

## EU-UK FTA Information Sheet

Since 1 January 2021, the UK is regarded as a 'third country' outside of the EU. The EU and the UK have formed two separate markets; two distinct regulatory and legal spaces. This creates barriers to trade in goods and services and to cross-border mobility and exchanges that did not previously exist – in both directions.

The long awaited EU-UK Free Trade Agreement (FTA), known as the 'EU-UK Trade and Cooperation Agreement', was finalised on 24 December 2020, coming as a significant relief to the many businesses that continue to trade with the UK. While this is good for relations and reduced some costs involved, this FTA is fundamentally different to the freedoms enjoyed when the UK was a member of the EU and the Single Market.<sup>1</sup>

The EU-UK FTA goes well beyond traditional EU FTAs (such as with Canada or Japan) by providing for **zero tariffs and zero quotas** on all goods that comply with the appropriate rules of origin.<sup>2</sup> This ensures that the trade preferences granted under the Agreement benefit UK and EU businesses rather than third countries, preventing circumvention.<sup>3</sup> The full text of the Agreement can be accessed [here](#). A useful overview of the 4 pillars of the Agreement can also be accessed [here](#).

The following document contains information on the following (*click any of the headings to skip to that section*):

### **EU-Northern Ireland Trade**

How does the NI Protocol work?

What does the Protocol mean for businesses?

### **Importing from a Third Country through the UK**

#### **Rules of Origin & Certificates of Origin**

#### **Upcoming dates to be aware of**

#### **Useful tools for advice and further information**

EORI Numbers

Export Documentation & Licences Information

Value Added Tax (VAT)

Advice on new Customs Arrangements

Financial Supports for Irish-based companies

Irish Government/State Agency Advice & Information

UK Government/ State Agency Export Documentation & Licences

### **Useful Contact Information**

---

<sup>1</sup> It should also be noted that the entry into application of the FTA is a matter of special urgency. As the negotiations were only finalised at a very late stage before the expiry of the UK's transition period, and the need to allow the European Parliament sufficient time to democratically scrutinise the deal, the Agreement will be applied on a *provisional* basis, until 28 February 2021.

<sup>2</sup> It should be noted that the deal does not extend to services.

<sup>3</sup> To facilitate compliance and cut red tape, the Agreement allows traders to self-certify the origin of goods and provides for 'full cumulation' (meaning traders can account not only for the originating materials used, but also if processing took place in the UK or EU).

## EU-Northern Ireland Trade

- From 1 January 2021, the [Protocol on Ireland and Northern Ireland](#) applies and EU rules for customs, VAT and excise duties continue to apply to all goods entering and leaving Northern Ireland from/to the EU. This means that the rules that apply to the movement of goods between two EU Member States will also apply to goods moving between Northern Ireland and an EU Member State, and vice versa.
- For **customs**, the Protocol means that:
  - There will be no customs formalities for goods moving between Northern Ireland and EU Member States
  - EU customs formalities will apply to goods entering or leaving Northern Ireland to/from the rest of the world, including the UK. There are exceptions with regard to this for goods considered at 'no risk of subsequently being moved into the Union', i.e. those that will not enter the EU Single Market
  - Checks and controls will take place on food and live animals entering Northern Ireland from third countries, including the rest of the UK, to make sure they adhere to the EU's sanitary and phytosanitary (SPS) requirements
  - Checks and controls will also take place on goods subject to any other prohibitions and restrictions listed in the Protocol and on goods entering Northern Ireland from third countries, including the rest of the UK to make sure they comply with the relevant rules.

### **\*What is the Protocol on Ireland and Northern Ireland?**

The Northern Ireland Protocol was agreed between the EU and UK in October 2019. It is designed to avoid customs tariffs, customs declarations and customs controls in trade between Northern Ireland and the EU, in particular the Republic of Ireland. Effectively Northern Ireland is subject to EU rules on customs and on the regulation of goods.

The protocol aims to:

- avoid a hard border between NI and the ROI
- make sure of the integrity of the EU's single market for goods
- facilitate unfettered access for NI goods to the GB market, and the inclusion of NI goods in free trade agreements between the UK and third countries

As a result of the protocol, NI has in effect remained in the EU's single market for goods (England, Scotland and Wales have left the EU's single market for goods). This allows goods to flow to and from NI to the ROI and the rest of the EU as they did while the UK was a member of the EU, without customs checks, tariffs or new paperwork. The EU's rules on customs and regulation of agri-food products will continue to apply to goods arriving in NI.

The Protocol came into force on 1 January 2021, and is now part of international law that will govern trade in goods in relation to NI for at least the next 4 years.

