FRC Food Brexit Briefing

Food, no-deal and the Irish border

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FOOD RESEARCH COLLABORATION

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Summary

A no-deal Brexit, for which the Government is now actively preparing, will have serious consequences for the United Kingdom's (UK) food and agriculture sectors. It risks raising prices and restricting supplies, especially of the fresh fruit and vegetables we are urged to eat more of: both these developments carry a threat to public health, especially for consumers on low incomes. It risks tipping farmers and food manufacturers into bankruptcy (at worst) or subjecting them to considerable additional cost and anxiety – burdens that will disproportionally affect the small, medium and micro businesses that predominate in the food sector. It will also stretch to breaking point the public authorities responsible for maintaining food safety and standards.

Nowhere will these effects be more sharply felt than in Northern Ireland (NI), where food and agriculture comprise an important element in the economy, diets are already poorer than in other parts of the UK, and the high degree of cross-border integration of food supply chains means that food flows between NI, the Republic of Ireland (ROI) and Great Britain (GB) are critical both to both public health and to livelihoods.

It seems clear that, in the absence of any agreement on trade (i.e., in a no-deal exit), ROI would be legally obliged, as a member of the European Union (EU) responsible for a border with a 'third country' (which is what the UK will become), to apply border controls to food entering Ireland from the UK. These could involve tariffs as well as an array of physical and documentary checks. To be able to trade across the border, UK exporters would have to meet the requirements for these procedures, even if the checks themselves took place on the European (i.e. Irish) side.

On the island of Ireland, foodstuffs cross the border very often, sometimes making multiple crossings at different stages of production and processing. In 2018, of all goods traded by NI across the border, food and live animals formed the largest category both exported to ROI (32% of the total) and imported from ROI (40%). Similarly, the UK is ROI's largest single trading partner for agri-foods and processed foods, with 99% of mushrooms, 50% of red meat and 22% of dairy produce crossing the border. One business (Diageo) which manufactures Bailey's Irish Cream on both sides of the border, dispatches trucks on 18,000 cross-border trips every year.

The impact of border interventions in this trade would be considerable. Taking the example of foods comprising or containing constituents of animal origin, every consignment crossing from Northern Ireland to the Republic would in future need to be accompanied by an Export Health Certificate, filled in by the exporter and countersigned by either an Environmental Health Officer or a vet, who would have had to physically inspect the goods to verify compliance. To use a practical example to illustrate, for a sandwich maker producing five different types of sandwich with animal-origin ingredients (such as eggs, meat or fish), and shipping them across the border to 20 different outlets on a daily bases, this would mean 100 certificates a day. Given the numbers of businesses involved, the frequency and volume of documentation required, and the current resources available to carry out the work, servicing the anticipated demand is not feasible, and certainly not by 31 October. There are insufficient qualified professionals, and insufficient time and resources to recruit and train new ones.

In these circumstances, food consumers in NI will experience disruption, public authorities will be severely tested and food enterprises will face potentially insurmountable challenges.

Recommendations

We urge the UK Government and all Members of Parliament to:

- Avoid a no-deal Brexit.

- Publish UK planning assumptions on food supplies in NI after Brexit.

- Recognise the importance of flows of food into both NI and ROI.

- Work as a matter of extreme urgency to ensure that NI has effective government and governance in place before 31 October, preferably through the restoration of the NI institutions but if not through a form of direct rule. These arrangements are necessary to safeguard public health and avoid threats to food security.

- In the absence of devolved government, make clear how Local Authorities in NI will be supported to prepare for food Brexit (as for example, English councils have been allocated £20m – not enough, but something – to deal with Brexit preparation, part of which may be devoted to food preparedness)[1].

- Make available a hardship fund for low-income households in NI, to help insulate them from the impact of food (especially fresh food) price increases.

- Redouble efforts to assist food businesses, especially small, medium-sized and micro businesses, prepare for the complexities of new export regulations and procedures, and contribute to additional costs.

- Ensure that sufficient, appropriately trained Environmental Health Officers and veterinarians are in post to deal with the new procedures after Brexit, and that all-Ireland exchanges of information and collaboration by food professionals minimise food system disruption.

- Ensure that any consumer advice reflects NI political realities, particularly in relation to access to fresh fruit and vegetables.

1 LocalGov (2019) 'Whitehall commits £20m to help councils prepare for Brexit', 5 August, https://www.localgov.co.uk/Whitehall-commits-20m-to-help-councils-prepare-for-Brexit/47923 [viewed 5.8.19].

