



Briefing Paper on the Implications of Brexit for ICBAN's 'Framework of Regional Priorities for the Central Border Region, 2021-2027' strategy document

Contents

1. Executive Summary – Page 2
2. Brexit is here: What does it mean for the Central Border Region of Ireland / Northern Ireland? – Page 3
3. Political Context – Page 5
4. Economic Development – Page 7
5. Natural Capital: Greening The Region – Page 10
6. Liveable Communities and Human Capital – Page 13
7. Bibliography – Page 16



1. EXECUTIVE SUMMARY

This paper provides an immediate impact assessment of the implications of the United Kingdom's exit from the European Union [EU] - [Brexit hereafter] - for the Central Border Region [CBR] of Ireland / Northern Ireland, with specific reference to the Irish Central Border Area Network's [ICBAN] recently-published long-term regional strategic initiative, 'The Framework of Regional Priorities' [FRP]. Brexit is a political event of seismic proportions and the full implications for the CBR are as yet unknown. With this in mind, this paper provides an initial assessment, to aid and inform ICBAN in its overall goal of supporting cross-border collaboration between its eight member Councils and delivering against the FRP's objectives.

The FRP is an extensive document, and a detailed analysis of Brexit's impact upon the FRP in its totality is far beyond the scope of this paper. Therefore in conjunction with ICBAN, this paper has focused on key areas that would be of most relevance and benefit. The paper begins by providing a succinct and comprehensible description of the practical implications for the CBR of the relevant post-Brexit political and economic arrangements (including the Withdrawal Agreement, which includes the Protocol on Ireland and Northern Ireland, and the Trade and Cooperation Agreement). It then progresses to describe the current political climate, acknowledging the immediate challenges and highlighting the importance of maintaining a culture of political goodwill between all stakeholders.

This paper then addresses Brexit's impact upon key pillars / themes of the FRP strategy, starting with economic development. It highlights the differing challenges and opportunities for priorities to be furthered by Councils and stakeholders within Northern Ireland [NI] and Republic of Ireland [ROI], which of course will be advanced without the common link that the EU had provided. Subsequently, this paper investigates the impact of Brexit upon the region in trying to achieve the ambitions set out in the Greening The Region pillar, highlighting some key challenges associated with potential divergent legislation and governance gaps. Finally, this paper addresses the day-to-day implications of Brexit for the people under the Liveable Communities theme of the FRP. Throughout, the paper highlights potential risks and opportunities that will aid ICBAN in their delivery of the FRP and in supporting cross-border development generally, providing recommendations where possible.

Much of the analysis centres on the NI Council areas, as this is the UK constituent part within the CBR that has had its EU status removed and therefore has experienced a significant change in political and economic circumstances. Furthermore, NI is in a unique position as despite being a constituent UK region, it remains aligned with the EU in certain and very specific areas, as a consequence of the final Brexit agreements. Due to the integrated nature of the CBR, any implications for NI Council areas will have impacts on the adjacent County Council areas in the Republic of Ireland.



2. BREXIT IS HERE: WHAT DOES IT MEAN FOR THE CENTRAL BORDER REGION OF IRELAND / NORTHERN IRELAND [CBR]?

In order to understand the implications of Brexit for the CBR, and therefore for the FRP, it is important to reference the relevant political and economic arrangements that have evolved as a direct result of Brexit.

The Withdrawal Agreement (see UK Government, 2019 & European Commission, 2019), signed between the EU and the UK, sets out the terms of the UK's departure from the EU and includes the Protocol on Ireland / Northern Ireland ['Protocol' hereafter]. In recognition of the unique circumstances on the island of Ireland, the Protocol was devised to avoid a hard border on the island of Ireland, to protect North/South cooperation, and to uphold the Good Friday (Belfast) Agreement in all its parts. As a result, there are specific arrangements with respect to [NI], which unlike the rest of the UK, effectively remains within the EU's Single Market and Customs Union for goods. Consequently, NI must align with certain EU rules and regulations relevant to articles 5-10 of the Protocol, covering customs, movement of goods, VAT, UK internal market, technical regulations, and the single electricity market (Hayward, 2019).

