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FRC Food Brexit Policy Briefing

Food, Brexit and Northern Ireland: Critical Issues

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FOOD RESEARCH COLLABORATION

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Educating, researching & influencing for integrated and inclusive food policy

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Summary

Although this paper relates specifically to Northern Ireland (NI), it is also highly relevant to the rest of the United Kingdom (UK) and the European Union (EU). It will also be of interest to the Republic of Ireland (ROI).

Food is a key output of and central to the economies of both NI and the ROI. NI exports £1.15bn-worth of food to the EU, about 70% of which goes to/through the ROI. On the other hand, Great Britain (GB)[b] is the biggest single market for the NI food and drink processing sector. The NI agri-food sector employs 100,000 people, and the food and drink manufacturing sector is NI's most important manufacturing industry. NI agri-food will be more adversely affected by a hard Brexit than other parts of the UK.

Each year c.680,000 tonnes of food flow into NI from GB, and 680,000 tonnes also flow in the opposite direction, NI to GB. Any decision taken by the UK Government to come out of the Customs Union and the Single Market (upon Brexit) without a suitable and agreed replacement is likely to have powerful, destabilising consequences for the integrated nature of food supply, trade and access within NI for many years to come.

There is currently no formal UK food plan for Brexit. In NI, power sharing is currently in abeyance and, therefore, there is no political voice in terms of future arrangements for NI food. This policy vacuum is worrying.

- If the UK Government leaves the Single Market and Customs Union, without an agreed alternative that is acceptable to the EU, then border controls between NI and ROI will be unavoidable. Without such an agreed alternative, then the 'frictionless' border that all parties in these negotiations have committed to achieve is simply not possible. However, the 'transition deal', tentatively agreed between the UK and the EU at the Brussels summit in March 2018, offers the prospect of some form of continuing regulatory alignment between NI and ROI after Brexit. This implies the creation of a border between the island of Ireland and GB, rather than between NI and ROI. Time will tell if such a proposal is both realistic and acceptable to the various parties involved. The idea that the UK can 'cherry-pick' those features of the existing Customs Union that it likes, and discard those it dislikes, is entirely unrealistic.

- The eastern side of Europe has 137 land border crossings along a border spanning 3,720 miles. By contrast there are currently 275 border crossings between NI and ROI, along a border spanning 300 miles. The vast majority of NI / ROI border crossings are small, minor roads and tracks, which make their 'policing' unrealistic and unfeasible. This is why, during the conflict in NI (often referred to as the 'Troubles'), from the 1970s to the mid-1990s, there were only 20 border crossings. The imposition of a hard Brexit will require the inspection not only of documents but also of goods and, critically, foodstuffs at border crossings, in order to provide public health and safety protection and deter illegality. This will inevitably add costs for food business operators in NI and ROI.

- There is currently no physical border between NI and ROI. There is therefore currently no infrastructure for dealing with any new border and customs checks that might become necessary, and no published or intimated UK Government plans for what this might look like or how it might work (although ROI, and Dublin Port in particular, are known to be giving attention to these problems).

b Within this Briefing, Great Britain refers to England, Scotland and Wales.

NI's public health infrastructure will require considerable investment if it is to be able effectively to protect public health in NI and address likely delays in the food chain that could result in food perishing and/or exceeding 'use by' dates in the event of a hard Brexit.

The aspirations of some politicians for technology to resolve food inspections and quality controls at borders are vague and unrealistic. Technological solutions may or may not be possible in the future but they do not exist at present. Furthermore, technological solutions cannot replace the need for food inspection by qualified and competent food professionals.

Customs clearance cannot and should not be conflated with the separate need for health checks. Customs clearance tracks the goods as they cross borders, to apply tariffs or other traceability features, and to answer questions such as: Where has the food come from? Where is it going? Is it legal? Safety and health checks at borders are frontline public health measures designed to ensure that the food is fit for human consumption: Is it safe? Is it what it says it is? Is it fraudulent? Proper food inspection requires someone to look inside lorries and make judgements about critical food safety and standards. To suggest that there is no need for such checks leaves the policy door wider open both for unsafe food to enter the system and for criminal and fraudulent activities.

Food inspection bodies, Environmental Health practitioners, Port Health Officers, Customs Officers and other trade and health-related professionals cannot resolve political difficulties, nor should responsibility for resolving practicalities be placed at their door. The responsibilities of such professionals are to the common good, including the public's safety and health. This means that local authorities, relevant actors in the food system and all democratic bodies must be mindful of the implications for food, whether there is a hard Brexit or not. Leaving the Single Market and Customs Union – if that remains the likely outcome – requires contingency planning.

The vast majority of food flowing to and from Europe from both ROI and NI is currently transported on one of the 39 daily sailings between GB and either NI or ROI, particularly via Heysham. In order for food movements (both exports and imports) between the island of Ireland and the EU to be direct, in other words not via GB, there would need to significantly increased direct sailings to and from the EU. There are currently only 13 sailings a week from the island of Ireland directly to Europe (North West France), with durations of 14-18 hours. Moving all of NI's and ROI's food exports and imports to and from the two French ports is clearly not realistic on either economic or political grounds.

NI currently has poor dietary health relative to other parts of the UK. The Single European Market has brought easier access to some health-supporting foods, notably fresh fruit and vegetables. Disrupting this flow could restrict NI consumers' access to these foods, with impacts upon their health and upon dietary inequalities.

Recommendations

1 Policy-makers should explicitly acknowledge the importance of food flows to the continued stability and wellbeing of the people of NI. They must pay attention to food consumption, costs, trade, safety and public health, and to the intricate mechanics and structures which enable food flows and may be disrupted by Brexit.

2 The NI food system urgently needs some clear decisions to be taken by all sides in respect of 'Food Brexit'. This important issue is not, at present, receiving the attention that it deserves, and this failure of food governance should not be allowed to continue. All three parties to the Brexit negotiations around the crucial question of the NI / ROI border, i.e., the UK Government, ROI Government and the EU authorities, should sit down together to produce a workable solution to the practical problems of cross-border food traffic. This solution is likely to be unique to the circumstances of the situation

3 Prime Minister May's commitment to a 'frictionless border' cannot be fudged. Either NI is in the Single Market and/or Customs Union (or an alternative that is mutually agreed by all parties) or it is not. If not, border controls, including food inspections, are inevitable (and should be prepared for).

4 All fissures of a political and ideological nature should be put aside to enable all parties central to the discussion to 'think food'. The big Brexit-associated choices must be explored through the policy 'lens' of food and they are whether to:

- Reverse the current commitment to leave the Customs Union and Single Market;
- Stay in the Customs Union in alignment with current EU rules and supply chain approaches;
- Develop and agree on an alternative customs arrangement between the EU and the UK;
- Impose 'Red Lines' at some geographical point between the UK and the EU.

5 Policy-makers, MPs and Select Committees should redouble efforts to encourage the UK Government to be open about its overall plans for food post-Brexit and to develop a specific Food Plan for NI within the context of Brexit. The lack of discussion about food (as opposed to agriculture) is a serious policy deficiency and options must be open, costed and explored.

6 The European Commission should seek clarification from the UK Government on the general food status of NI, particularly its reliance on food imports and exports. The European Commission must provide clear guidance to the NI consuming public and agri-food industries about the practical implications of options for food flows in and out of NI.

