

## **BVA written evidence to Northern Ireland Affairs Committee Unfettered Access: Northern Ireland and customs arrangements after Brexit inquiry**

### **Who we are**

1. The British Veterinary Association (BVA) is the national representative body for the veterinary profession in the United Kingdom. With over 18,000 members, our primary aim is to represent, support and champion the interests of the United Kingdom's veterinary profession. We, therefore, take a keen interest in all issues affecting the profession, including animal health and welfare, public health, regulatory issues and employment matters.
2. The BVA's Northern Ireland Branch brings together representatives of local veterinary associations, BVA's specialist divisions, government, and research organisations in Northern Ireland. The Branch advises BVA on the consensus view of the Northern Ireland members on local and United Kingdom issues.
3. We welcome the opportunity to respond to this inquiry into arrangements for goods moving in both directions between Northern Ireland and Great Britain under the revised Northern Ireland Protocol.

### **The role of vets in international trade**

4. Veterinary surgeons, both certify and supervise the import and export of animals and animal products to and from third countries. The vital role of veterinary surgeons in trade, protecting public health, food safety and animal health and welfare is recognised around the world. To facilitate trade, the UK will need enough vets to meet the additional demands for export and import certification that may be required under the Northern Ireland Protocol.
5. Vets, as qualified professionals who play an essential role in the operation of international trade, wish to see a high standard of animal health, welfare and food hygiene prioritised within any future trade deals.

### **The Protocol on Ireland/ Northern Ireland**

6. The Protocol on Ireland/Northern Ireland is the part of the Withdrawal Agreement that sets out the arrangements to maintain an open border on the island of Ireland after the end of the transition period.
7. According to the Protocol, Northern Ireland will remain aligned to a range of EU single market rules, including rules relating to goods, sanitary rules for veterinary controls, rules

on agricultural production/marketing, VAT and excise for goods and state aid. This is to avoid a hard border. The European Commission's Q and A<sup>1</sup> says:

- a. Northern Ireland will continue to apply the Union's Customs Code and will remain aligned to those rules of the Single Market in order to avoid a hard border on the island of Ireland.
  - b. The necessary checks and controls will take place on goods entering Northern Ireland from the rest of the UK, including, for example, Border Inspection Posts to ensure that the necessary sanitary and phytosanitary ("SPS") controls are carried out.
  - c. UK authorities will implement and apply the provisions of Union law that the Protocol makes applicable in the UK in respect of Northern Ireland. Therefore, all checks will be carried out by UK authorities with appropriate supervisory and enforcement mechanisms for the EU.
8. The Northern Ireland Protocol gives the joint committee specific responsibility for certain aspects relevant to the trade in live animals and products of animal origin. This includes determining the practical arrangements for EU supervision of UK implementation and enforcement of specific aspects of the Protocol, as well as review the implications of the Protocol for the UK internal market, and north-south co-operation. Should the NI institutions reject the provisions in the Protocol the joint committee will make recommendations to the UK and the EU.
9. The joint committee will also determine the criteria according to which goods moving from Great Britain to NI will be considered not "at risk" of subsequently moving into the EU, and therefore will not be subject to EU customs duties. Note this responsibility refers only to customs duties, and not regulatory or SPS checks.
10. While there may be some scope of the joint committee to consider approaches, which may limit the need for Export Health Certification documents or veterinary checks for goods entering Northern Ireland from Great Britain, it would appear this scope is much narrower than that open to customs issues.
11. Article 6(1) on "protection of the UK internal market" provides that the Protocol shall not prevent "unfettered market access for goods" moving from Northern Ireland to Great Britain. It sets out that there will be no restrictions of any kind on goods moving from Northern Ireland to the remainder of the United Kingdom, and that the UK and the EU will use their "best endeavours" to "facilitate" trade from Great Britain to Northern Ireland. UK law can also regulate the sale of products made in Northern Ireland that are placed on the market in Great Britain.

## **Goods moving from Great Britain to Northern Ireland**

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<sup>1</sup> [https://ec.europa.eu/commission/presscorner/detail/ro/QANDA\\_19\\_6122](https://ec.europa.eu/commission/presscorner/detail/ro/QANDA_19_6122)