The Protocol is extremely significant as it facilitates the avoidance of border infrastructure on the island and therefore minimises the day-to-day, physical disruption of Brexit for the people, communities and businesses of the CBR. To ensure compliance with EU regulations and to protect the EU Single Market, the Protocol details commitments for checks and formalities on goods entering NI from Great Britain [GB].

The implementation of the Protocol has not been without its challenges, as businesses and consumers have experienced added frictions, costs and difficulties when moving goods from GB to NI. Although initially exacerbated due to confusion and insufficient preparation, some of these difficulties have since been alleviated and could be eased further with adequate preparation, and the implementation of official procedures. Nevertheless, there were numerous grace periods applied to some of the more demanding aspects of the Protocol - which have now been unilaterally extended by the UK – and when these aspects are applied, further prohibitions, checks and formalities will be placed on goods moving from GB to NI.

A considerable degree of friction relates to sanitary and phytosanitary [SPS] measures (animal, human and plant health), which include checks and controls on the movement of plants, animals, agriculture, agricultural products, organic material and food stuff; of key relevance to the industries of the CBR. There have been difficulties associated with the implementation of the Protocol, however, the new trading arrangements bring inevitable checks and formalities on goods moving from GB to NI, which will increase when various grace periods end. The extent to which solutions can be found, that minimise disruption, will be largely dependent on whether there is adequate goodwill of political leaders and a favourable political context – this will be elaborated upon in Section 3.



Brexit does increase the practical significance of the border on the island of Ireland in many respects. Despite the specific goods-related aspects of the Protocol, Northern Ireland is no longer part of the EU whereas ROI remains, thus allowing for future legislative or regulatory divergence in areas that were previously aligned due to communal EU membership. The Trade and Cooperation Agreement [TCA] details the future trading and security relationship between the EU and the UK (see European Commission, 2020). Notably the TCA allows for the tariff-free trade of goods between the UK and the EU, but not the free movement of services or labour - the provisions of the TCA apply to Northern Ireland alongside those of the Protocol.

Within the TCA there are 'Level Playing Field' [LPF] provisions designed to ensure fair competition between the EU and the UK, which prevent any regression in areas of labour, social, environmental and climate standards, and to control subsidies. This allows either side to take rebalancing measures if the other regresses in such a way that impacts upon trade or investment. In theory, this should limit the scope for divergent legislation between NI and ROI. However, the LPF clauses are nebulous and there is a high burden of proof on the impacts of any hypothetical divergences which could limit the effectiveness of these clauses (Institute for Government, 2021). Rights afforded by the Common Travel Area [CTA] agreement remain unchanged by Brexit, therefore UK and Irish citizens retain the right to travel, live, work and enjoy associated rights and privileges in either jurisdiction (UK Government, 2020). Finally, the Good Friday (Belfast) Agreement and its associated institutions, such as the North South Ministerial Council [NSMC], continue to offer a forum for cooperation in various shared-island areas between the Irish and NI governments. In recent times, the political tensions due to the Protocol have led to the boycotting of some NSMC meetings (see McCormick, 2021). If this continues it will exacerbate the aforementioned risks, including delivering on the cooperation required to best meet the cross-border challenges.

Risk – Nebulous and impotent Level Playing Field provisions in TCA leaves potential for legislative divergence between NI and ROI, which would create challenging conditions for cross-border cooperation



3. *POLITICAL CONTEXT*

The political context in which ICBAN is operating in will play a crucial role in facilitating successful cross-border cooperation between the eight member Councils. A more favourable political context will better facilitate conditions that enhance ICBAN's capacity to deliver against the FRP's objectives. Finding pragmatic solutions to the difficulties associated with the implementation of the Protocol will be a key step towards creating a favourable political context; this will be contingent upon having the goodwill of political leadership at all levels (EU, UK, ROI, and NI), and a culture of cooperation and good relations between all stakeholders.