Background: Food and potential no-deal Brexit disruption

Since the UK voted to leave the EU three years ago, analysts from the Food Research Collaboration have consistently argued that a no-deal Brexit would have serious consequences for the UK's food and agriculture sectors. There is wide agreement that, in the short and medium term, it risks raising food prices, lowering standards and restricting imports (especially of the fruit and vegetables we are urged to eat more of). It risks tipping many farmers into bankruptcy, if they are cut off from their major markets by tariffs or by procedures that add time and costs to supply chains, or undercut by cheaper imported products from less regulated suppliers.[1] And more generally, it risks injecting significant disruption and anxiety into thousands of food businesses, which have established themselves within a familiar framework of rules governing safety, quality, labelling, packaging, transportation and trade, and must now adapt to a completely new regulatory framework, and pay for the process.

Understandably, the food industries – farming, manufacture, logistics, retail and catering – are concerned about the implications. It is clear that the UK Government has been warned of the serious implications, not least by Sir Mark Sedwill, Cabinet Secretary and National Security Adviser, whose 14-page briefing was leaked in April.[2] The UK Government has 'planning assumptions', said by the Institute for Government to be held under high security in each Ministry in so-called 'Rosa Terminals'.[3] There has already been a call for these to be published, not least to check how the figures for expected severe disruptions have been calculated, and to ensure that the £138m allocated by the new Chancellor of the Exchequer for 'information' to the public is not simply bland reassurance.[4] The expected significant drops in supply (and concomitant rises in price) of fresh fruit and vegetables, in particular, will make meeting public health targets harder, and will inevitably constrain the food choices of people on low incomes.

Nowhere will the disruption be more sharply felt than in NI, where (as our 2018 Briefing showed) the agriculture and food processing sectors are an important part of the economy, diets are already lower in fruit and vegetables than in other parts of the UK, and food trade between the adjacent nations is critically important, both to public health and to livelihoods.[5] Food production, trade and supply networks are deeply integrated between NI, ROI and GB.[6] The installation of a bullishly pro-Brexit government in the UK, and the ramping up of preparations,[7] has seen a no-deal exit bounce back onto the political agenda as an imminent possibility. It is therefore timely to look again at what this might mean, on 1 November 2019 and beyond, for food and farming enterprises in NI and their partners in GB and ROI.

The formal position on Northern Ireland

The Government's 2017 Northern Ireland and Ireland Position Paper set out what is still the legal reality. EU law stipulates a range of controls and checks for 'third country' agri-food products in situations where there is no trading agreement in place.[8] (This will be the UK's situation after a no-deal exit.) The paper says: 'While the UK would have greater flexibility in relation to designing our own approach to [food] checks, the Irish side of the land border would continue to be subject to relevant EU regulations.'[9] In other words, even though the UK might choose not to impose any checks or tariffs on imports to the UK from the EU (and indeed the Government subsequently indicated that with respect to ROI this would be the case)[10], ROI would be legally obliged, as a member of the EU, to apply border controls to food entering Ireland from the UK.

Given the priority the EU assigns to protecting the integrity of the Single Market – in order to safeguard its consumers from sub-standard goods and its producers from unfair competition – it seems highly unlikely that in the absence of an agreement it would exempt Ireland from this necessity, despite the fact that the EU is itself, in a sense, a guarantor of the soft border, in that the Belfast/Good Friday Agreement was predicated on the fact that the co-signatories (the UK and ROI) were both Member States of the EU.[11] Indeed, the fact that the EU has insisted on what has become the sticking point in discussions of the current withdrawal agreement – the so called 'backstop' – lends further grounds for this assumption.

The backstop aims to prevent a hard border by keeping NI aligned with and inside both the Customs Union and the Single Market, in the event that no alternative arrangements can be agreed within the time-frame stipulated in a withdrawal agreement. The EU sees these two options – either appropriate new arrangements or the backstop – as the only way that a hard border in Ireland can be avoided. A no-deal Brexit clearly does not fit either of those scenarios, and therefore, despite all the rhetoric to the contrary, no deal means the creation of some form of 'border' somewhere on the island at some point in time.

Setting aside all the other (huge) implications of the re-instatement of such a border, and focusing just on food flows, it is hard to exaggerate the disruption it would cause. This is because food enterprises on the island of Ireland have developed food webs that depend on the ability of goods to criss-cross the border freely.