7 Members of the UK Parliament, the National Assembly for Wales and the Scottish Government should pressurise the UK Government to keep NI's borders with both the ROI and GB open and frictionless, not least since NI food flows come through their jurisdictions, and affect employment there.

8 Detailed plans for how food inspections might be resourced and managed post-Brexit are required, and the NI Select Committee, together with the EFRA Committee, should conduct an Inquiry into the state of Government investment in this sphere. The Committees and MPs should also seek

clarification as to whether trials are under way or contracts have been signed for the development and delivery of any technological controls at borders. The Committees and MPs should also ask about feasibility, cost and function of such solutions.

9 The three dominant food retail companies in NI have particular responsibilities that go along with their economic power to prevent NI's food system being cut off from both the ROI and GB. The extent of their forward planning options to address Brexit issues should be reviewed by open processes such as by a Select Committee. We urge the big food companies who currently 'feed' NI to redouble efforts to maintain good quality food flows into NI.

10 Food industry forward contracts and purchasing agreements for supply in March 2019 are already commencing. Whatever the wider political decisions about the status of NI, there must be a reasonable period of adjustment where things carry on as before, and appropriate notice of change must be given to businesses to allow them to make the necessary arrangements. Disruption to food supplies would be socially, economically and politically unacceptable.

11 A key question is whether (and in what form) NI might have a 'special arrangement' on food regulations, in line with the current EU food safety regulatory regime and covering matters such as the use of Hazard Analysis Critical Control Points (HACCP) and other features of the EU approach to sanitary and phytosanitary (SPS) management.

12 The UK Government's civil contingencies (COBRA) system should be preparing for all eventualities arising from Brexit and those associated with a food Brexit should be included. If the head of Dublin Port is already doing so, COBRA should do so too and any public reassurances given must be based on open evidence.

13 The UK Government and the Devolved Administrations should undertake and publish studies which calculate needs for resources, funding, technical equipment and scientific staff to provide the requisite public health and trade infrastructure to meet the previous recommendations.

Back to Basics: why Food is a pivotal Brexit issue for Northern Ireland

The borders of the Republic of Ireland (ROI), Northern Ireland (NI), Wales and Scotland, along with their links with England and the European continent, barely featured in the Brexit Referendum debates within Great Britain (GB), though they did in NI. NI residents voted 56% to remain and 44% to leave[1]. The failure to acknowledge the problem in GB was regrettable; but the issues were discussed on the island of Ireland (both in NI & ROI) as well as in rest of the EU Member States, where NI is seen as a key issue for the ongoing exit negotiations.[2] The reasons focus around the inescapable fact that the 1998 Good Friday Agreement, an International Treaty, was negotiated and signed by both the UK and ROI Governments, built on the fact that all its signatories were EU members. Its importance and delicacy remain, although some in Westminster and Whitehall want to push it into the policy 'long grass', while others see it as a likely deal-breaker.[3] Macro-level politics are not the focus of this Briefing, which is concerned with the impact Brexit will have on safety, trade and flow of food into and out of Northern Ireland, but it is important to acknowledge the seriousness of the context within which our analysis has been developed. We note the Inquiry by the House of Commons Northern Ireland Affairs Committee (February 2018ff)[4], and the detailed attention to food trade matters being accorded by several House of Lords Committees.[5,6] We note, too, that the House of Commons ExEU Select Committee recently put NI as the first of 15 'tests' it would apply to any agreement the UK Government concludes with the EU. It said: 'The border between Northern Ireland and the Republic of Ireland must remain open with no physical infrastructure or any related checks and controls, as agreed in the Phase 1 Withdrawal Agreement.'[7] This Briefing concentrates on food within that wider Brexit debate.

Food flows and the 'food peace'

There is currently no formal UK food plan for Brexit; the DEFRA Secretary of State was due to publish a 25-year Food Plan, but it has been deferred repeatedly, now reputedly for good. In NI, power sharing is currently in abeyance and, therefore, there is no political voice in terms of future arrangements for NI food. This policy vacuum is worrying.

Food is a key output of and central to the economies of both NI and the ROI. Key points are that:

- Food is a hugely important source of trade between ROI, NI and GB. NI, for instance, exports £1.15bn-worth of food to the EU, about 70% of which goes to/through the ROI. Disruption could be economically significant to the NI economy.
- Agri-food sector exports account for 27% of NI food and drink processing sales, and ROI is the destination for 53% of export sales from the sector.[8]
- 14% of NI exports are in farming and agri-food products – 2% from farming and fishing sectors, plus 12% in processed agri-food and drink.[9]
- Food and drink products are the largest commodities, by volume, carried in UK-Registered Heavy Goods Vehicles (HGVs) between NI and GB – 680,000 tonnes in each direction annually.[10]
- Food, beverages and tobacco trade accounts for 49% of all cross-border activity from NI.[11]
- NI agri-food has sales of £4bn and employs 10% of all labour in NI.[12]
- The most used and efficient route for ROI food exports is across the Irish Sea into Wales and thence to England and mainland Europe.
- The ROI is a major export market for UK food processors; and GB is the leading market for ROI exports and indeed the leading market for NI food products.
- Food industry contracts are mostly made 12

months in advance of delivery; thus dates had been agreed in March 2018 for food that will appear on UK shelves and tables from April 2019 (after Brexit).

Metaphorical 'Red Lines' could become real, if there is a hard Food Brexit

The UK Prime Minister and others have raised the issue of where 'Red Lines' might be drawn. In her Lancaster House speech (17 January 2017), Mrs May said she wanted to maintain the 'Common Travel Area' between the ROI and the UK.[13] This referred to the movement of people rather than goods. The speech (and others) revealed that the UK Government's 'Red Lines' neglect the practicalities of food flows. On food, little has been said by the UK Government other than in the August 2017 Customs White Paper, which rejected outright any border controls between NI and GB post-Brexit (p.10, para 45).[14]

The UK Foreign Secretary's Valentine's Day speech in 2018 was silent about food, other than to reiterate jokes about the EU meddling with environmental standards, and expressing no desire to return post-Brexit to 'some autarkic 1950s menu of spam and cabbage and liver'.[15] The levity, at the expense of European culture and British austerity diets, might play well politically with some, but in the practical, dynamic world of the food supply chain, the lack of attention to detail was regrettable. He did not even acknowledge the potential impacts of border checks and tariffs. Unfortunately, in a subsequent interview with the BBC, he implied border crossings could be managed much as crossing between London Boroughs are in relation to London's congestion charge, i.e. insignificant and imperceptible.[16]

The UK Government has asserted that it wishes to retain the prevailing, unrestricted trade between NI and ROI, as well as between NI and GB. To achieve this there are three possible solutions. The UK remains within the Customs Union (and probably the Single Market too); the UK achieves a new form of regulatory alignment; or a new alternative is developed and agreed between all parties. It is important to be absolutely clear: if the UK leaves the Single Market and Customs Union, *without* an agreed alternative that is acceptable to the EU, then the frictionless border between NI and ROI (which all parties in these negotiations have committed to avoiding) is simply not achievable. However, the 'transition deal', tentatively agreed between the UK and the EU at the Brussels summit in March 2018, offers the prospect of some form of continuing regulatory alignment between NI and ROI after Brexit (which implies the creation of a border between the island of Ireland and GB). Time will tell if such a proposal is both realistic and acceptable to the various parties involved. The idea that the UK can 'cherry-pick' those features of the existing Customs Union that it likes, and discard those it dislikes, is entirely unrealistic.[17]

It needs to be clearly understood by all that the Good Friday Agreement was and still is based upon the two core jurisdictions involved, i.e. the UK and Ireland, both being in the European Union. The UK and ROI are currently both in the EU's Single Market and Customs Union. The UK Government and the European Commission issued a Joint Report of December 8 2017[18] that outlined three scenarios:

- Scenario 1: No customs border either between NI and ROI or between NI and GB.
- Scenario 2: If no Brexit trade deal can be done, the UK is to 'propose specific solutions to address the unique circumstances of the island of Ireland', i.e. a bespoke agreement.
- Scenario 3: If no agreement can be reached at all, the default is to stick to 'maintaining full alignment' with 'those rules of the Internal Market and the Customs Union which, now or in the future, support North-South cooperation, the all-island economy and the protection of the 1998 Agreement'.