A number of late derogations were agreed between the EU and the UK in December 2020, as the UK was not fully ready for the end of the Transition Period, in particular, regarding the import of food products from GB into NI. For this reason, the EU and the UK agreed a number of time limited derogations (i.e. grace periods) in a number of areas, such as Export Health Certificates, import of meat products, medicines and a number of other areas. Although there will be a period of time required for businesses and Government agencies to fully adjust to the new trading rules and a number of grace periods have been agreed to ease this transition, the Protocol is now legally effective and fully operational.

## How does the NI Protocol work?

To avoid checks on goods along the Irish border, it was agreed they would instead be carried out when they entered Northern Ireland from England, Scotland or Wales. These inspections take place at Northern Ireland ports, and customs documents have to be filled in.

EU officials are entitled to be present during relevant activities and request control measures to be carried out in individual cases for stated reasons which the UK authorities agree to implement.



The Northern Ireland Protocol is enforceable in the same way as EU law. Therefore, it is directly enforceable by businesses and citizens against the UK government. Actions and decisions of EU agencies and bodies are to have the same force and effect as under EU law. Cases can be referred to the European Courts whose decisions are binding.

## What does the Protocol mean for businesses?

### Customs Declarations from ROI to GB and vice-versa

- Tariff- and quota-free trade does not mean barrier-free access. Irish goods are now subject to customs checks and controls on entry to the island of Britain. This applies to all goods destined for the UK market or transiting Britain en route to the EU or other markets.
- The first step in the preparation process is to obtain an EORI (Economic Operators Registration and Identification) number. This is a European Union registration and identification number for businesses which undertake the import or export of goods in

or out of the EU. Companies can register for a number through [Revenue's EORI online registration service](#) (See below for more information on EORI numbers).

### **Customs Declarations from NI to GB and vice-versa**

- It was agreed that businesses will not be required to submit Export and Exit Summary Declarations for *most* goods when moving from NI to GB. However, the relevant data will be collected by alternative means, for example, data collected by ferry companies through other systems.
- In only limited cases will businesses be required to provide customs declarations for NI to GB movements, relating to international obligations for 'high risk' goods and for goods not in free circulation (i.e. goods moving under special procedures including transit movements).
- This will bring additional compliance requirements and costs for businesses, however, the Trader Support Service (TSS) which was launched in September 2020 and will run for a period of at least two years will support businesses to file declarations.
- NI and GB businesses have been strongly advised to register for the [TSS](#) and decide if it wants to use this service to complete customs declarations. Alternatively, businesses may decide that they wish to make their own arrangements to submit the customs declarations themselves, or to employ a customs agent to do so from 1 January 2021.
- The TSS has been providing on-going education to traders for the past few months and also businesses that are registered with TSS will automatically receive an XI EORI number. NI businesses will require an XI EORI to export and import goods with rest of world countries and also to import goods from GB into NI, as the importer will need to report this on the customs import declaration.<sup>4</sup>

## **Importing from a Third Country through the UK**

→ Example scenario: *A business in Ireland imports goods from China through a UK distributor. The Irish business pays import duties in the UK. What should the Irish business be aware of when importing those goods into Ireland?*

- Import duty is based on the origin of the goods; where they were manufactured, not where they were purchased. Goods purchased wholesale from China and resold from a separate entity in another country would still be classified by Customs as Chinese goods. In the case that the product is shipping physically from China to the UK and then onto Ireland, the Irish business may be liable to pay customs duties twice.
- In order to avoid this, it may be worth looking into, for example, customs warehousing in the UK and at other options to source this product through a European supplier/distributor or directly from the Chinese supplier.

→ Further information on this is available [here](#) from Enterprise Ireland.

---

<sup>4</sup> See the section below on '**Useful tools for advice and further information**' for information on EORI numbers needed for Irish businesses

## Rules of Origin & Certificates of Origin

- It is important to note that HMRC is **not** requiring certificates of origin for goods moving between the EU and UK. Tariffs will not be applied to goods that are either “wholly obtained” from the UK or EU, or “substantially transformed” in the EU or UK.
- Companies can assess whether their products satisfies these requirements on the Commission’s [Access2Markets](#) platform. Information on how to use this tool can also be found [here](#).
- For goods imported to benefit from this duty-free treatment, exporting companies must make a claim for preferential treatment. The claim has to be based on a statement of origin, made out by the exporter, stating that the product qualifies for preferential treatment. It is up to the exporter to make sure that the conditions are met to issue a statement of origin and that the information provided is correct.
- Please see [here](#) for more information on rules of origin.