Concern about disruption to all of Ireland's food trade

The Government's 2017 Position Paper acknowledged the integrated nature of the agri-food sector, pointing out that food, drink and tobacco account for half of cross-border manufacturing trade and noting, for example, that more than 10,000 pigs are exported from ROI to NI every week, and a quarter of all milk produced on NI's farms is exported for processing in ROI.[12] Subsequently, however, those considerations have either been forgotten or knowingly ignored. Yet they are symbolic of real difficulties ahead.

In 2018, of all goods traded by NI across the border, food and live animals formed the largest category both exported *to* ROI (32% of the total) and imported *from* ROI (40%).[13] The main goods transported in both directions were dairy products, eggs, meat and meat products.[14] It should be stressed that the risk is not just to NI, but to the whole island of Ireland. The UK is ROI's largest single trading partner for agri-foods and processed foods, with 99% of mushrooms, 50% of red meat and 22% of dairy produce (mainly cheddar cheese) crossing the border.[15, 16] The very fact that so much cross-border trade is in similar products highlights the integrated nature of the supply chains.[17] It is also relevant that the great majority of exporting businesses are small or 'micro' (employing less than 10 workers), selling a small number of products to a few markets.[18] It is known that smaller businesses find it much more difficult to adapt to new regulation and trading conditions.

The important point is that products do not simply originate on one side of the border for export to the other: they cross back and forth at various stages of production and processing, and often travel from one country through the other to reach bigger markets. Since the Good Friday Agreement, the food sectors on both sides of the border have quietly integrated. Brexit disrupts this, and the unravelling will not be easy. During testimony to the Business, Energy and Industrial Strategy (BEIS) Select Committee inquiry on Brexit impacts, the global drinks company Diageo revealed that Bailey's Irish Cream, which utilises 11% of ROI's cream output, is manufactured in plants on both sides of the border, involving the movement of around 18,000 trucks a year across the border.[19] The 'landbridge' is a route to market that connects Irish importers and exporters to international markets via the UK road and ports network, a journey that typically takes 20 hours as opposed to 40 or 60 hours by direct sea routes (Ireland to, say, France).[20] It is therefore very important for perishable produce. By this route, 26,000 tonnes of fresh seafood a year travel from ROI through the UK to European markets, as do (using a different measure) 1300 trucks of fresh fish.[21] A smaller amount of perishable produce travels from NI to GB via Dublin.[22] And it is not just perishables that use the landbridge: at the BEIS inquiry, the confectionery manufacturer Ferrero testified that 80% of the output from the Tic Tac factory in Cork is exported to mainland Europe through the UK.[23]

What no-deal would mean in practice for foods crossing the Irish border

After a no-deal, all these transactions would involve transporting goods (often more than once) across the border between Europe and a third country (i.e. the UK). For goods travelling from the UK to Europe this would involve (on the UK side) the export procedures required by the EU, and (on the EU side) the carrying out of border checks and potentially also the imposition of tariffs.

On tariffs, there is (at time of publication) no clarity on what is to be expected after Brexit. Acknowledging this uncertainty, a report prepared in 2016 for the Northern Ireland Assembly estimated that in the event of a no-deal exit and imposition by the EU of World Trade Organisation tariffs, agricultural exports from NI to EU countries could face tariffs of 42.1% on dairy products, 10.9% on fruit and vegetables, 1.2% on live animals and 5.2% on meat and edible offal. The report also pointed out the huge variation in specific tariffs within these broad categories. For example for 'milk and cream of a fat content by weight of more than 1% but less than 6%, not concentrated nor containing added sugar or other sweetening matter', tariffs ranged between €17.90 per 100kg and €22.70 per 100kg. The tariff for live sheep was quoted as €80.50 per 100kg; and for boneless fresh or chilled bovine meat, 12.8% + €303.40 per 100kg.[24] These figures highlight two problems: the steep cost to exporters of the tariffs themselves, and the administrative burden of calculating the appropriate payment. Even if the UK Government waived all tariffs, the implications and accounting would take time to bed down.

In terms of border checks on foods, the EU requires (depending on the nature of the goods) physical/veterinary, documentary and identification checks, the purpose of which is to prevent the spread of disease, protect biosecurity, and ensure food safety, hygiene standards and animal welfare standards.[25] Although the checks themselves would be carried out on the EU side of the border, as part of the new context, i.e. with the UK out of Europe without any agreement, UK exporters would have to provide appropriate documentation.