This is the high-level political context in which Brexit is being negotiated. But what does it mean,

in practical terms, for food – and the people who grow, manufacture, trade, inspect and (not least) eat it?

Borders exist in geographical terms only. They are effectively invisible. To re-impose food borders (barriers to the flow of foodstuffs and feed from one side of the border to the other) could/would require:

- The closure of most road crossing points between ROI and NI (because the nature of the majority of border crossings makes them very difficult, if not impossible, to monitor).
- New inspection systems where there are none at present at the remaining crossings.
- An enlarged food inspection labour force and new technological systems to 'police' the border, where such controls have been dismantled for over 20 years, thus engendering greater trust between communities and dispelling the legacy of the past, a factor which should not be underestimated.[b]
- New technologies to support cross-border controls could be needed and such technologies are not yet available. The development of such schemes would require large-scale investment and extensive preparation and trialling. No contracts, to our knowledge, have been signed to enable such electronic systems to be put into place.
- Clarification of likely tariff differences. At present, ROI, NI and GB are all within one market; because there is no effective border, there are no tariffs between them. The retail trade association, the British Retail Consortium (BRC), has calculated that, if the UK moves ahead on a World Trade Organization (WTO) basis[c], food tariffs are likely to average 22%.[19] There is little time to negotiate new tariffs, and even less to adjust to them.

The realities of the ROI / NI terrestrial (food) border

When and if the UK leaves the Single Market and Customs Union, and in the absence of any agreed alternative, this will inevitably entail re-establishing border controls between ROI and NI. Or, if NI is to retain its seamless border with the ROI, the border must be located in the Irish Sea, i.e. at ports in ROI or in ports such as Heysham in England, Holyhead, Fishguard and Pembroke in Wales, or Cairnryan in Scotland. The only seamless border for ROI food exports would require abandoning what are relatively short (2-4 hour) ferry crossings from Ireland to Wales and replacing them with 14-18 hour sailings from Ireland to North West France. Inevitably, this would add considerable costs to ROI businesses and their overseas customers.

Main shipping route options are given in Table 1. These are the vital sea passages for food 'trunker' routes which maintain the food flows from and into NI and ROI.

HMRC data show that in 2015 the largest component of traded goods from NI to ROI conveyed in UK-registered Heavy Goods Vehicles, by volume, consisted of food and drink products (770,000 tonnes). Food and drink products were also the third-largest group of commodities traded, by volume, from ROI to NI in 2015 (460,000 tonnes).[20] Cross-border trade is also highly integrated. For instance, 27% of the milk produced in NI is processed in ROI, and 42% of NI sheep and lambs are processed in ROI.

A study carried out in 2016 illustrated the integrated and inter-dependent nature of food businesses along the border region of the Counties Armagh and Down (NI) and Louth and Monaghan (ROI).[21] That report focused on 68 mainly small-scale agri-food and related businesses in these four border counties. Its purpose was to provide

b We are not aware of any technological solution to physical border control checks anywhere in the world where there is a need for import controls. See Section 2.3 below, too.

c World Trade Organisation (WTO) arrangements apply to countries outside the EU which export into the EU.

Table 1. Main Shipping routes Ireland-Britain, with indicative sailings and duration. Source: company websites / Freight Facts/authors.[22]

Port in Ireland	Port in Britain	Shipping lines	Sailings	Duration (approx.)
Larne (NI)	Cairnryan (Scotland)	P&O	7 daily	2 hours
Belfast (NI)	Cairnryan (Scotland)	Stena	5 daily	2 hours 15 mins
Belfast (NI)	Liverpool Birkenhead (England)	Stena	2 daily	8 hours
Belfast (NI)	Heysham (England)	Stena	2 Daily	8 hours 15 mins
Warrenpoint (NI)	Heysham (England)	Seatruck Ferries	16 weekly	8 hours
Dublin (ROI)	Holyhead (Wales)	Stena; Irish Ferries	5 daily; 4 daily	2-3 hours
Rosslare (ROI)	Fishguard (Wales)	Stena	2 daily	3 hours 15 mins
Rosslare (ROI)	Pembroke (Wales)	Irish Ferries; Stena	14 weekly; 14 weekly	4 hours
Dublin (ROI)	Cherbourg (France)	Irish Ferries	4 weekly	18 hours
Rosslare (ROI)	Roscoff (France)	Irish Ferries	2 a week	17 hours 30 mins
Cork (ROI)	Roscoff (France)	Brittany Ferries	1 a week	14 hours
Rosslare (ROI)	Cherbourg (France)	Irish Ferries; Stena	2 per week; 3 per week	18 hours; 17 hours

a snapshot of the cross-border flows of produce, workers and customers. Those businesses included independent producers, suppliers, food retailers, restaurants and hotel restaurants. The main findings were as follows:

- Of 22 producers interviewed for the study, eight (36%) exported to the other jurisdiction on the island of Ireland.
- The predominant direction of the flow of cross-border trade of agri-food produce is from North to South (i.e. NI to ROI).
- On the production side, businesses in Armagh and Down involved in cross-border trade reported sustained growth in their sales to Ireland, accounting for up to 30% of their total sales. In contrast, the producers based in counties Louth and Monaghan stated that their volume of trade with the market in NI accounted in most cases for less than 1% in some and less than 3% in others.
- 14 of the 22 producers (64%) interviewed for the study stated that they were not involved in any external trade and that their market was exclusively internal to their domestic market. There were no examples found of a business not engaging in cross-border trade, but involved in exports elsewhere.
- Five of nine hotel restaurants served some produce originating in the other jurisdiction. However, there was a significant imbalance, with three out of four hotel restaurants in ROI serving some produce from NI, whereas only two out of five hotels in NI served some Irish produce.
- This study suggests that, if the 'Red Line' was drawn – whether by default or intent – between NI and the ROI, it would be economically punitive for NI's SME agri-food sector in border regions.

The NI food market is hugely important for commerce and consumers

The NI retail grocery market (mostly, but not only food) is worth an annual £3.1bn.[23] According to Kantar WorldPanel, 735,000 NI households on average spend about £82 per week on food. In 2012-17, the market grew by 4.5%.[24] Like other parts of the UK, affected by austerity, NI has seen a switch from branded to private-label goods. NI shoppers spend 43.5% of their food spending on ambient (i.e. room-temperature) or fresh goods. They have got used to seamless, fast flowing, just-in-time delivery systems; this means a ceaseless flow of trucks crossing borders. As was noted earlier, 680,000 tonnes of food flow across the Irish Sea in each direction every year.[25] The retailers feeding the NI population are given in Table 2. Three British-based supermarket chains, Tesco, Asda and Sainsbury, have 69.5% of sales. One German chain has 5.4% and is growing. Their potential political leverage in Food Brexit and NI should be considerable.