Nevertheless, we have seen a tumultuous beginning to the UK and the EU's new relationship, with issues arising from the implementation of the Protocol placing a spotlight on NI. These difficulties have resulted in significant backlash from Unionist communities and political leaders. In a very recent turn of events, there has also been a change in leadership within the Democratic Unionist Party, with opposition to the Protocol cited as a key driver for change and the new leadership confirming its intention to 'remove' the Protocol (Poots, 2021). Despite calls to revoke the Protocol, repeated commitments have been made by both the UK and the EU.

There is a consent mechanism built into the Protocol, whereby the NI Assembly can vote to remove the articles which relate to trade. This is extremely politically significant, with some political parties already indicating that they will use this mechanism to reject the contentious parts of the Protocol. The consent vote is due to take place in 2024 and with a simple majority vote in favour it will gain approval for a further four years. However, with a cross-community vote in favour, it will gain approval for a further eight years. In the event that the Protocol does not receive consent from the Assembly, there will be a two year 'cooling off' period when the Protocol will continue to apply in full and the UK and the EU will be tasked with finding a solution to meet the objectives of the Protocol. There are currently no credible alternatives to the Protocol, and as the objectives of the Protocol will remain the same, it is likely that any new arrangements would be effectively the same in practice to the current outlook (Hayward et al 2021).

The Protocol will likely be a key battleground issue for the NI Assembly elections in 2022, therefore it is possible that the election will be fought on the basis of the Protocol with a view to a subsequent vote in the Assembly on the Protocol in 2024. If the Protocol only receives consent on a simple majority basis, the potential is that there will be an effective vote on the Protocol in repeating two-year cycles. This is a worst-case scenario, but one that is not unfathomable considering the controversy surrounding the Protocol's implementation.

From ICBAN's perspective, this would be extremely concerning for several reasons. In a political context, it would not produce the conditions favourable to cross-border collaboration. The uncertainty this would bring surrounding Northern Ireland's status and the trading arrangements for the all-island economy could be devastating for business confidence



and investment. There have also been outbreaks of violence in NI, with frustrations over the Protocol being cited as a key cause. Protracted political disagreements could exacerbate tensions and therefore cause significant reputational damage, affecting tourism in the CBR for example.

Article 16 of the Protocol is commonly cited as a solution to the challenges associated with its implementation. This is a last resort, safeguard function designed to allow temporary and specific suspension of a certain aspect of the Protocol, in the event of an unexpected negative effect arising. Article 16 is a temporary measure that is designed to sustain the Protocol in light of acute difficulties, it is unlikely to solve the problems associated with moving goods across the Irish Sea (Hayward & Phinnemore, 2021). As can be seen by the EU's temporary threat (O'Carroll, 2021) to invoke Article 16, the use of this trigger by the UK or the EU would rapidly damage diplomatic relations, and therefore be counterintuitive to fostering the culture of good relations and political goodwill that is crucial in facilitating the successful implementation of the new political and trading arrangements.

A key function of the Protocol is to reduce the physical significance of the border between ROI and NI. For example, sanitary and phytosanitary [SPS] checks are the most onerous and an agreement between the UK and the EU in this area would alleviate up to 90% of the checks on the movement of goods between NI and GB; ICBAN should use its voice and influence to lobby for the likes of this.

The extent to which these difficulties continue in scope and severity will depend largely upon whether there is sufficient preparation, pragmatism and adaptation. This will only be possible against the backdrop of a constructive culture of cooperation between stakeholders and with political goodwill from leaders at all levels. There is currently a renewed drive from the EU and the UK to work constructively to find pragmatic solutions and to implement the Protocol in such a way that overcomes these challenges and minimises disruption. It is in ICBAN's interest to contribute to and promote this pragmatic and constructive cooperative culture.