To illustrate what this means, consider just one example, the Export Health Certificate (EHC). An Export Health Certificate is a document which certifies that the food consignment to which it relates meets the required standards in terms of safety, composition and quality in the destination country. EHCs are required by the EU for all products of animal origin (whether in whole or in part) that are being imported to the EU from a third country. The EHC must be filled in by the exporter and countersigned by a competent professional who must physically inspect the goods to verify compliance. In NI, this must be an Environmental Health Officer (EHO) in the case of products incorporating fish or eggs, or a vet for everything else. In NI (unlike in England and Wales), the public sector provides this service directly: that is, it employs the professionals who perform the inspections and sign the forms.

At present, all foodstuffs, including those which contain products of animal origin, that pass between NI, ROI and GB do so quite freely, because the UK is part of the EU and all EU states have equivalent standards and procedures for food and animal health and safety. Following a no-deal Brexit, however, all food products either comprising or containing products of animal origin, including not just meat or products containing meat but also dairy, eggs, fish and shellfish, which enter the ROI or mainland Europe from the UK will require an EHC.

Suddenly, all the companies, including small, medium and micro enterprises, that ship goods in these categories across the Irish border would need an EHC *for every consignment*. In the not untypical example of, say, a NI-based sandwich manufacturer who makes five different types of sandwich that contain some form of animal product and distributes orders of each of those types daily to 20 different outlets across the border, the manufacturer would need 100 EHCs every day. Goods delivered without such certification would be rejected.

The NI food authorities are understandably extremely concerned by this prospect, and have made efforts to assess, as accurately as possible, what would be required in terms of personnel and costs to provide all the EHCs that would be needed in the event of a no-deal Brexit. The results show that in practice it would be unachievable: there are not enough qualified professionals, or enough resources or time to train new staff even if they could be funded or recruited. Bearing all of this in mind, it has been suggested by some food businesses in NI that in these circumstances they could go out of business within three days. Some might try to relocate, but such drastic action is neither easy nor quick.

And of course all this is highly likely to affect consumers. So the ‘messages’ in the UK Government’s £138 million information campaign on Brexit need to be analysed for how sensitive they are to NI food flows.

The 'what's all the fuss about?' argument

In the face of warnings that a no-deal Brexit will bring serious disruption at many levels to the food supply on the island of Ireland (and indeed to the UK more widely), there is an argument that this is a 'fake fuss' and that in practice things can carry on more or less as normal. We do not agree. It is true that nothing will change, in terms of UK food safety and standards, on the day after Brexit, and we are aware that the UK has been making legislative provision to ensure that key EU standards are incorporated into UK law. But unless the EU agrees to recognise this and to waive checks (and there has been no indication that this will happen), events are likely to unfold as we have described them. It is also worth noting that where EHC requirements already exist for UK exports to countries outside the EU, they often take a considerable time – in some cases years – to agree. That is because the countries importing goods have to be assured that the UK standards meet their requirements.

There is another important point. Once the UK leaves the EU it will be outside EU food safety systems and controls, including those that exist at pan-European level, such as the Rapid Alert System for Food and Feed (RASFF). RASFF is a key tool ensuring the flow of information that enables swift reaction when risks to public health are detected in the food chain. Food crime (i.e., the deliberate adulteration or substitution of foodstuffs) is a highly profitable criminal activity. Beyond doubt, in our opinion and experience, criminals will be waiting to exploit any weaknesses in food safety systems or EU perimeter controls that emerge as a result of Brexit. Taking every reasonable precaution to prevent such criminal activity is a matter of public protection. This is why we do not see that either the EU or the UK can responsibly continue to allow free passage of foods across the border, once the shared mechanisms that guarantee the safety and integrity of those foods no longer apply and in the absence of any agreed withdrawal framework.

Conclusions

The new Prime Minister says he is committed to taking the UK out of the EU by 31 October 2019, 'do or die'.[26] There is therefore a strong likelihood that food trade on the island of Ireland, as well as food trade between and through ROI, NI and GB, will be disrupted. Government 'planning assumptions' for no-deal imply that severe disruption will commence on the day after Brexit and continue for several months, after which time food trade will settle down at a considerably lower level of activity than prior to 31 October.[27] (The degree of disruption also depends on how France and other neighbouring countries from which the UK receives EU imports apply EU trade rules and the sudden shift in UK status from EU member to 'third country'.[28]) Given the unique vulnerability of food consumers and food businesses in NI (and partner businesses in ROI), we urge the Government and all parliamentarians to take up the Recommendations presented at the start of this report

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