The NI food and drink manufacturing sector is NI's most important manufacturing industry – as food processing now is for the UK as a whole.[26,27] The sector employs 100,000 people, 22,000 directly and 78,000 more in farming and support services across NI. The agriculture and food processing sectors in NI are a vital part of the NI economy, collectively accounting for around 70,000 local jobs[d] and 3.25% of NI's Gross Value Added (GVA), which equates to £1.1bn at basic prices.[28] On this basis alone, agri-food warrants frontline attention from the UK Government.

Total annual sales from the NI food and drink processing sector are valued at £4.5bn. With sales of £1.15bn, the EU is the largest export market for NI. Of this total, £700m relates to trade with ROI. It is little wonder that Declan Billington, Chair of the Northern Ireland Food & Drink Association (NIFDA), has stated that 'clearly the EU, and Ireland in particular, are important markets for agri-food'.[29] But post-Brexit: '28% of our sales will be subject to trade arrangements that have yet to be agreed. A total of 92,000 jobs could also be put at risk, if Brexit goes wrong'.[30]

In 2013 the NI Agri-Food Strategy Board published the Going for Growth agri-food strategy.[31] This identified food as a key future driver for the economic development of NI.[32] It set out a vision of '...growing a sustainable, profitable and integrated agri-food supply chain, focused on delivering the needs of the market'.[33] Although the Board has been disbanded, the strategy is assumed to remain in place. If it is dropped once power sharing resumes (or is dropped by the UK Government in lieu), this would be a highly significant shift of policy. We, therefore, suggest that a Food Brexit which takes NI out of the Single Market and Customs Union will constitute a similarly radical disjunction. If so, the NIFDA chairman is surely correct to state that a commercially workable and comprehensive trade agreement between the UK and Europe must be arrived at. He has said: 'this should secure a tariff free trade deal with the EU or, if not possible, strike tariffs at a level that allows industry in the UK to efficiently expand and displace EU imports'.[34]

Table 2. Retailer market share, Northern Ireland, mid 2017. Source: Kantar WorldPanel, June 2017.[35]

Retailer	Market share %
Tesco	34.8%
Asda	17.4%
J Sainsbury	17.3%
All others	16.6%
Total symbols	8.5%
Lidl	5.4%

d Includes farmers, spouses, farm workers, total direct employees and agency employment in food and drink processing – based on 47,979 total farmers and workers and 23,557 food and drink processing full time and employment agency workers.

Table 3. NI food & drink processing sector - destinations and values of subsector sales, by subsector. Source: DARD (2016).[36]

	Total sales 2014 (£m)	Exports to ROI (£m)	Other EU sales (£m)	ROI and EU combined (£m) and as % of total sales	Rest of World sales (£m) and as % of total sales
Animal by-products	51.2	*	*	*	*
Bakeries	286.1	72.8	*	72.8 (25%)	*
Beef and sheepmeat	1,244.2	98.4	122.7	221.1 (18%)	19.5 (2%)
Drinks	416.1	146.8	13.4	160.2 (38%)	19.6 (5%)
Eggs	139.4	*	*	*	0
Fish	77.1	6.5	21.2	27.7 (36%)	2.3 (3%)
Fruit and vegetables	308.6	56.2	0.9	57.1 (18%)	0.7 (0.2%)
Milk and milk products	994	149.6	243.3	392.9 (39%)	64.3 (6%)
Pigmeat	320.9	68	*	68 (21%)	*
Poultrymeat	706	94	*	94 (13%)	*
Total Sector	4,543.6	708.2	440.9	1,149.1 (25%)	140.3 (3%)

Table 4. Northern Ireland imports and exports with the Republic of Ireland, by sector, in 2015 (£ million). Source: Regional Trade Statistics / HMRC in HM Government (2017).[37]

Product Sector	Exports from NI to ROI (£m)	Imports into NI from ROI (£m)
Food & live animals	732	796
Beverages & tobacco	116	73
Crude materials, inedible except fuels	88	114
Mineral fuels, lubricants and related materials	54	69
Animal & vegetable oils, fats and waxes	16	15
Chemical & related products	179	200
Manufactured goods classified chiefly by material	374	272
Machinery & transport equipment	295	918
Miscellaneous manufactured articles	352	209
Commodities & transactions not elsewhere classified	10	7
TOTAL	2,217	2,673

NI's food trade connections, especially with ROI, are economically vital

ROI's agricultural and NI's food sectors must not be cut off from their main trading partners. Agricultural and food products account for the largest share of cross-border trade on the island of Ireland, with activity spanning the supply chain, a high percentage of locally sourced materials and a substantial export market.[38] Table 3 provides details of where NI's food trade goes and its economic value. The most valuable by far is beef and sheepmeat, followed by milk and dairy products, then poultry. Table 4 gives NI imports and exports in 2015 with the ROI, by sector, in 2015.[39] It shows how significant food trade is within the NI economy.

GB is the biggest single market for the entire food and drink processing sector in NI. However, ROI is the largest export market, accounting for 55% of exports. The rest of the EU is a significant export market for the beef and sheepmeat, and the milk and milk products subsectors, accounting for 10% and 24% of total sales respectively. The rest of the world, which refers to those countries outside the EU, accounts for a relatively small proportion of export sales across all subsectors.

When and if the UK leaves the Single Market and Customs Union, or fails to agree an alternative, this will affect:

- Around a third of milk from NI cows that is transported across the border into ROI for production into butter, cheese and infant formula.
- Around 40% of the lamb produced in NI, which is shipped south, and much of which then makes its way on to France, some coming back into NI, and all of it coming to GB if only in transit to the continent.

These are just two examples. For the food system as a whole, the imposition of any restrictions and tariffs would spell the end of the 'all island value chain' approach. This would have immediate implications. The Irish Farmers Association, for example, has stated:

> 'Brexit presents the most serious threat to Irish farming and our agri-food sector in the history of the State. With 40% of our food exports going to the UK, no other Member State and no other sector is as exposed in these negotiations. The key priorities for the agriculture sector in these negotiations are the maintenance of the closest possible trading relationship between the UK and EU, while preserving the value of the UK market'.[40]

The Ulster Farmers' Union (UFU) has also said that the erection of any barriers to agricultural trade between NI and the rest of the UK is a 'Red Line' for them. This metaphor of 'Red Lines' would become real with a hard Brexit. Few in NI or ROI want this. ROI Irish Farmers' Association President Joe Healy has said that Ireland's objective in the Brexit negotiations must be the maintenance of the 'closest possible' trading arrangements with all of the UK. He has stated:

> 'Solving the logistical challenges associated with the border is of course important, but the real priority for the Irish Government must be maintaining the trading arrangements with all of the UK. Such a solution would substantially mitigate or eliminate any border issues. […] While this potentially addresses some of the border issues, the proposal does not address the economic and trading concerns for farming and the agri-food sector, either in Ireland or NI. GB is a much larger market for both economies than the internal market on the island of Ireland'.[41]

The NI Assembly review of possible Brexit considerations for the NI agri-food sector concluded that:

- The EU is a significant export market for local produce, particularly the ROI, but GB accounts

for the greatest proportion of sales outside NI;
- A number of subsectors are more reliant on EU exports (milk and milk products, fish and drinks) and as such could face greater impacts from trading changes in the UK and EU relationship;
- Exports to the rest of the world beyond the EU are relatively small and as such could potentially be further developed;
- The level of profitability for a number of sub-sectors, which is already relatively low, could be adversely affected if costs to access the EU market increase, and this could potentially affect the viability of many businesses.

