

Title of Report: EU Exit and NI Protocol: Imported Food Checks at points of entry/Ports	Officer Presenting: Director of Health & Community Author: Head of Health & Community Wellbeing
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1 Purpose of Report/Recommendations

- 1.1 The purpose of this report is to update Members on the UK Governments approach to implementing the Northern Ireland Protocol and the work being carried out to prepare for the additional checks which may be required under EU law on agri-foods moving from GB to NI.

2 Background

- 2.1 The UK's departure from the EU, was agreed at the European Council in October 2019, which set the UK Withdrawal Agreement, which came into effect on 31 January 2020 when the UK left the EU. The Withdrawal Agreement sets out the arrangements for the transition period, which comes to an end on 31 December 2020
- 2.2 In February 2020 the UK published 'The Future Relationship with the EU' and a series of accompanying documents, including the draft UK-EU Comprehensive Free Trade Agreement (CFTA) and several sector-specific documents. Trade negotiations continue between the UK and the EU.
- 2.3 On 20 May 2020 the UK Government published its "Approach to (implementing) The Northern Ireland Protocol" which reflect the commitment of the UK and the EU to the Good Friday Agreement and include keeping the Irish border open. The NI Protocol covers customs, tariffs, movement of goods, and regulation which creates a single regulatory zone on the island of Ireland for imported goods.
- 2.4 The proposals aim to deliver unfettered access for NI businesses to the UK market, ensuring Northern Ireland benefits fully from its access to the GB and EU markets and UK trade deals across the world.
- 2.5 If the UK government and the EU fail to conclude a Free Trade Agreement before the end of the transition period, on 31 December 2020, trading arrangements between NI/GB and NI/EU will be based solely on the NI Protocol. Consequently, NI will continue to apply relevant EU legislation and remain within the single market, however, GB will leave the single market and be treated as a third country.

- 2.6 The Protocol on Ireland / Northern Ireland (NIP), will become fully applicable at the end of the transition period (TP) that is, from 1 January 2021. The UK has committed to apply in Northern Ireland the provisions of EU law, as listed in Annex 2 of the NIP, relating to sanitary and phytosanitary (SPS) requirements.
- 2.7 This means that:
- domestic production of food in Northern Ireland must continue to comply with EU SPS requirements; and
 - animals, plants and their products entering Northern Ireland from either a third country (TC) or Great Britain (GB) must comply with EU SPS requirements and be subject to official controls as prescribed by EU law.
- 2.8 The logistics surrounding trade between the UK and the EU is under negotiation as part of the ongoing Free Trade Agreement (FTA) negotiation rounds, however the Food Standards Agency (FSA) in NI has been preparing for the application of official controls on animals, plants, and their products entering NI from GB (which post TP will be considered a third country), with NI being a gateway into the EU at the end of the TP.
- 2.9 The importation of TC products subject to official controls (product of animal origin -POAO and high-risk food not of animal origin - HRFNAO) is only possible through Points of Entry (POE) approved to accept that particular product. These POE were originally referred to as Border Control Posts (BCPs). Currently, the only BCP/POE at a NI Port for handling Food products is at Belfast port.
- 2.10 Requirements for the entry of these products into the EU are outlined in legislation and include SPS checks. In order to address the increase in the amount of SPS checks that will be needed post TP, applications have been made regarding the designation of additional POEs in NI.
- 2.11 The three main points of entry for goods entering NI from GB are Larne, Belfast and Warrenpoint Ports, these ports along with Foyle Port and Belfast International Airport are planning to expand their existing infrastructure for the additional SPS checks on agri-foods entering NI from GB as required by EU law
- 2.12 Foyle Port at Lisahally, Derry is one of the ports in NI which has applied to the EU for designation as a POE.