Risk – Political and economic uncertainty - relating to the Protocol - could damage business confidence and discourage investment in the CBR

Risk – An escalation of tensions could cause significant reputational damage to NI, hence damaging tourism in the region

Recommendation – ICBAN should use its voice and influence to lobby for some form of agreement on Sanitary and Phytosanitary measures, to alleviate the vast majority of checks on goods moving from GB to NI



4. ECONOMIC DEVELOPMENT

Economic development is a key strategic pillar of the FRP, as a healthy vibrant economy is key to the overall ambition of the CBR. The effects of Brexit are arguably most relevant to the economy of the CBR. This is because the new, dramatically changed economic circumstances present various challenges and opportunities for the CBR.

Therefore, this is an area where this paper suggests ICBAN focuses considerable time and resource in understanding the implications of Brexit, so they can offer the most effective support. The challenge here is twofold: firstly, Brexit is still in its infancy therefore the full implications are yet unknown, or are only being met for the first time; and secondly, future divergence between the EU and the UK may change the landscape, presenting further challenges to businesses. This paper recommends that ICBAN conducts a public consultation with the business community to better understand the Brexit-related challenges being faced.

As mentioned in Section 2, a protracted political struggle regarding the Protocol and therefore NI's economic status would be counterintuitive to creating conditions of certainty, instilling business confidence, and therefore attracting investment. Any reputational damage this would cause, coupled with the resultant impact upon tourism, would impact upon ICBAN's capacity to deliver against the economic development pillar.

NI effectively remaining in the EU's Single Market and Customs Union for goods - as well as the UK's - presents a unique opportunity. NI-based businesses that trade or manufacture goods have a competitive advantage over GB and EU-based businesses as they have unfettered access to both EU and UK markets (see InvestNi.com, 2021). This dual market access is an economic opportunity and this paper recommends that the three NI member Councils within the ICBAN partnership ensure that established businesses are positioned to fully capitalise on this opportunity, and that this competitive advantage is promoted with the intention of attracting businesses to establish in or relocate to the region. Although this benefit is only applicable to the three member Councils in NI, the knock-on effect that this could bring to the region as a whole could be significant. An influx of investment and skilled, working-age labour would be of great benefit to all eight member Councils, especially when considering the intraregional economic connections and supply chain linkages.

A reality of Brexit will be the impact upon supply chains as businesses adapt to the new trading arrangements. As a result of the formalities required to move goods between GB and the island of Ireland, the assumption is that businesses in the CBR will begin to source certain goods – which may have previously been sourced from the UK - from within the EU Single Market. Agriculture and agrifood are key industries within the CBR and virtually all goods traded in these industries qualify for onerous SPS measures, therefore these industries will be particularly affected. These industries will still be able to move goods and livestock across the border region freely, however, they will feel particular frictions in moving goods from GB to the island of Ireland.



Since the beginning of the year there has been a significant drop-off in trade between the UK and the island of Ireland, coupled with an increase in trade of goods between the EU and the island of Ireland. (Sky News, 2021). This disruption means that supply chains are in flux, and based on this analysis, this paper identifies a huge opportunity to foster cross-border economic activity by linking businesses who are reassessing their supply chains and encouraging new cross-border supply chain linkages. This is an area ICBAN should explore and seek to support.

The TCA does not cover trade in services between the EU and the UK, and as NI's unique status only relates to goods, this is one area where the practical significance of the Central Border has increased as a result of Brexit; Ireland remains within the EU single market whereas NI does not. Businesses (both NI and ROI) providing services on a cross-border basis must comply with both UK and Irish regulations, with implications for rights of establishment and investment. In the immediate term, businesses selling services across the border may not feel an impact as the UK remains in regulatory alignment with the EU. However, there is a real risk of regulatory and legislative divergence over time, which will present significant costs and challenges to businesses that provide services on a cross-border basis.

Another omission from the TCA relates to the mutual recognition of professional qualifications between the UK and all EU member, which had existed prior to Brexit. All ROI workers with a qualification gained in the UK must now actively get their qualification recognised by the relevant Irish professional body, while all UK citizens who gained their qualification in ROI must do the same in the UK. Professional qualifications are now recognised on a sector-by-sector basis and although there have been efforts by various professional bodies to reach industry-specific agreements, this may impact upon professionals providing services on a cross-border basis.