With the continued uncertainty about the precise form of Brexit or where the 'Red Lines' might or might not be drawn, the risk for NI of leaving the EU should not be underestimated. The agri-food sector is highly significant in the NI Economy – more than for any other region in the UK. NI agri-food is thus significantly more sensitive to either a hard Brexit or a no-deal Brexit than other parts of the UK.

The UK Government promised a 'frictionless border' at the conclusion of the Phase 1 talks in December 2017. We are concerned about how this can be delivered. There is currently no physical infrastructure and no published or intimated plans for what this might look like, let alone work. Much more detail is needed on the proposed arrangements from the UK Government as a matter of urgency.

Where next? Some priority issues

Formally, the position is that the UK has triggered Article 50 and is due to leave the EU in March 2019, with the possibility (not finalised) of a transition period until the final arrangement starts. This is notionally discussed as lasting up to two years, but some voices seek that to be longer, while others wish departure to be immediate.

A number of macro-level options are possible, which have been much discussed. These include: emulating others such as Norway (a member of the European Economic Area), or Canada or Switzerland, or some new variant with more or less close trading ties to the EU; or dropping out altogether and simply becoming one member state within the World Trade Organisation. Many difficulties with all these options have been and continue to be discussed.

Our concern is for the NI food system. This briefing has already cited a number of positions within the agri-food system but outside Government, expressing concern at Brexit. From the UK Government itself there has been remarkably little, other than the formal overview policy paper on NI published on August 16, 2017.[42] This set out four commitments, given in Table 5.

Table 5. UK Government White Paper Commitments on Northern Ireland, August 2017. Source: HM Government 2017

A	To uphold the Belfast ('Good Friday') Agreement in all its parts
B	To maintain the Common Travel Area and associated rights
C	To avoid a hard border for the movement of goods
D	To aim to preserve North-South and East-West cooperation, including on energy

It is hard to fathom how these commitments can be met in the case of food, when and if NI leaves the Single Market and Customs Union. As commentators have said, 'Red Lines' will almost certainly have to be drawn.[43] The rest of this section therefore explores the consequences of different priorities.

Priority 1: Prepare infrastructure for NI leaving the single market

That there is a significant amount of food travelling across the NI-ROI-GB borders is clear. What is less clear at present is what infrastructure will be needed when and if the UK leaves the

Single Market and Customs Union. That this will have immediate and, potentially, adverse effects on the agri-food commodities listed in Table 3 (above) is also clear, as is the potential to affect consumers. NI's (and ROI's) ease of access to EU markets will be altered. Critics would say it would be undermined; Brexit supporters would say that this could be addressed (see section 2.3 below). Few say it would actually be improved. It is probably safe to say that commitment 'C' in Table 5 (above) will be compromised. Key issues are raised by this re-drawing of food borders. The NI consuming public and the agri-food industries all deserve clarification of which legal structure their food will operate to.

Modern food systems operate within an infrastructure which industry knows only too well, but of which consumers only become aware when it fails. This infrastructure is a mix of physical, human and legal entities:

- The physical infrastructure can be visible: roads, telecommunications, transport, etc. However, for the last 20 years, the borders have been invisible, as check points disappeared and roads were reconnected.
- The human infrastructure is via institutions such as food law enforcement officers, public health specialists, and those whose work is to ensure smooth flow of foods, but not at all costs. They deliver the baseline for safety and health.
- The legal infrastructure is the underpinning. There is a food 'regime' that provides the rules, procedures, inspections and dispute mechanisms that enable the authorities to act, when and if something goes wrong.

In practice these three features of infrastructure are bound together at present by the EU *acquis communitaire*,[44] the array of food regulations and procedures which enable food to flow within the Single Market.

Why this matters now is because it is at present unclear whether and how NI could have a special deal on food regulations that maintains frictionless food movement, in line with the current EU food safety regulatory regime. Politicians so far have talked in fairly abstract terms – other than somewhat vague references to technology (see section 2.3 below). Any new NI arrangements would need to specify whether NI continues with bedrock approaches to food safety, such as Hazard Analysis Critical Control Point (HACCP), introduced across food supply chains after the 2000 EU Food Safety White Paper.[45] The references to technical solutions by policy-makers so far mostly refer to issues such as citizen identity and human passports. Currently, the flow of foods across internal EU borders operates frictionlessly because all Member States operate according to the EU rules. If the UK leaves those food rules – the entire regulatory regime – what replaces them? And if the UK as a whole – or NI on its own – still works to those EU rules, what is the purpose of leaving the EU, and what rules and regime replace it, delivered by what agencies?

We are not surprised to note that Mr Eamonn O'Reilly, head of Dublin Port, is reported to have commenced the planning and investment necessary for a hard Brexit. Perhaps anticipating some erosion of commitments 'A' and 'B' (see Table 5), Dublin Port, the organisation that Mr O'Reilly heads, anticipates an increase in inspections of all products, including food, from 200,000 at present to 1 million a year.[46] If this is the case, delays and cost increases are inevitable. Borders add costs which will be passed on to consumers one way or another. This consequence cannot be fudged; nor should it be ignored.

Our Recommendations

The UK Government and the Northern Ireland Administration, either through the Secretary of State or senior civil servants in the absence of an Executive, must begin parallel investments to those being undertaken by Dublin Port. As a matter of urgency, plans should be published

and debated by relevant bodies. If power-sharing has recommenced, the Northern Ireland Administration as well as the UK Government must:

- Identify budgets to pay for the considerable investment in infrastructure.
- Initiate consultations with NI agri-food industries.
- Be open with NI consumers about food price implications.
- Prepare contingency plans for disruptions to 'just-in-time' food supply chains feeding the NI population.
- Ask the new UK Food and Drink Sector Council – formed in early 2018 by Defra and announced as a national, not just an English body – to help plan relevant actions. This would be a valuable test for how practical this body might be.[47]

Priority 2: Maintaining consumer confidence

A 'food fortress NI' is not a viable option for NI's producers or consumers; food self-sufficiency is not feasible. At the extreme, could NI plan for a rapid expansion of its internal food market to compensate for the loss of exports and imports? We think 'fortress NI' is extremely unlikely, after 46 years of integration with other EU Member States' food supplies, and especially since the Good Friday Agreement.