12. At present there are controls on bringing livestock into Northern Ireland from Great Britain to try to protect the health of the animals already in the province, and also the health of people, because some animal diseases can be passed from animals to humans. DAERA uses legislation to control imports, and the main tools that it uses for imports from Great Britain are import licences.<sup>2</sup> Consequently, some infrastructure will be in place to provide a portion of the controls that may be required from 1 January 2020. However, the volume of additional products which may require checks will be much greater than the current volume of live animals.
13. From January 2021, exporters will require an Export Health Certificate (EHC) signed by an Official Veterinarian (OV) to transport animals, germplasm and products of animal origin from Great Britain to the EU Single Market. Products of animal origin includes meat and milk as well as composite products like pizzas and quiches as well as pet food. Composite products are particularly complex and may require multiple EHCs. For example, a cheese and ham sandwich will require a certificate for both the cheese and ham to provide an audit trail of each individual ingredient.
14. It seems likely that the requirement for EHCs will be similar if the UK and EU reach a free trade agreement, or if no trade deal is agreed. However, there are material uncertainties and limitations on knowing what the exact increase in export health certification requirements is likely to be. When preparing for a no-deal exit in 2019, Defra's "mid estimate" assumption was a fivefold increase in the number of EHCs.
15. Where third countries export into the EU, EU Law requires animals and products of animal origin to enter via a designated border control post for documentary, identity and physical checks by vets. These additional checks, alongside other trade requirements (e.g. customs checks) could add considerable time to journeys, which may be detrimental animal welfare in the case of live animals, or to the shelf life of products of animal origin. A veterinary agreement could be reached between the UK and EU, similar to that between the EU and New Zealand, which could significantly reduce the level of physical checks. However, this would not eliminate all checks or the need for infrastructure.
16. The final details of the UK's future relationship with the EU, including the decisions of the joint committee for the operation of the Protocol on Ireland/ Northern Ireland, are unknown. However, it appears likely that these requirements for goods moving from Great Britain to the EU Single Market will apply to goods entering Northern Ireland.

### **Goods moving from Northern Ireland to Great Britain**

17. No-deal guidance issued by the government<sup>3</sup> provided assurances that imports of live animals and products of animal origin from the EU would not initially be subject to

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<sup>2</sup> <https://www.daera-ni.gov.uk/articles/introduction-importing-animals-and-animal-products>

<sup>3</sup> Importing animals and animal products if there's no Brexit deal, Updated 19 December 2018 withdrawn on 13 March 2020 <https://www.gov.uk/government/publications/importing-animals-and-animal-products-if-theres-no-brexit-deal/importing-animals-and-animal-products-if-theres-no-brexit-deal>

veterinary checks. On 10 February 2020 Michael Gove, the Chancellor of the Duchy of Lancaster, announced that businesses should now prepare for border checks for imports from the EU after the transition period ends.

18. Under these requirements, live animals or products of animal origin would need to be accompanied by an EHC and vets would be required to carry out certification checks for all animal products being imported into Great Britain from the EU Single Market. This change means that despite mitigations the veterinary profession has put in place to attempt to meet the increase in certification needed for export checks, it is unlikely, as it currently stands, that the UK will have sufficient veterinary capacity to meet those for imports as well.
19. The final details of the UK's future relationship with the EU, including the decisions of the joint committee for the operation of the Protocol on Ireland/ Northern Ireland, are unknown. However, as noted above, Article 6(1) sets out that there will be no restrictions of any kind on goods moving from Northern Ireland to Great Britain, and that the UK and the EU will use their 'best endeavours' to 'facilitate' trade from Great Britain to Northern Ireland. This would suggest that all of these requirements may not apply to goods moving from Northern Ireland to Great Britain.

### Standards in trade deals

20. EU exit presents opportunities for the UK to negotiate new trade deals. However, there are concerns this might allow the UK to import animals and animal products that have been reared to lower health and welfare standards than expected for producers in the UK. All parts of the UK must safeguard the UK's reputation for high standards of animal health, animal welfare, and food safety. In all trade agreements it negotiates, the UK government must secure the inclusion of equally high standards of animal health, animal welfare, public health and food safety as well as responsible antimicrobial use.
21. Ahead of the 2019 general election, the conservative manifesto committed that in all trade negotiations, the UK would not compromise on our high environmental protection, animal welfare and food standards.<sup>4</sup> This principle should be enshrined in legislation.
22. Allowing goods onto the UK market which fail to meet current UK standards of animal health, animal welfare and public health would increase the need for SPS checks on all goods leaving the UK and entering the EU Single Market. The application of the Northern Ireland Protocol would mean these same checks would potentially be required for goods moving from Great Britain to Northern Ireland. This would place an additional administrative and cost burden on producers and increase the potential for delays.

### Equine Movements

23. The UK will likely be subject to EU third country rules relating to equine movements. Third countries apply to the European Commission to become listed to allow equine movements

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<sup>4</sup> The Conservative and Unionist Party Manifesto 2019, page 57

to the EU to take place. The listing is based on the health status of the country with requirements dependent on the perceived level of disease risk. During no deal Brexit preparations in 2019, the EU Commission agreed the UK's listed status application after it met the animal health and biosecurity assurances required for a third country to export live animals and animal products including equines. The UK may need to reapply for this status ahead of the end of the transition period.