Implications for the movement and supply of labour within the region are somewhat mitigated by the CTA arrangements, which allows UK and Irish Citizens to continue to live and work on either side of the border. However, non-Irish EU citizens no longer retain the right to work in NI which will have implications for the labour supply to the area. Any industries that rely upon EU labour may feel pressures from a restricted labour pool – this will be particularly relevant to agriculture, agrifood and seasonal tourism industries. Tourism is key to the regional economy and, formally, Brexit will have a very limited impact upon the movement of tourists between the UK and Ireland. Nevertheless, a risk to this sector relates in the issues of perception and reputational damage to the region, as a result of any continuation of political instability.

The implications for businesses who trade on a cross-border basis are complex and - as Brexit is still within its infancy - still unravelling. Cross-border trade of goods will continue unimpeded due to the Protocol; however, the trade of services will be affected on a scale and scope yet unknown. This paper identifies disruption to the trade of cross-border services as a critical Brexit-related risk to economic development in the CBR. These implications are complex and industry-specific, with the potential to be complicated further by any future divergence between the EU and the UK. SME's, which make up a substantial proportion of



the economy in the CBR, will be particularly vulnerable to the added complexities, costs and legal obligations that will arise from operating across two separate regulatory regimes.

Therefore, this paper recommends that ICBAN and its member Councils work to support affected businesses to ensure that they can continue to sell services on a cross-border basis and are well-positioned to respond and adapt to any future regulatory divergence. InterTrade Ireland is an organisation dedicated to supporting SME's engaging in cross-border trade and has dedicated considerable resources to understand the post-Brexit trading environment. This paper recommends that ICBAN formally engages with InterTrade Ireland to promote their services across the CBR and ensure that their specialised knowledge, advice, and services are readily available to businesses.

Risk: Economic uncertainty and political instability could damage economy of CBR

Risk: Future legislative and regulatory divergence could present significant costs and challenges to businesses that provide services on a cross-border basis

Risk: Absence of mutual recognition of professional qualifications

Risk: NI based businesses will face labour challenges

Recommendation: ICBAN conduct a public consultation with the business community to better understand the Brexit-related challenges being faced

Recommendation: Support new and existing businesses in capitalizing on NI's dual market access competitive advantage

Recommendation: Support businesses seeking to utilise cross-border supply chains

Recommendation: Engage with InterTrade Ireland to avail of their specialist services to support businesses trading on a cross-border basis



5. NATURAL CAPITAL – GREENING THE REGION

As the global shift towards more environmentally responsible economic and social practices gathers momentum, it is vital that all levels of government prioritise environmental considerations, therefore the importance of strategic pillar ‘Natural Capital – Greening the Region’ cannot be understated. It is appropriate that green principles underpin the FRP in general, so that the region acts as environmentally responsible in all aspects of social and economic activity. EU membership has profoundly shaped environmental policy across the UK and ROI and therefore it is reasonable to question how Brexit may impact on the cooperation required to effectively combat the shared climate and biodiversity crises. Furthermore, much of the FRP is centred on responsibly harnessing the potential of the region’s abundance of natural assets, demonstrating the acceptance of local authorities and communities to the challenges of climate change and the need for climate action.

As a consequence of Brexit, there is no longer communal EU membership harmonising environmental policy across the Irish Central Border. Despite this, both the UK and ROI are committed to the obligations of the Paris Climate Agreement, and the UN’s has adopted its own sustainable development goals. Moreover, the environment is one cooperation area specified by the North South Ministerial Council [NSMC], so there remains an official forum for collaboration in achieving shared-island environmental goals. Energy generation in NI continues to operate under the European Emissions Trading Scheme and comply with obligations concerning the emission of greenhouse gases (Abnett, 2020). As both jurisdictions are working towards the same goals, the communal challenges lend themselves well to integrated and collaborative solutions (Moore, 2021). However, this paper’s immediate analysis of the potential Brexit-related impacts identifies two main risks for the delivery of the ‘Natural Capital’ priorities set within the FRP: divergence in environmental policy and environmental governance.