A deciding factor would be consumer confidence in the food system. The Consumer Council of NI has already stated that confidence has been shaken by food scandals over contamination and food fraud.[48] Fragility of NI consumer confidence is not surprising, and it is in line with the international experience.[49,50,51] More importantly, several high-profile incidents – such as the 2008 Irish pork crisis,[52,53] and the 2013 horsemeat scandal[54] – had their origins in parts of NI and the ROI. It would be risky for the Devolved Administration or UK Government to assume that the NI population would 'keep calm and carry on'. Research suggests that NI consumers have been seeking authentic, high-quality produce with clear quality and provenance credentials. [55]

In the time available – one year to Brexit, plus a possible (but uncertain) two years of transition – it is almost impossible for NI to gear up a food supply system which could deliver on the demand for authenticity and trust from within NI borders. Inevitably we believe that NI remains, to a considerable extent, dependent on food supplies from GB, ROI and other EU Member States. In the preparation of this briefing, we sought data from several sources in order to ascertain the level of this dependence, i.e., data concerning food 'imports' into NI. We know, for example, that 70% of NI food sales are controlled by three British-GB based supermarket chains. Their supply chains are currently geared to seamless transit.[56]

Our Recommendations

- NI policy-makers, politicians and food companies must be open with consumers and confirm that NI does not currently, and is unlikely post-Brexit to be able to, feed itself.
- Import data concerning food imported into NI, whether via ROI or GB, should be published.
- If politicians want the NI agri-food sector to continue to grow at the steady rate that it has, a commitment to free flow of food must be paramount.

Priority 3: Electronic passporting should be investigated but is unlikely to be a technical fix for cross-border flows

Might technology resolve the problem of 'Red Lines' and currently perceived (im)practicalities of food inspections at borders when and if the whole of the UK, including NI, leaves the Customs Union? This section first summarises the problem to which electronic passporting is sometimes offered as the solution; and then it considers the matter of timing.

As a result of 40 years of membership of the EU, both the food industry and consumers within the UK rely on goods, materials and food products being available at the factory or supermarket 24 hours per day. Much of these consumables are delivered on a 'just-in-time' basis, which has been made possible by systems and procedures built on the Single European Market and lubricated by complex logistics management. Most NI food sales are of food produced in the EU, to EU regulations and standards for trade and sanitary and phytosanitary (i.e. hygiene) controls (it is not clear whether the UK will come out of the SPS system). The Single Market (actively promoted by Prime Minister Mrs Thatcher) facilitated unhindered flows of food (and all other commodities) across borders, and instituted a system of responsibilities along food chains.[57] This was modified by the EU 2000 Food Safety White Paper,[58] following food safety crises, which essentially introduced a food system applying Hazard Analysis Critical Control Point (HACCP), the risk-management system pioneered by NASA for food safety in space flight, and a panoply of related structures such the Rapid Alert System to ensure unsafe foods can be recalled.[59] There are, as a result of all this, absolutely no border checks or inspections at the NI/ROI border in respect of food safety or standards of food deriving from the EU. Neither are any such checks or inspections carried out at the port of entry onto the island, whether in NI or ROI, for EU food products, as long as supporting documentation is clear and in order. This single market enables rapid transportation of, for example, soft fruits from Spain and Portugal, salads from Holland and a plethora of other crops which are harvested elsewhere in the EU and arrive on NI (and other UK) supermarket shelves within 2-3 days of being harvested.

The UK Government's White Paper on future customs arrangements post-Brexit states that the intention is to keep the flow of goods and materials as: '…frictionless as possible' (page 10, para 44) and, to that end, some form of electronic passporting will be used.[60] The same White Paper refers specifically to: '…increased automation and better use of data'. (page 9, para 35) No details were given for when this might be delivered, by whom, after which trials, or about its applicability to the food system. Published NI Budgets make no specific allocations for such technical developments.[61] The UK Government's London-based Department for International Trade has, however, promised to help NI businesses – presumably including NI agri-food – to seek new 'global markets'.[62] This will be welcomed within NI, but does not resolve the more immediate NI/ROI borders issues.

Our conclusion is that the UK Government's promise, whilst sounding plausible, lacks real substance. Indeed, the Legatum Institute, a prominent pro-Brexit think-tank with close links to UK Government and funded by a Dubai-based hedge fund billionaire originally from New Zealand,[63] has even made a public call for: 'a prize for technological solutions to incentivise the development of innovative solutions from the private sector, and universities'.[64] It is safe to assume that if a prize to encourage technical development is mooted, no technical fix is currently available to turn large-scale electronic passporting into reality within the UK Government's political timetable.

The EU has many trade deals with non-EU countries, through which the UK already has agreed access. And since 2013, the European Commission has been exploring how to ease border crossings further, through the Smart Borders programme.[65] This experienced cost and other problems, but it continues to be developed. A test was conducted across 12 countries and reported in 2015, but this was mostly focussed on human crossings rather than food or goods.[66] With regard to NI Food Brexit, the point to note is that this kind of EU project is mostly designed to favour EU members rather than newly external traders such as the UK after Brexit. That said, some aspects of what is learned might well be of use, and should be monitored, if and when the UK leaves the EU.

Another issue to monitor is the potential for 'Free Zones'. In the European Commission's own words, Free Zones are:

'[…] enclosed areas within the Customs territory of the Union where non-Union goods can be introduced free of import duty, other charges (e.g. taxes) and commercial policy measures. […] Union goods may also be entered into or stored, moved, used, processed or consumed in free zones. Such goods may afterwards be exported or brought into other parts of the customs territory of the Union.'[67] This might be a useable policy mechanism for food. It would depend on NI retaining capacity and resources for food inspection and clearance, and would be subject to whatever regime is agreed during the exit negotiations. Clearly, such a situation would still be disruptive to present food inspections and flows, but it might avoid the 'hard-border' scenario. It might also prove to be politically unacceptable to all sides, of course. Such thinking is for the future and not applicable in the immediate circumstances posed by the need for frictionless borders.

The scale of what is required is huge. Before the Brexit Referendum, HMRC was intending an overhaul of CHIEF, its customs clearance computerised system. This was developed to deal with the 60 million clearances a year (not just of food). Post Brexit, it might have to deal with 300 million.[68]

With over 270 border crossing points between NI and ROI, planning needs to be under way now to address how the flow of goods, materials, people and food is to be managed, security maintained and the potential for criminality reduced – particularly at the small crossing points, the tracks and minor roads, which are likely to become targets to be exploited. The establishment of border posts, the provision of appropriate personnel, including additional trained and competent environmental health professionals together with appropriate equipment and technological support, all need to be planned and budgeted for if uncertainty and potential criminality is to be avoided.

With food contracts being signed from March 2018 to apply to foods delivered after March 2019, when Brexit is scheduled to happen, the lack of a technical fix must be viewed with great concern and makes this an issue requiring urgent attention. Port Health Inspectors have explained that no such system currently exists anywhere in the world. Moreover, since the basis of future trade arrangements is unclear, no software, let alone hardware, can be in place. There would need to be electronic 'boxes' in lorries, electronic or actual paperwork, systems for controls and checks. A vast infrastructure currently operates to facilitate unhindered food trade within the EU – but this is all very 'light-touch'. Those arrangements were put into place under the Single Market agreements. Trade agreements with countries outside the EU have all been negotiated under the umbrella of the EU. There are currently approximately 50 trade agreements between the EU and other countries. These have food inspection systems and terms all agreed and are set up to work with EU systems, EU regulations, and in line with EU Member States' operation of the EU's legal system.[69]

In 2017, a report from the Institute for Government (Implementing Brexit: Customs) drew attention to what could happen at just one major UK port through which food flows. 'Operation Stack' is the main way of responding to delays in the finely tuned system of lorry traffic throughput at Dover.[70] Its implementation in June 2015, when there was a strike on the French side, meant there were business stock losses of £21m a day and Kent County Council had costs of £1.5m a day. Using Port of Dover experience and estimates, the Freight Transport Association calculated that every day of disruption at Dover would cause full cost losses to the UK economy of up to £250m. In 2016, there was talk of building a new, large-scale lorry park off the M20 to deal with feared delays from a hard Brexit, but these are reputedly

shelved. These calculations have been done for Dover but not for NI. This needs to be rectified.

