next three years;*
 - b) *the number of additional customs agents and official veterinarians it estimates will be needed to process those transactions; and*
 - c) *the number of customs agents and official veterinarians recruited since the adoption of the Protocol.* (Paragraph 115)
36. The introduction of new customs arrangements is an opportunity for new kinds of customs fraud. We note that in the past the proceeds of such crimes have been used to fund paramilitarism. The Protocol was conceived to protect the gains of the peace process, and it must be implemented effectively in order to serve that function. An important element of effective implementation will be close liaison with the Police Service of Northern Ireland and the Gardaí to prevent exploitation of the new arrangements for criminal gain. Our Committee intends to monitor this issue closely. (Paragraph 118)

Formal minutes

Wednesday 8 July 2020

Members present:

Simon Hoare, in the Chair

Caroline Ansell	Mr Robert Goodwill
Scott Benton	Claire Hanna
Mr Gregory Campbell	Ian Paisley
Stephen Farry	Stephanie Peacock
Mary Kelly Foy	

Draft Report (*Unfettered Access: Customs Arrangements in Northern Ireland after Brexit*), proposed by the Chair, brought up and read.

Ordered, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 118 read and agreed to.

Summary agreed to.

Resolved, That the Report be the First Report of the Committee to the House.

Ordered, That the Chair make the Report to the House.

Ordered, That embargoed copies of the Report be made available (Standing Order No. 134).

[Adjourned till Wednesday 15 July at 8.45am

Witnesses

The following witnesses gave evidence. Transcripts can be viewed on the [inquiry publications page](#) of the Committee's website.

Thursday 30 April 2020

Wesley Aston, Chief Executive Officer, Ulster Farmers' Union; **Aodhán Connolly**, Director, Northern Ireland Retail Consortium; **Anne Donaghy**, Chief Executive, Mid and East Antrim Borough Council; **Angela McGowan**, Director, CBI Northern Ireland; **Professor David Widdowson**, Chief Executive Officer, Centre for Customs and Excise Studies

[Q1–44](#)

Thursday 18 June 2020

Rt Hon Michael Gove MP, Chancellor of the Duchy of Lancaster; **Rt Hon Brandon Lewis MP**, Secretary of State for Northern Ireland; **Colin Perry**, Director, Northern Ireland Office; **Brendan Threlfall**, Director, Withdrawal Agreement and Northern Ireland Team, Transition Task Force, Cabinet Office

[Q45–154](#)

Published written evidence

The following written evidence was received and can be viewed on the [inquiry publications page](#) of the Committee's website.

UNF numbers are generated by the evidence processing system and so may not be complete.

- 1 British Veterinary Association ([UNF0015](#))
- 2 Centre for Customs and Excise Studies ([UNF0003](#))
- 3 Dairy Council for Northern Ireland (Dr Mike Johnston, Chief Executive) ([UNF0009](#))
- 4 Dunsmuir, Mr Frank ([UNF0007](#))
- 5 Freight Transport Association ([UNF0014](#))
- 6 FSB Northern Ireland ([UNF0006](#))
- 7 Hayward, Dr Katy ([UNF0011](#))
- 8 Hiscock, Des ([UNF0007](#))
- 9 Karlsson, Mr Lars ([UNF0007](#))
- 10 Komarova, Dr Milena ([UNF0011](#))
- 11 Mid and East Antrim Borough Council ([UNF0004](#))
- 12 Newcastle University (Dr Clare Rice, Research Assistant) ([UNF0005](#))
- 13 Newcastle University (Mr Colin Murray, Reader in Public Law) ([UNF0005](#))
- 14 Northern Ireland Business Brexit Group ([UNF0012](#))
- 15 Northern Ireland Retail Consortium ([UNF0013](#))
- 16 NSF Safety and Quality Ltd., Oxford, UK, and Institute for Global Food Security at Queen's University, Belfast (Stephen Cox) ([UNF0008](#))
- 17 Phinnemore, Professor David ([UNF0011](#))
- 18 Singham, Mr Shanker ([UNF0007](#))
- 19 Smith, Mr Tony ([UNF0007](#))
- 20 Unadkat, Dinesh ([UNF0007](#))
- 21 Widdowson AM, Professor David ([UNF0017](#))