Due to the Protocol, Brexit affects NI differently - and this is certainly the case regarding Environmental Legislation - as it will have one foot in EU law and governance (Commission, Court of Justice) and one foot in UK and NI Law and Governance (Office for Environmental Protection - still to be established) (Gravey & Whitten, 2021). In the immediacy, stakeholders are unlikely to notice any legislative difference across the Irish Central Border area as the status quo is maintained. However, over time there is the potential for legislative divergence between NI and ROI on specific legislative areas that sit outside the competency of the Protocol. These are restricted in scope only by the rather nebulous and impotent ‘level playing field’ provisions described in Section 2.

Agricultural policy - and any future divergence between NI and the EU - is particularly significant both economically and environmentally to the CBR, with approximately 75% and 65% of land dedicated to agriculture in NI and ROI respectively. Farms are the custodians of the CBR’s natural assets and their practices are largely dictated by agricultural policy prescriptions. Historically, the EU’s Common Agricultural Policy [CAP] has been criticized for being overly ‘productivist’ at the expense of the environment (Heron, 2021). However, indications from the EU are that CAP reforms, active from 2023, will have considerably higher



climate and environmental ambitions (European Commission, 2021). Agriculture policy is a devolved competency and NI has already announced significant changes, effective from 2021, as part of an ongoing, wider review (DAERA, 2021). Agricultural policy is pivotal in determining the economic practices that in turn impact the environment, climate, and biodiversity of the region. Therefore legislative divergence in this area could pose significant challenges to the collaborated and integrated responses required to 'green the region'. The cross-border agricultural economy, as well as the integrated natural environment, eco and water systems that flow across the CBR, are vulnerable to any imbalances caused by divergence in legislation. This paper highlights that weaker, unequal, or contradictory environmental regulations, goals, or practices, on either side of the CBR, could stymy any efforts to 'green the region'.

Any serious attempt to achieve environmental goals requires an effective and robust environmental governance regime. Brexit has and will continue to have significant implications in this area. Environmental governance in the CBR is complex as it now straddles two different governance jurisdictions. Ireland remains within EU mechanisms, however, despite environmental policy being a devolved competency, NI has chosen not to establish its own environmental governance agency. NI has instead opted to join England's Office for Environmental Protection [OEP], meaning that NI is now the only UK nation not to have an independent environment regulator, and nor does it have an independent environment agency.

The OEP is ultimately designed to meet the needs of England's environmental governance challenges and does not consider NI's unique environmental governance challenges, specifically its legacy of existing environmental problems and the fact it shares a land border with the EU. Furthermore, the OEP has been criticised for being the least ambitious and independent environmental regulator in the UK (Harrabin, 2020). Finally, due to delays in the UK's Environment Bill, the OEP is only due to become statutorily effective from July 2021 and could be delayed further with any amendments or further delays. Post-Brexit environmental governance in NI is now characterized by severe complexity, as stakeholders have to keep an eye on developments in London, Brussels and Belfast (Gravey & Whitten, 2021). Based on this analysis, this paper identifies environmental governance in NI as a clear weakness and a key challenge to ICBAN's strategic aim of greening the region.

In fact, the most recent environment meeting by the NSMC drew attention to the need to develop a 'joint programme of enforcement and collaboration on tackling environmental crime', and the need to 'encourage cooperation and knowledge sharing in relation to the environmental impact of agricultural activities and related issues' (NSMC, 2020). This paper highlights these weaknesses and urges ICBAN to be cognisant of these challenges and to try to influence these areas where possible. If these areas are not addressed sufficiently, this paper believes that the combination of weak governance and divergent legislation could create the risk of environmental crime.

The urgency of climate and environmental concerns has never been greater, therefore, there is not only the opportunity but the necessity for innovative and collaborative, cross-border responses. The island of Ireland's unique arrangements create opportunities for cooperation:



on a North/South basis; within the UK through common frameworks; and via UK-EU committees through both the TCA and WA. Carbon emissions are on the rise and biodiversity levels on the island of Ireland are in the decline. Brexit creates the need for increased institutional energy in cross-border cooperation and this can hopefully serve as the catalyst for effective efforts.