When there is attention to these issues, it seems to split into two channels of thinking. On one side, there are those who reiterate that technology can resolve the NI/ROI/GB borders. On the other side are those who explore that and find it wanting. The Home Affairs Committee tried to explore this divergence and has expressed concern about this critical issue of border flows in and after Brexit.[71] It referred to National Audit Office and other reviews of past computerised and hi-tech solutions with some scepticism, noting over-runs, costs and failures. The UK was to be part of EU-wide development of such technology, but it is unclear whether Brexit means the end of that participation. Crucially, there appears (as yet) to be no Food Brexit experimentation, let alone planning, for implementation in the immediate short-term, with Brexit looming in March 2019. On the recourse to technology as a 'fix' for customs in general, the Institute for Government concluded soberly: 'Ministers must recognise that "innovative, new ICT" is not a viable option in the short term and focus on upgrading existing systems to cope with Brexit'. And wisely, it simply said, 'there isn't enough time to build new infrastructure'.[72] (p.29)

Dr Graham Gudgin, of the think-tank Policy Exchange, has dismissed such concerns and is not alone in expressing faith in cameras, drones, phone apps and GPS monitoring as technologies which could enable frictionless passage across re-established real borders.[73] Interviewed on BBC Radio 4 about the capacity of technology to resolve the NI border trade issue, Dr Gudgin moved fairly quickly into the phraseology of 'light' borders - not the same thing as 'frictionless'.[74]

Faith in technical solutions also tends to assume that all entries into electronic systems would be both entirely honest and reliable. Proper food inspection requires someone to look inside lorries and to make judgements about critical food safety and standards. To suggest that there is no need for such checks leaves the policy door wider open both for unsafe food to enter the system and for criminal and fraudulent activities.

People who are not informed about food inspections often confuse customs clearance with health checks. They should not be conflated. The customs clearance tracks the goods as they cross borders, to apply tariffs or other traceability features, and to answer questions such as: where has the food come from? Where is it going? Is it legal? Safety and health checks at borders are frontline public health measures designed to ensure that the food is fit for human consumption: Is it safe? Is it what it says it is? Is it fraudulent?

Our conclusions are that:

- There will continue to be a need for the inspection by trained personnel and for the meticulous sampling of foods – particularly those of animal origin – using methods which meet legal requirements.
- Technology cannot currently replace inspections. Moreover, there are currently no inspections carried out on foodstuffs originating from within the EU and moving across the EU.
- Technology may work in the foreseeable future for customs clearance but not for health checks.
- There is no current evidence that any all-embracing system exists that is available for roll-out by March 2019 and which meets the tests required for food, namely that it should be:
    a. Practical, well-tested and in running order;
    b. Capable of immediate application or imminent development;
    c. Reliable and acceptable for use, i.e. 'fit for purpose';
    d. Capable of generating robust data for legal use and scrutiny;
    e. Accepted at the international level.

Our Recommendations

We do not dismiss technology. Our point is that viable technical solutions - meeting the conditions given in the preceding paragraph - to the political problem do not yet appear to be available. Under these circumstances, we recommend:

- Food and logistics industries involved in transporting and selling food in NI should be clear and transparent with the UK public, including NI, about the effects of delays at UK ports of entry.
- The UK Government should publish detailed, costed plans - which can be applied to contracts from March 2018 - for how to recruit, train and deploy professionally qualified personnel to ensure food entering NI from the EU and beyond meets the terms of the Food Safety Acts 1990 and 1999, and all relevant legislation enacted since by the Wales Assembly Government, Scottish Government and NI Assembly.
- The UK Government should desist from promulgating electronic pass-porting or other everyday technologies as fixes for 'frictionless' borders, unless and until it funds and satisfactorily concludes proper trials and roll-out of well-tested technology that is internationally accepted.
- Independent researchers in the private sector and universities should consider the practicalities of sustaining current and putative food regulatory regimes after Brexit.

Priority 4: NI public health must be a key element in maintenance of food supply

Although life expectancy in NI has steadily increased,[75] there are major problems with NI diet-related health. Life expectancy is 1.3 years lower for males in NI than in for males in England and 0.7 years lower for females.[76] As with the rest of the UK, there are significant geographical disparities in life expectancy within NI. Belfast has the lowest life expectancy – 75.9 years for males; whereas in Lisburn and Castlereagh male life expectancy is 79.9 years.[77]

The National Diet and Nutrition Surveys (NDNS) for NI 2015 and 2017 show NI consumption patterns to be less healthy than the rest of the UK[78]. The 2017 NDNS update showed:

- Fruit and vegetable consumption in NI was significantly lower than in the UK as a whole: 82% of adults, 77% of older adults and 96% of children aged 11 to 18 years in NI did not meet the five-a-day recommendation.
- Mean intakes of non-starch polysaccharide (NSP) (fibre) were significantly lower than those in the UK as a whole, and for adults were below the recommended level of 18g per day.
- Mean consumption of oil-rich fish was well below the recommended level, 140g portion per week, and significantly lower than in the UK as a whole.
- Mean consumption of red and processed meat for men and boys aged 11 to 18 years exceeded the current maximum recommendation for adults.
- Mean intakes of saturated fat exceeded recommendations in all age groups and were similar to or slightly higher than mean intakes in the UK as a whole.
- A third of adults aged 19 to 64 years in NI had low blood levels of vitamin D, a higher proportion than in the UK as a whole.
- The lowest income group had lower fruit and vegetable consumption than those in the highest income group. They also had lower intakes of NSP and some vitamins and minerals

There are historic reasons for these food cultural and public health inequalities, which are beyond the scope of this Briefing. The NI population is eating too much meat and dairy products, not enough fish, and far too little fruit and vegetables than is good for population health. It should

be noted, however, that the Single Market has generally been a force for good by improving NI access to a key requirement for good health – namely fresh fruit and vegetables. To disrupt the flow of or, in extremis, to cut NI off from EU-derived fruit and vegetables would harm public health.

Our Recommendations

- NI must not only maintain but actively improve its population's access to the ingredients for diet-related health, particularly an increase in production, trade and consumption of fruit and vegetables.
- If there is a hard Brexit, the consequences should be carefully monitored by public health agencies.
- Efforts should be made to increase production and consumption of NI-grown fruit and vegetables; whichever form of Food Brexit emerges.
- A hard Brexit will further highlight and illuminate the gaps between NI's current food output and what a more sustainable food output would need to be. For example, NI currently produces an excess of red meat and dairy and not enough fruit and vegetables to meet, let alone exceed, health requirements. This could become critical in the event of unavoidable barriers to EU imports of commodities essential to a balanced diet as a result of hard Brexit.