24. When the UK becomes listed, horses would need both an appropriate ID document and appropriate health documentation to travel to the EU. As the UK would be a third country, an Export Health Certificate (EHC) would be required to move equines, on a permanent or temporary basis, to the EU. This would require additional action from vets to confirm the absence of disease. This new process would require more planning from the equine owner and could involve increased cost if additional tests are required.
25. It is uncertain if these requirements will be applied to equine movements between Great Britain and Northern Ireland

### **Pet travel**

26. At present, The Pets Travel Scheme (PETS) is in operation. This means that with a Pet Passport companion animal (cats, dogs and ferrets) can re-enter the UK from the EU without having to be quarantined. In theory, this applies to movements of pets between Northern Ireland and the Republic of Ireland. In practice, the requirement for a Pet Passport to visit the Republic of Ireland has often not been enforced.
27. Official government guidance<sup>5</sup> notes that the UK will become a third country from 1 January 2021. Third countries can apply to the European Commission to be listed. Pet travel requirements will change depending on what category the UK becomes on 1 January 2021.
28. If the UK becomes an unlisted country from 1 January 2021, before someone can travel to the EU with their pet they will need to take the following steps:
- Owners must have their dog, cat or ferret microchipped and vaccinated against rabies.
  - Their pet must have a blood sample taken at least 30 days after its last rabies vaccination. Their vet may recommend a booster rabies vaccination before this test.
  - The pet's blood sample will be sent to a to an EU-approved blood testing laboratory.
  - Wait 3 months from the date the successful blood sample was taken before they can travel.
  - An OV must give the owner a copy of the test results and enter the day the blood sample was taken in an animal health certificate (AHC).
  - Pets will not be able to travel with their owners if these necessary steps have not been completed.
  - If the blood test result is not successful, they will need a repeat vaccination and another blood test taken at least 30 days after the repeat vaccination.

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<sup>5</sup> <https://www.gov.uk/guidance/pet-travel-to-europe-after-brexite>

29. If the UK becomes a Part 1 listed country, pet owners must have their pet microchipped and vaccinated against rabies at least 21 days before travel. They will need to make sure their pet's rabies vaccinations are kept up to date and ensure dogs receive tapeworm treatment if needed. They must also apply for a new document, the UK pet passport. They can use this for travel to the EU for their pet's lifetime (or until full) if the pet's rabies vaccinations are kept up to date.
30. If the UK becomes a Part 2 listed country, owners must have their pet microchipped and vaccinated against rabies at least 21 days before travel. They will need to make sure the pet's rabies vaccinations are kept up to date and make sure dogs receive tapeworm treatment if needed. Owners would be required to visit an OV no more than 10 days before you travel to get an AHC confirming that the pet is microchipped and vaccinated against rabies. The pet will need a new AHC for each trip to the EU if the UK becomes a Part 2 listed country.
31. In all cases, on arrival in the EU, pet owners travelling with pets will need to enter through a designated Travellers' Point of Entry. At the TPE, pet owners may need to present proof of microchip, rabies vaccination and tapeworm treatment if required.
32. It is uncertain if these requirements will be applied to movements between Great Britain and Northern Ireland. Current information on the NI Direct website indicates that pet travel advice does not extend beyond the transition period.<sup>6</sup>

### Veterinary capacity

33. From 1 January 2021, there will be increased demand for veterinary certification and supervision for goods (live animals and products of animal origin) and potentially equine and pet animals moving from Great Britain to Northern Ireland. At the same time, there will be increased demands for veterinary certification and supervision of goods moving from Great Britain to the European Union. Sufficient veterinary capacity will be needed to fulfil this demand.
34. UK veterinary practices are already experiencing difficulties recruiting. In November 2018 the Major Employers Group (MEG), which represents some of the largest UK veterinary businesses, estimated a veterinary workforce shortage of approximately 11.5%, based on vacancy rates. In recent years over half of the veterinary surgeons who register in the UK each year qualified elsewhere in the EU/EEA.
35. In February 2020 the government set out its plans for a new immigration system.<sup>7</sup> Once free movement ends in January 2021, it will be replaced with an employer-led points-based system which is likely to place a significant administrative and financial burden on veterinary businesses who will be required to sponsor recruits from outside of the UK. This new immigration system leaves a big question mark over whether the profession will be able to fill the workforce gap created by the end of free movement when we are already struggling to recruit and retain vets.

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<sup>6</sup> <https://www.nidirect.gov.uk/articles/taking-your-pets-abroad>

<sup>7</sup> Policy paper The UK's points-based immigration system: policy statement Published 19 February 2020