To achieve the green objectives set within the FRP, there is also the need to enhance focus at the community and societal level. By developing and delivering cross-border, civic initiatives, ICABN can deliver real benefits and also send positive upward signals to policymakers (see All-Ireland Pollinator Plan, 2017 & Nore Vision, 2020). Finally, another opportunity for collaboration is in monitoring the performance of both UK and Ireland on Sustainable Development Goals. There are benefits to be gained in understanding the different data, synergies, and differences between how the two jurisdictions are progressing towards the goals (Moore, 2021).

Risk: Divergence in environmental legislation between NI (and UK) and ROI: specifically, divergence in agricultural policy is a key risk to the integrated and collaborative approaches to the shared environmental challenges

Risk: Weakness in NI environmental governance and potential risk of environmental crime

Recommendation: Share data and exploit synergies on SDG monitoring

Recommendation: Continued focus on community level engagement and environmental initiatives



6. LIVEABLE COMMUNITIES & HUMAN CAPITAL – EDUCATION, SKILLS & TRAINING

Although the headline-grabbing high politics of Brexit may feel far removed from the everyday lives of the people and communities in the CBR, this section focuses on the potential impacts on people's day-to-day lives, and access to vital services upon which they rely on. This section pays particular reference to Strategic Pillars three and four of the FRP: supporting the provision of 'Liveable Communities'; and the development of 'Human Capital – Education, Skills and Training'.

The communities of the CBR are used to living, working, studying, and using services between two jurisdictions - the extent to which Brexit will impact upon these areas is yet to be fully seen. Specifically relating to healthcare, the TCA provides a framework for reciprocal use of health services for EU and UK residents, however, these are diminished in comparison to the benefits afforded by mutual EU membership (Havery, T, 2020). The CTA negates this somewhat, as in key areas such as health and social care - and education as this section will address - both Irish and UK residents retain associated rights in either jurisdiction (see Irish Government, 2021).

Partly EU-funded cross-border cooperation between bodies such as Health Service Executive [HSE] and North-South Unit, combined with Co-operation and Working Together (CAWT), have created structures that facilitate access to health and social care services on a cross-border basis for those living in the CBR. Notable services and facilities include the All-island Paediatric Cardiology services, North West Cancer Centre, Altnagelvin, and the Cross-border Percutaneous Coronary Intervention Services; all of which will continue to function in the same capacity after Brexit. Emergency services, including ambulances, will continue to operate in the same manner as before on a cross-border basis.

Both the ROI and NI governments have committed to the continuation of current healthcare arrangements, and the EU has committed to the completion of any outstanding programs. Further EU funding for cross-border health initiatives has been set aside under the PEACE Plus programme until 2027 (subject to final agreements), to promote cooperation in healthcare and reduce health inequalities which are typical of border regions. There is confidence that the structures that facilitate cross-border provisions of health and social care services are sufficiently robust to continue unimpeded post-Brexit, without the service user feeling any immediate impact (McCorry, 2021).

As a consequence of Brexit, the UK has withdrawn from the EU Cross-Border Healthcare Directive [CBHD], which has been hugely beneficial for many within the CBR (Flanagan, 2021). Although, there are some provisions in the TCA to receive planned treatment in other EU countries, these are less than the benefits of the EU CBHD - of particular note is the loss of reimbursement for private treatment in another jurisdiction. The Irish Government has put



in place a temporary, unilateral scheme to allow citizens to be reimbursed for treatment in NI, however this is only temporary and due to end in 2021. There is currently no such scheme for NI patients wishing to do the same in ROI.

Recruiting and retaining specialist healthcare staff within the CBR was already challenging, however, there is a real risk that Brexit will exacerbate specialist staff shortages. New requirements relating to registration, and limitations on the right to work for EU citizens in NI will add another layer of complexity and difficulty in recruiting staff, which will risk worsening current staffing issues (McCroory, 2021). This is a potential risk to the quality of cross-border, community-based healthcare services that is sought in the context of the FRP.