Priority 5: The Good Friday (Peace) Agreement requires maintenance of cross-border food flows

The relations between NI and ROI was a key - component of the Brexit Phase 1 negotiations, because of the huge ramifications for the Good Friday Agreement and the NI peace process that might arise from the UK's departure from the EU. Surprisingly, for many observers outside the island, there is a fairly low level of awareness of the significance of this issue. It is therefore important to understand why this is relevant to Food Brexit:

- The Good Friday Agreement, also known as the Belfast Agreement, is an international treaty involving both the UK and Ireland, signed on 10 April 1998.[79] It is for that reason that the Irish Government (along with the UK and EU Negotiators) was and are involved in the Brexit discussions.
- EU membership of both its signatories - the UK and Ireland governments - was central to its construction and the implementation of the freer flows of food (and other goods) between ROI, NI and GB.
- The current border between NI and the ROI is, to all intents and purposes, invisible because of the provisions of the Belfast/Good Friday Agreement. Before that agreement, there were restrictions on the number of crossing points, and border checks on people and goods, even though both jurisdictions were, and currently still remain, part of the EU. The 'hard' border that existed from the 1970s until the late 1990s was for (military) security rather than for customs reasons.

Will Food Brexit make the 'invisible' border visible and tightly constrained again - regardless of whether Food Brexit is hard or soft?

Some border facts underline the complexity and delicacy:

- At the eastern edge of the EU[e], there are 137 land border crossings in total, spanning 3,720 miles/6,000 km of border.[80]
- On the island of Ireland there are 275 land border crossings between NI and ROI along 300 miles of border roads.[81]

e i.e. the eastern borders of Estonia, Finland, Hungary, Latvia, Lithuania, Norway, Poland, Slovakia, Bulgaria and Romania.

- 23,000 -30,000 people use these 275 crossings every day to travel to and from work.
- During the conflict known as the 'Troubles', from the 1970s to the 1990s, there were only 20 crossings.

The historical border between NI and ROI, particularly through past conflict, has left a legacy of fear and tension, particularly amongst border communities. In a recent study conducted by Queens University Belfast (QUB), for many respondents the very term 'border control' conjured images of a securitised border and recalled deeply negative experiences and community tensions.[82]

The implications of a return to tight border controls, and the infrastructure that would inevitably accompany them, are well understood in terms of both security on the island and risks to the NI peace process. Police forces on both sides of the NI/ROI border have expressed concerns about the consequences of re-imposing border controls.[83] Chief Constable George Hamilton of Police Service of NI (PSNI) has already been widely reported as stating that the more infrastructure there is at the border, the more this incentivises dissident groupings and other organised gangs to become involved in cross border crimes such as smuggling and other crime such as food fraud.[84]

The need for free movement of foods (and other goods) in order to support the agri–food sector in both parts of the island of Ireland is clear. The same applies to the Good Friday Agreement in relation to free movement of people, the Common Travel Area commitment referred to earlier in this Briefing.

Prior to Christmas 2017, all parties involved in the Brexit negotiations – the UK Government, the EU and the Irish Government – pledged their commitment to the maintenance of the current 'frictionless' border and no return to the hard border infrastructure of the past that has so many other implications for this island. At present, with the Brexit Phase 2 clock ticking, there appears to be no agreed (or published) delivery mechanism.[f]

Our Recommendations

- Whatever Food Brexit it aspires to, the UK Government should inform the NI population exactly how it intends to meet and protects the 1998 Good Friday Agreement.
- The EU and ROI should commit to doing all they can to allow free flow of food for both NI and ROI.

Conclusions: Food Brexit's implications for the NI food system need urgent attention

This Briefing highlights the importance of food, and trade in food (not just agriculture), for NI. It salutes those working discreetly to ensure minimum destabilisation of food flows. Nevertheless, it has raised fundamental choices that policy-makers and the public must make. The consequences of disruption to food flows are serious enough for any population; for a territory and people with a history of border-related conflict and who have enjoyed peace for the last 20 years, to have this threatened is a matter of serious concern. And the risk is not just for them but for the rest of the UK, Ireland and all who trade food with them.

General Recommendations

Section 1 explored the realities of the Food Brexit 'problem' for NI. Section 2 considered some salient 'solutions' and made recommendations in relation to each of them. We now give some overarching recommendations on the Implications

f This Briefing has been written and published as negotiations continue. Circumstances may change.

of Food Brexit for NI. These link the broad concerns about food flows with the specifics of food inspections.

- The NI food system urgently needs some clear decisions on Food Brexit, which it is not at present receiving; this failure of food governance should not be allowed to continue. The GB public and Government must realise it cannot ignore these significant issues about Food Brexit for either the UK as a whole or NI in particular.
- The commitment to a 'frictionless border' cannot be fudged. Either NI is in the Single Market or Customs Union (or an alternative that is agreed by all parties) or it is not. If not, border controls are inevitable (and are being prepared for).
- The ideological fissures must, at the same time, be put aside to 'think food'. The big choices must be explored through the policy 'lens' of food. They are:
    a. to reverse the commitment to leave the Customs Union and Single Market;
    b. to stay in the Customs Union in alignment with current EU rules and supply chain approaches;
    c. to mutually develop and agree a customs arrangement between the islands of Ireland and GB and the rest of the EU;
    d. to impose 'Red Lines' at one geographical point or the other.
- There needs to be a specific Food Plan for NI in the context of Brexit. The lack of discussion about food (rather than agriculture) is a serious policy deficiency. Options must be open, costed and explored by policy-makers. MPs and Select Committees must redouble efforts to get the UK Government to be open about its food plans.
- The European Commission should seek clarification from the UK Government on the general food status of NI, particularly its reliance on food imports and exports. The European Commission must provide clear guidance to the NI consuming public and agri-food industries about the practical implications of options for food flows.
- Members of the UK Parliament, the National Assembly for Wales and the Scottish Parliament should pressurise the UK Government to keep NI's borders with both the ROI and GB open and frictionless.
- Aspirations for technology to resolve food inspections and quality controls at borders are too vague and unspecific. No immediate faith should be put into technical fixes for the pass-porting problem. This might or might not be possible in the future but does not exist for now. Nor does it replace the need for food inspection by qualified and competent professionals. Detailed plans for how inspections might be managed are required. The NI Select Committee, together with the EFRA Committee, should conduct an Inquiry into the state of Government investment in this sphere. They and MPs should also seek clarification as to whether trials are underway or contracts signed for technical controls at borders, and should ask about feasibility, cost and function.
- The three dominant food retail companies in NI have particular responsibilities that go with their economic power to prevent NI's food system being cut off from both the ROI and GB. The existence of their forward planning options to address Brexit issues should be reviewed by open processes such as by a Select Committee. We urge the big food companies who currently 'feed' NI to redouble efforts to maintain food flows into NI.
- Food industry forward contracts and purchasing agreements for delivery in March 2019 are already beginning. Whatever the wider political decisions about the status of NI, there must be a decent period of adjustment where things carry on as before, giving at least two years' notice for businesses to make the necessary arrangements for their food supply. Disruption to food supplies would be unacceptable.
- Food inspection bodies, Environmental Health Practitioners, Port Health Officers,

Customs Officers and other trade and health-related professions cannot resolve political difficulties, nor should responsibility for resolving the practicalities be placed at their door. Their responsibilities are to the common good and the public's safety and health; this requires that local authorities, relevant actors in the food system and all democratic bodies are aware of the significance for food, whether there is a hard Brexit or not. Leaving the Single Market and Customs Union – if that remains the likely outcome – requires contingency planning.

- The UK Government and the Devolved Administrations should undertake and publish studies which calculate needs for resources, funding, technical equipment and scientific staff to provide the requisite public health and trade infrastructure to meet the previous recommendation.
- We trust that emergency procedures are in place and that the UK Government's COBRA system is preparing for all eventualities. If the head of Dublin Port is doing so, COBRA should do so, too. Public reassurances must be based on open evidence.

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