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# Briefing Paper

## The Northern Ireland Protocol

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## What is the UK's approach to the Northern Ireland Protocol?

The Northern Ireland Protocol is a key provision within the Withdrawal Agreement negotiated between the United Kingdom and the European Union. The purpose of the protocol is to avoid a hard border on the island of Ireland which would lead to new customs infrastructure and customs checks being introduced at the border between the two countries.

Under the terms of the Withdrawal Agreement, Northern Ireland will stay aligned with EU rules concerning manufactured goods and agricultural products but remain a part of the customs territory of the United Kingdom. This means that it will leave the EU Customs Union along with the rest of the UK at the end of the transition period.

With the UK leaving the EU customs territory from 2021, this will require checks on goods leaving the UK for the EU market (and vice versa) and the collection of tariffs. However, as both sides have committed to ensuring that there will be no customs checks or controls at the border between Northern Ireland and the Republic of Ireland, this means that any checks will need to take place on goods moving between Great Britain and Northern Ireland instead.

The UK government has published its approach to implementing the Northern Ireland protocol and has said that businesses moving goods from Northern Ireland to the rest of the UK should continue to operate as they do now with no additional tariffs, customs checks or restrictions put in place. However, there will be checks on agri-food movements which require pre-notification and will need to enter Northern Ireland from Great Britain via a Border Inspection Post or Designated Point of Entry.

Goods being transported from the rest of the UK to Northern Ireland will not be subject to tariffs if the goods remain within Northern Ireland. Only goods that are ultimately destined for the Republic of Ireland or are deemed to be at risk of doing so will be subject to EU tariffs when entering Northern Ireland from the rest of the UK.

By remaining in the UK customs territory, this will enable Northern Irish businesses to benefit from any free trade agreements the UK reaches with other countries. Goods arriving in Northern Ireland from countries outside of the EU will be subject to the UK tariff rate unless they are at risk of being moved to the EU. Businesses can find out more information about the new UK tariffs that will apply from 2021 [here](#)

The UK government will be able to waive or reimburse tariffs on goods that have been shown to have remained in Northern Ireland after being imported from the rest of the UK or non-EU countries.

Northern Ireland will also remain in the UK VAT area but will be required to follow EU VAT rules on goods. Northern Ireland will not be required to follow EU VAT rules on services. It is important that businesses are aware that there is a consent mechanism within the protocol which allows the Northern Ireland Assembly to vote every four years on whether these arrangements should continue to apply.

If the elected institutions in Northern Ireland withhold their consent then these arrangements will cease to apply two years later and this may result in further changes when transporting goods between Northern Ireland from Great Britain.

## How will the UK's approach to the Northern Ireland Protocol affect my business?

These changes will impact businesses that deal with customers or suppliers based in Northern Ireland as the UK customs authority will be required to apply EU customs rules at its ports to goods entering Northern Ireland.

Traders based in Northern Ireland will need to submit customs declarations and safety and security information when importing goods from businesses based in Great Britain. They will also require an EORI number that starts with XI to move goods between Northern Ireland and non-EU countries (including the UK).

To help businesses in Northern Ireland with these new administrative processes, the UK government has established a new Trader Support Service (TSS). Traders will be able to register for this free to use service which will complete import declarations and safety and security details on their behalf using the information that they have provided. Businesses can find out more about Trader Support Service [here](#)

Businesses sending goods to Northern Ireland should be aware that their customers will have to pay EU import tariffs on their goods (unless a UK -EU tariff free trade agreement is ratified) if they are deemed to be at risk of entering the EU. Businesses based in Northern Ireland can apply for an authorisation from the new UK Trader Scheme to declare that the goods they are importing from Great Britain are not at risk of onward movement to the EU and therefore not liable for EU tariffs (find out more [here](#))

While goods movements between Great Britain and Northern Ireland will be technically treated as exports and imports for VAT purposes, flexibilities within the current EU VAT rules will enable the UK government to treat these transactions as UK domestic transactions.

Businesses placing manufactured goods on the market in Northern Ireland will need to continue to produce goods to EU standards and hold the relevant approvals as they do now for 'harmonised' goods covered under the Northern Ireland Protocol. Northern Ireland businesses will not face new restrictions and will be able to place goods on the market throughout the rest of the United Kingdom without the need for additional approvals as the UK will accept the results of assessments carried out by EU conformity assessment bodies.

However, there will be new requirements, with respect to how approvals are sought, for placing goods on the EU market. If your goods require a mandatory third-party conformity assessment and this is undertaken by a UK body, the UK (NI) marking will need to accompany the EU conformity marking (CE) on your goods as the UKCA marking cannot be used for goods placed on the Northern Ireland market. Goods carrying both of these markings (UK (NI) & CE) will be valid for the UK market but cannot be placed on the EU market. You will need to have a conformity assessment carried out by an EU body to place your goods on the EU market.

In regards to agri-food movements from Great Britain to Northern Ireland, they will be subject to new sanitary and phytosanitary (SPS) controls and requirements including certifications and authorisations. Authorised traders (such as supermarkets and food suppliers) will benefit from a grace period until the 1st April 2021 from official certification for products of animal origin, composite products, food and feed of non-animal origin and plants and plant products. The UK government has developed a new Movement Assistance Scheme for traders moving agri-food goods to help businesses meet new certification costs and it comes with a dedicated helpline to help businesses comply with the new requirements.

Click [here](#) for government guidance on moving goods into, out of, or through Northern Ireland from 1 January 2021

## How can the Greater Birmingham Chambers of Commerce help?

We are committed to ensuring that businesses are kept informed of key announcements made by the government in the run up to the end of the transition period. With only a few months remaining, we will also be running a number of webinars over the coming months, featuring guest experts, covering the key issues that matter to business. We have also produced a number of briefings outlining important policy announcements such as the future UK immigration system and the UK Global Tariff. Businesses can access further support through our International services which offers advice on all aspects of international trade and a range of accredited training courses to help businesses with import procedures and export documentation.

Click [here](#) for further information on the Black Country Chamber of Commerce international services

Click [here](#) for further information on the Coventry & Warwickshire Chamber of Commerce international trade support.

Click [here](#) for further information on the Greater Birmingham Chambers of Commerce International Business Hub.