

Ms Ursula von der Leyen

President

European Commission

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Brussels 1040

Belgium

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Brexit and custom's controls

Dear Ms von der Leyen,

I am writing to you as President of the EU Commission in the hope that the Commission can intervene to address serious and concerning obstructions to trade from Ireland arising from the imposition of border and custom's controls associated with Brexit. These obstructions will directly hinder the movement of goods between Ireland and the rest of the EU (particularly where use of the UK landbridge is required) and the movement of goods between Ireland and the UK as a third country.

Since 1 January 2021, members of the Irish Road Haulage Association and their customers have experienced serious and unnecessary obstructions to the free movement of goods in Irish Ports, not as a consequence of new rules being introduced but instead largely as a consequence of issues with the manner in which the new trading and customs rules have been applied by the Irish authorities.

We have attempted to address our concerns to our national government but have been advised on numerous occasions that the Irish authorities have no discretion in the manner as the Irish Revenue Commissioners who operate Irish Customs and Irish Department of Agriculture and Food are merely acting to fulfil Irish obligations as members of the EU and acting to protect the integrity of the Single Market and the Custom's Union. In a context where the Irish authorities are acting as de facto agents of the EU, we would be grateful for the Commission to address the serious problems and shortcomings with the manner in which new trading and customs rules are being applied by the Irish Customs and the Irish Department of Agriculture, Food and the Marine.

The particular problems which we are facing are as follows;

1. The new systems set up by the Irish Revenue Commissioners for Pre Boarding Notification (PBN), new requirements for safety and security declarations and import/export declarations are not working effectively. It is clear that neither the Irish authorities nor industry took an opportunity to trial the new systems before they came into effect. Consequently the new systems have been overloaded and goods are being blocked and delayed. Licensed hauliers as carriers of the goods have borne the brunt of these disruptions.
2. The IT systems being employed by the Irish authorities are not working and require substantial revision to ensure that they can be effective at clearing the backlog of goods stuck in the system and preventing such problems occurring again.
3. Currently the system is being challenged at a time when import/export levels are lower than normal due to pre 31 December stockpiling. The systems will collapse entirely once trade volumes are restored to normal levels.
4. It is deeply frustrating that despite the long lead in to Brexit that the systems and approaches being operated by the Irish authorities to manage post Brexit trade are not fit for purpose and are actually frustrating rather than facilitating trade.
5. There are a number of specific measures that could be introduced to address the current crisis;
 - a. Co-ordination between the different systems being operated by the Irish authorities – there are alarming indications that the systems (ICT and otherwise) being operated by the Revenue Commissioners and the Department of Agriculture, Food and the Marine are not working in tandem.
 - b. New protocols and procedures should be applied at the Irish Ports to work with and support those involved in the transport of goods – at present there is very limited communication or information being provided and a distinct lack of engagement at all levels.
 - c. Review processes to address the imposition of unnecessary or repetitive checks on goods being imported to Ireland – a risk-based approach to inspections is badly needed to prevent unnecessary blockages to the trade in goods.
 - d. Lack of oversight – there is a distinct lack of oversight on the operations of the different Irish authorities in the Ports. There is no central entity or office that is assessing how each of the Irish agencies are responding to Brexit and consequently the current problems being experienced are not being diagnosed and addressed.
 - e. Given the lack of preparedness of the Irish authorities for Brexit, some form of adjustment period will be required to allow them to get their systems and processes to work effectively.
6. Given the remit of the EU Commission on the free movement of goods and the Commission's overall responsibility for arrangements arising from Brexit, I would request that a senior special representative of the EU Commission should be despatched to Ireland immediately to assist the Irish authorities in the co-ordination of their response to Brexit and to take measures needed to address the current shortcomings. I am sure that M. Barnier could exercise a very productive assessment of Irish processes and procedures arising from Brexit and make relevant



recommendation to address current challenges. Unless these shortcomings are addressed there will be serious disruptions to trade to and from Ireland.

I hope that you will address this correspondence with the urgency that it requires ,I have included a letter that I am to day sending to the Taoiseach.

Thank you look forward to hearing from you.

Yours sincerely

Eugene Drennan

President