A further area of concern relates to the availability and price of medicines in NI. Due to the Protocol, NI remains aligned with EU on medicine legislation, which means there must be various checks and controls on the movement of medicines from GB to NI. There are reports of UK based drug manufacturers limiting their supply and opting not to launch new medicines in NI (see Foster & Neville, 2021). When the relevant grace period ends in December 2021, medicines made in GB that are destined for NI will have to be licensed and tested separately, causing concerns that prices of medicines sold into NI will increase substantially (see Neville & Noonan, 2021).

Based on this analysis, health and social care users are unlikely to feel any immediate Brexit-related disruption to service levels. However, the withdrawal of the EU CBHD will have Brexit-related implications for CBR residents and is something that ICBAN should be cognisant of. In the longer term, the exacerbation of specialist staff shortages and new challenges relating to medicine supplies from GB to NI have the potential to put extra pressure on regional health services that already face challenges.

Ensuring that there are sufficient educational opportunities is essential in addressing a number of the region's key challenges, such as the 'brain drain', the ageing population and the need for skilled labour to support industry.

The CTA affords educational rights and privileges to both Irish and UK residents in either jurisdiction, therefore those who cross the border for educational purposes will feel no impact as a result of Brexit. Regarding further and higher education, Irish and UK students are treated as home students in both jurisdictions for fee purposes. Further education and training opportunities will continue to be available to students and trainees from Ireland going to the UK, and vice versa, under the CTA. Erasmus + is the primary EU educational initiative and access to it for NI students was jeopardised by Brexit, however, the Irish government have committed to funding this for students at NI institutions. This analysis suggests there is no reason to believe that cross-border educational provision will be adversely affected by Brexit.

Relating to human capital, the FRP sets out the priority to have a sufficiently qualified and skilled workforce to support the region's industry and growth ambitions. As already discussed at various points within this paper, Brexit adds significant challenges for NI firms employing



EU staff. The additional complexities, costs and restrictions on hiring staff in NI will reduce the available labour pool and could frustrate growth, unless remedial solutions are identified. Based on the above, it can be concluded that firms based in the Council areas on the southern side of the border will be at a competitive advantage compared to firms in NI, when it comes to attracting labour.

From the perspective of the consumer, there are a number of areas where the effects of Brexit may be felt. One piece of legislation that may be of significance in the future relates to roaming charges, which may become relevant to those who travel across the border regularly. As a result of Brexit, mobile phone operators are no longer legally required to allow for free roaming between the UK and EU, and although operators have indicated that they do not plan to reintroduce any such charges, this could change and therefore is a risk to be aware of.

Consumers have already felt the effects of Brexit while shopping online, and experiencing the challenges associated with the timely delivery of goods. The new political arrangements, including the Protocol, are complex and depending on the type, value and origin of the good, there may now be customs duty, excise duty or vat charges applicable. This will mainly impact NI consumers, but it will also affect ROI consumers purchasing goods via UK or NI. Consumers have already reported issues such as delays, added costs and suppliers refusing to deliver to NI.

Although there are some additional procedures for those supplying into NI from GB, non-delivery to NI should not be the case, and if this is the case it will be down to poor preparation and/or education from suppliers (McConville, 2021). It is therefore important that key stakeholders working to deliver on the priorities of the FRP help ensure that importers to the CBR are fully aware of the necessary measures to avoid added costs and disruption. If this continues, there is a risk that consumers may eventually be faced with limited choice and higher prices.

Risk Withdrawal from EU CBHD will affect citizens in the CBR

Risk Exacerbation of recruitment challenges and specialist staff shortages in NI Health Service

Risk Availability and price of medicines in NI

Risk Reduced availability and higher prices for consumers and online shoppers

Risk Reduced labour pool for specialist industries in NI, which could frustrate the region's growth ambitions

Risk Future roaming charges for citizens and workers in the CBR

Recommendation Engage in an educational piece for GB businesses supplying to NI, to help alleviate any issues



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