

# Joint Oireachtas Committee on Transport and Communications Networks

22 January 2021

## Customs Checks post-Brexit

### Opening Statement

- Thank you, Chairman, and thank you for the opportunity to address the Committee today on the experience to date in the implementation of Sanitary and Phytosanitary controls by the Department of Agriculture, Food and the Marine since the end of the transition period.
- I am joined by my colleague, Senior Superintending Veterinary Inspector Hazel Sheridan, who is the Head of the Department's Import Controls Operations Division, and oversees operational matters associated with SPS controls.
- I know time is limited, and Committee members will be familiar with this, but it is important to emphasise at the outset the value of Ireland-GB agri-food trade, and indeed Ireland-EU trade via the UK landbridge, to the agri-food sector here and to the wider economy, and the determination of the Department of Agriculture Food and the Marine, in collaboration with other Government departments and agencies, to continue to facilitate trading arrangements to the maximum extent possible while also maintaining the integrity of the Single Market.
- However, the UK's departure from that Single Market on 1 January 2021 means that the seamless trading arrangements between Ireland and Great Britain that were in place up to the end of December 2020 no longer exist. Additional administrative burdens are being placed on operators, and on state agencies. All of those engaged in the trade and movement of goods have to acknowledge this reality, and accept that these new arrangements are permanent.
- In addition to the new customs requirements already outlined, EU Regulations require that certain types of consignments entering the European Union are checked at specialised facilities called border control posts before being placed on the European Single Market. These checks are called sanitary and phytosanitary, or SPS, checks. The consignments that must be subjected to these checks are animals, plants, and plant and animal products, including food.

- The purpose of these controls is to ensure that plants and animals and products made therefrom meet the food safety standards of the European Union, and do not pose a risk as regards the introduction of plant or animal diseases that we do not have in the European Union. If they were introduced, they could have a devastating effect on the Agri-food industry in Ireland and across the EU. Foot and mouth disease is an example of one such disease.
- The controls also ensure that products being imported have been produced to the same standards, and as such do not represent unfair competition, being cheaper because they have been produced to lower standards.
- These controls are not new. They have been in place since the European Single Market was first created in 1993. The difference now is that on January 1<sup>st</sup>, these controls came into force for consignments of plants, animals, plant and animal products coming from the UK, except Northern Ireland. The requirement for these controls is not affected by the Trade and Cooperation Agreement struck on Christmas Eve last.
- SPS controls consist of three types; documentary, identity and physical. The frequency of SPS controls is laid down in EU legislation, and Member States do not have any discretion in that regard. With some exceptions, consignments of animals, plants, and plant and animal products, including food, coming from Great Britain must now be accompanied by a health certificate, signed by an official veterinarian in the case of animals and animal products, and signed by an official plant health inspector in the case of plants and plant products. This includes consignments that may have originated from other non-EU countries.
- On arrival at the port, certain commodities must undergo identity checks. Identity checks must be carried out on all live animals and 100% of animal products. Identity checks on plant products are carried out on a risk basis.
- Identity checks can be of two types. In the event that an official seal has been applied to the truck and the details are entered on the health certificate, the identity check will consist of a check of that seal. If an official seal has not been applied, then the identity check will need to involve unloading of the truck to check the identity on the boxes or whatever packaging is involved. Obviously, this will take longer to carry out.
- Some commodities will also need to undergo physical checks. The rates are related to the risk posed by the product. These can vary from as low as 1% to as high as 100%, depending on the exact nature of the consignment.

- These checks will take time. The European Single Market was created to enable borderless trade between the members of the European Union. The decision of the UK to leave the European Union means that this no longer applies to the border between GB and the European Union, and as such the border between GB and the EU is no now no different to the border that exists to the south and east of the European Union. To treat this border in a different way to these other borders would be to fundamentally undermine the integrity of the European Union and the European Single Market.
- This is the single biggest change in terms of agri-food trade flows between GB and Ireland that has been seen since the Single Market was created in 1993, and as such presents a very significant challenge for all stakeholders in adjusting to this new reality.
- The Department of Agriculture, Food and the Marine is working closely with business operators to help businesses adapt to this very significant change. Following on from the extensive engagement undertaken through a range of fora and communications channels in the period leading up to December 2020, we are continuing to assist operators in practical matters such as the submission of documents and the resolution of technical difficulties.
- The Department has run nine webinars on a variety of topics, designed to help all stakeholders understand the implications of the UK now being outside the Single Market and the Customs Union. This series of webinars began in September 2019, and the most recent one was run last week in response to difficulties that business operators were experiencing in complying with SPS requirements. The webinar last week had over 800 attendees. A recording of that webinar as well as well as all previous webinars can be found on the Department of Agriculture's website, along with advice on issues such as how to access the various IT systems that business operators now need to engage with, what health certificates are required for the different commodities, and what businesses can do to reduce the time that SPS check in the ports will take.
- DAFM has also given presentations in relation to SPS requirements at various fora, including the Brexit Stakeholder Consultative Forum run by the Department of Transport. DAFM gave a presentation on SPS requirements at the Revenue Brexit Ready Webinar run on October 5<sup>th</sup>, that included specific messages for hauliers.
- At all these presentations stakeholders were advised that the SPS requirements would apply, regardless of whether a free trade deal was concluded with the UK or not.

- In terms of the experience since 1 January, in general, traffic has been moving well through Department of Agriculture, Food and the Marine inspection facilities at both Dublin and Rosslare Ports. Throughput is still quite low compared to what we had been expecting and, indeed, what we are ready for, after significant investment in new infrastructure, staffing and IT systems.
- Whilst the majority of agri-food businesses are making significant efforts to comply with the requirements for import into the European Union, there have been delays in some instances due to failure to provide advance notification, absence of health certificates and problems with health certificates. It is not the responsibility of the driver of the haulage company to ensure compliance with these requirements - that is the responsibility of the importer or the person to whom the importer has delegated that responsibility.
- I hope this gives members of the Committee a good sense of the role and experience of the Department of Agriculture, Food and the Marine in the operation of the new arrangements since 1 January, and myself and Hazel are happy to answer any questions you may have.

Thank you