3 Key Issues

- 3.1 On 1 January 2021 GB will become a Third Country and in future high risk foods can only be imported into NI from GB through EU designated points of entry with the prescribed facilities to carry out the checks to ensure they meet EU standards to protect public, animal and plant health
- 3.2 The NI Executive has agreed that Department of Agriculture, Environment and Rural Affairs (DAERA), shall act as the lead Department for the implementation of SPS checks related to the NI Protocol. DAERA has initiated a transition programme, working closely with delivery partners including Councils, DEFRA and the FSA to prepare for delivery of the new control regime on 1 January 2021. The programme aims to:
 1. Ensure delivery organisations including Councils are prepared,
 2. Provide any enhanced infrastructure required,
 3. Ensure adequate resources are in place to implement and deliver,
 4. Ensure the necessary policies, processes, procedures and supporting IT functionality are in place
 5. Develop and implement a clear program of engagement and communication with all stakeholders including traders to ensure readiness
- 3.3 The Environmental Health section within council has been working alongside DAERA, FSA, and those Councils which have Ports to prepare for the delivery of a new POE control checks on 1 January 2021.
- 3.4 These checks are carried out and enforced by DAERA (Veterinary Officers (OV's)) and Local Councils (Environmental Health Officers). DAERA are responsible for checks on live animals, products of animal origin, plant health and food marketing standards. Local Councils are responsible for checks on fish and fishery products, high risk foods not of animal origin, plastic kitchenware, organic certification and fish catch certification. DAERA are the responsible authority for exports.
- 3.5 The proposals also aim to offer appropriate protection to the EU single market with minimum bureaucratic consequences. The UK Government has confirmed its intention to work with the NI Executive to expand existing infrastructure at NI Ports, including Foyle Port, for the additional SPS checks on agri-foods entering NI from GB as required by EU law.

- 3.6 DAERA has secured funding from the UK Government to design and build the new inspection facilities required to carry out the SPS checks at Belfast, Larne, Warrenpoint and Foyle Ports. Applications for Certificates of Lawful Use or Development have been submitted to Council Planning departments. DAERA is currently considering contingency arrangements should the facilities not be operational by 1 January 2021.
- 3.7 The facilities will be provided and operated by DAERA for the use of both DAERA and Council SPS inspection services. They may also be made available to other Government agencies for occasional checks under the NI Protocol, for example potentially safety checks on imported consumer goods by Council EHO's.
- 3.8 This work has significantly more implications for the other 3 NI Ports, namely Belfast, Larne and Warrenpoint, than it has for Foyle Port. Councils, for example Belfast, provide and operate the current inspection facility and are responsible for sanitary checks on imports of fish, fishery products and foods not of animal origin. DAERA are responsible for all other SPS checks including other products of animal origin. At Foyle Port this does not incur many inspections by DCSDC staff at present. This is due to the fact that there is not the same level of fish landings at Foyle Port as there are at the other ports.
- 3.9 There are two routes by which fishery products, as POAO, can be landed into the EU by TC fishing vessels. One is for fish that has been processed on-board a vessel at sea before landing and the other is for unprocessed fresh fish (primary product) landed directly from sea. Processing of fish can only be carried out on vessels that have been approved by the competent authority (local authorities in the UK) under food hygiene legislation (Reg 853/2004), whereas vessels that handle unprocessed fresh fish are only required to be registered for food hygiene purposes.
- 3.10 There have been very few landings of these type of processing vessels at Foyle Port over the last 3 years, however this may increase after the TP has ended and the NI Protocol comes into force and council officers will have to carry out the SPS checks on these vessels if any arrive in Foyle Port.

4 Financial, Equality, Legal, HR, Improvement, Rural Needs and other Implications

- 4.1 Under current EU legislation SPS import checks are on a cost recovery basis with importers required to pay for them.
- 4.2 The FSA Northern Ireland has made additional funding available to district councils for EU exit related preparations and is working directly with district councils that will be impacted by the Northern Ireland Protocol in relation to food import controls.

- 4.3 Funding will be made to Councils for the current financial year, to recruit and train the officers required to carry out the anticipated level of additional checks. Although staff will be employed to carry out checks at the Ports at Belfast, Larne and Warrenpoint, the FSA has agreed to fund DCSDC on a payment per inspection basis.
- 4.4 Over the next few months, DEARA will be implementing a communication and engagement plan in conjunction with the relevant government departments including DEFRA and HMRC to ensure businesses are kept up to date. This will include a series of stakeholder engagement sessions to support trader readiness for both exporters in GB and importers in NI guide traders step by step through the journey from GB to NI.

5 Recommendations

- 5.1 Members are asked to note the content of this report including the work being carried out to prepare for the additional checks which may be required under EU law on agri-foods moving from GB to NI.

Background Papers

[Regulation \(EC\) No 853/2004 of the European Parliament \(hygiene rules for food of animal origin\)](#)

[Northern Ireland Protocol to the Withdrawal Agreement](#)

[The UK's Approach to the Northern Ireland Protocol](#)

[Department of Agriculture, Environment and Rural Affairs -EU Exit questions & answers](#)

[Exporting animals and animal products from Northern Ireland](#)

[Invest NI EU Exit workshops and advice clinics](#)

[Brexit: Preparation guidance by business sector](#)

[There are new rules for businesses and citizens from 1 January 2021](#)

[Trader Support Service](#)

[NI Direct Business - EU exit information](#)