



The Centre for  
Cross Border Studies

# MEDIA WATCH

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**13/01/2017 - 20/01/2017**

**January 13, 2017**

## EU officials 'not against open border with Republic of Ireland'

European customs officials are open to plans by Irish tax officials to continue the free flow of traffic across the border in the event of a hard Brexit, it has emerged.

A senior source at the Revenue Commissioners said Irish officials were having "encouraging" talks with the European Commission about the need for minimum disruption to normal traffic if customs procedures have to be put in place.

Random mobile checks would have to be carried out, but the Revenue does not expect the need for an increase in enforcement staff patrolling the border.

As the border will become an EU frontier post-Brexit, getting Brussels' backing for any plans will be crucial.

"Cameras and electronics will be part of it," a Revenue source said. "In principle, we think we can operate a system which will facilitate commercial trade without interfering with normal private traffic."

Private vehicles will be able to travel freely across the border, but will still be subject to occasional spot checks.

Each adult entering the Republic from outside the EU is currently allowed a duty-free goods allowance of £375, meaning southern shoppers could continue to cross the border without having to declare relatively small purchases on their return.

**Source:** The Belfast Telegraph

**January 14, 2017**

## Republic officials visit checkpoints in Europe

Officials in the Republic have visited border checkpoints in mainland Europe to see how a customs system can operate after the UK leaves the European Union.

The Republic is keen for the border to remain as open as possible, including the free-flow of traffic.

It was reported yesterday that Revenue officials have had "encouraging" talks with the European Commission about the future of border checks.

According to the report, random checks will have to be carried out but a return to strict controls involving fixed customs points and large numbers of enforcement staff are not envisaged.

It is understood cameras could be used as part of a system which would allow private vehicles to freely cross the border, subject only to occasional spot checks.

Officials visited the borders between Switzerland and Austria and Sweden and Norway to gather ideas, the Irish Independent reported.

Following Brexit, businesses are expected to have to make customs declarations before their trucks reach the Irish border. And a register of businesses may be set up to simplify customs procedures in the event of a 'hard Brexit'.

Secretary of state James Brokenshire suggested last year that Britain's immigration controls could be shifted to ports and airports in the Republic following Brexit. He said the move would allow the Common Travel Area between the Republic and UK to be maintained.

However, opposition parties in the Republic rejected the suggestion.

**Source:** The Irish News

**January 19, 2017**

## Cross-border milk sales at risk in trade wrangling

THE cross-border sale of milk from Northern Ireland could be at risk following Brexit, it has been claimed.

Around a third of all milk produced in the North makes its way to processors over the border.

But according to industry leaders, if the UK leaves the EU without trade agreements in place, the tariffs that would be imposed would render the cross-border milk trade no longer viable.

Around a quarter of all food and drink produced in the UK is sold within EU countries, including £700m (€800m) worth of goods imported to the Republic.

But experts have warned it is becoming increasingly likely there will be no trade agreements on agricultural produce when the UK leaves EU.

Tariffs Declan Billington, chairman of the Northern Ireland Food and Drink Association (Nifda), believes this will result in steep price hikes. He indicated it was likely tariffs would cause a 47pc price hike on butter and a 56pc increase on beef exports to the EU from the UK.

Mr Billington also claimed there would be no room for picking and choosing which sectors would enjoy preferential terms.

The Nifda chairman added that EU member states would be reluctant to offer a good tariff on agricultural produce as the UK would no longer be paying into the common agricultural policy.

However, he insisted there remained opportunities for food and drink in the home market, but only if the transition was carried out smoothly.

**Source:** The Irish Independent

**January 20, 2017**

## Ireland needs prominent seat at the Brexit table

This week counts as the worst week in British-Irish relations since Britain voted for Brexit last June. Any enduring prospect of a soft Brexit disappeared on Tuesday as Theresa May turned the pages of her speech. All illusions that the impact of the split on Ireland might be limited are now shattered. We must brace ourselves for Britain and Northern Ireland being outside the European Union, outside the single market and most likely outside the customs union.

We also need to acknowledge the difficult possibility of a physical Border reappearing across the island of Ireland.

This week's events put the precarious and frustrating position in which Ireland now finds itself into sharp relief. The shape of our future relationship with our nearest neighbour, who is also our largest trading partner and with whom, after a terrible history, we have negotiated a delicate peace process, is slipping beyond our control. Our input in the renegotiation of that relationship will, as things stand, be extremely limited.

May has set out her opening position for talks in which her government will negotiate on the one side and the European Union will sit on the other. Ireland will not be at the table. We will be in an anteroom trying to make our voice heard, among 26 other member states, on instructions to the European Union negotiators.

### **Warm words**

We can, of course, seek to influence the British stance in the negotiations but our capacity to do that is also limited. The Irish Government was this week busy overselling our impact in that regard. The warm words May used about our relationship and the prominence she gave to concerns about preserving the common travel area with Ireland is touching, but vague and notional. The key priorities she set out suit Britain, and England in particular.

Next Tuesday the British supreme court will give its Brexit judgments and shortly thereafter, probably after having to get parliamentary approval, the May government will lodge notification of its intention to leave the European Union under article 50 of the Lisbon Treaty.

Article 50 is often cited but its provisions are seldom spelled out. It provides that once a member state has notified its intention to leave then, "In the light of the guidelines provided by the European Council, the union shall negotiate and conclude an agreement with that state, setting out the arrangements for its withdrawal, taking account of the framework for its future relationship with the union".

The provisions appear to give the European Council a free hand on the framework for those negotiations. The process currently proposed whereby a council-appointed negotiator, Michel Barnier, negotiates with Britain on behalf of all the rest of us is fundamentally flawed. It's 20th-century diplomacy for an unprecedented 21st-century challenge.

It is striking that there is no express provision in article 50 allowing for the countries actually bordering the exiting member state to be directly involved in the negotiations but there is no impediment to it either.

In 1995, the British-Irish framework documents set out the approach to the negotiations, which ultimately gave rise to the Belfast Agreement. They provided for a four-pillar structure within which a myriad of issues would be discussed: strand one within Northern Ireland, strand two between North and South, strand three between Britain and Ireland and a fourth strand dealing with constitutional issues. It was also a basic principle of the framework for those talks that nothing could be finally agreed in one of the strands until everything was effectively agreed in all strands.

There is no legal impediment to Britain's exit from the European Union being similarly negotiated in various strands and every political reason why it should. While article 50 provides that ultimately the European Council, with the consent of the European Parliament, will approve the final agreement by qualified majority, it leaves it to the council to set out the framework of the negotiations.

### **Diplomatic skills**

It is simply not adequate or appropriate that Ireland is asked to rely on its legendary diplomatic skills and the fondness other member states hold for our ways.

Like May, Barnier and key voices in the European Parliament have been saying nice things about how our concerns should feature prominently in the negotiations. These fine words are no substitute for direct engagement by Ireland on its own behalf in these negotiations.

Throughout the Brexit negotiations there should be a separate strand focusing on the specific concerns which arise for Ireland and Northern Ireland.

This strand should involve Irish Government representatives, British government representatives, input from Northern Ireland and representatives of Barnier's negotiating team.

Putting this into the framework for Brexit negotiations from the start is a political decision for the European Council. It should be Ireland's first ask.

**Source:** The Irish Times