## Upcoming dates to be aware of

<b>July 2021</b>	<ul style="list-style-type: none"> <li>• From July, the UK Border Operating Model will end, the full burden of customs declarations will become permanent, facing the full declarations at the point of importation and tariffs with additional paperwork and checks taking place.</li> <li>• 3 month extension to the chilled meats grace period announced – GB to continue aligning with EU food safety and animal health rules until 30<sup>th</sup> September</li> <li>• 12 month grace period of regulatory requirements for medicines from GB-NI will end</li> </ul>
<b>September 2021</b>	<ul style="list-style-type: none"> <li>• 30<sup>th</sup> September - end of the extension to the chilled meats grace period (Under the NI Protocol, chilled meats entering NI from GB were due to be prohibited, as the EU bans such products from all other third countries.</li> </ul>
<b>January 2022</b>	<ul style="list-style-type: none"> <li>• Temporary easements on border controls ends from 31 December 2021. Businesses in Great Britain will no longer be able to delay submitting a full customs declaration and paying any customs duties (as part of the phasing in of UK border controls) when importing non-controlled goods from the EU. Customs declarations and duty payments will be due at the point of import from 1 January 2022.</li> <li>• From 31 December 2021, the UK’s grace period on CE marking will end, meaning that firms must have switched to UKCA compliance by this date (GB products only). Temporary easements on regulated manufacturing will start to wane, creating a new rush to complete adjustments. Some exporters will be prohibited by the cost and hassle of separate UK and EU product testing, and cease to trade – reducing choice for consumers and competition that drives down prices.</li> <li>• Without an equivalence and adequacy agreement, Financial Services firms will make further transfers of staff and assets to the EU or stop some EU business and move to non-EU locations to optimise their business models and react to the requirements set by EU regulators.</li> </ul>

## Useful tools for advice and further information<sup>5</sup>

### EORI Numbers

#### 1. Irish/EU-based companies

- If you are a trader who imports or exports goods into or out of the EU, you will need an Economic Operators' Registration and Identification (EORI) number. This number is valid throughout the EU. It is used as a common reference number for interactions with the customs authorities in any Member State.
- To use the service, you will need:
  - [Revenue Online Service \(ROS\)](#) login details and a valid [ROS digital certificate](#)
  - a [registration](#) for customs and excise in ROS.
- This [note](#) details how you can register for an EORI number through ROS.

#### 2. UK-based companies

- If a company is based in the UK and exporting from or importing to the UK, then they should follow the [HMRC guidance for applying for a UK EORI number](#).
- For businesses based in the UK, applying for a UK EORI number is a must and will allow them to continue trading with the EU after Brexit. [HMRC will no longer accept non-UK EORIs](#) so any firm that currently holds one must now register for a UK number.

To apply you need your:

- VAT number and effective date of registration
- [National Insurance number](#) - if you're an individual or a sole trader
- Unique Taxpayer Reference (UTR) - [find your UTR](#) if you do not know it
- Business start date and [Standard Industrial Classification \(SIC\) code](#) - these are in the [Companies House register](#)
- [Government Gateway user ID](#) and password

#### 3. Northern Ireland-based companies

- If your company is [established in Northern Ireland](#), you should use an EORI number starting with XI instead of an EORI number from an EU country.

[HMRC guidance](#) states that you need an EORI number that starts with XI to:

- move goods between Northern Ireland and non-EU countries (including Great Britain)
- make a declaration in Northern Ireland
- get a customs decision in Northern Ireland

<sup>5</sup> Please note that this is an updated document and contains new hyperlinks, correct as of 1 July 2021

To get an EORI number that starts with XI, you must already have an EORI number that starts with GB.

***If you already have an EORI number starting with GB***

You need to [apply for an EORI number that starts with XI](#) if you have not already received one from HMRC in the post. It takes 5 to 10 minutes to apply. You'll get your EORI number that starts with XI within 4 working days.

***If you do not have an EORI number starting with GB***

You can apply for an EORI number that starts with GB and one that starts with XI at the same time. You'll get your EORI number that starts with XI within 4 working days. Get advice if you move goods between Great Britain and Northern Ireland by signing up for HMRC's [Trader Support Service](#) to get advice on EORI numbers and moving goods between Great Britain and Northern Ireland. The service is free if you trade between UK-NI.

## Export Documentation & Licences Information

### Department of Agriculture, Food and the Marine

- The [Market Access - Export Information Portal](#) brings together into one location the full range of open markets and products, and the relevant certification conditions into a user-friendly manner for exporters:
  - [Dairy Sector](#)
  - [Meat Sector](#)
  - [Seafood Sector](#)
  - [Live Exports Sector](#)
  - [Irish Spirit Drinks Sector](#)

### Department of Enterprise, Trade and Employment

- [Export licensing and control information for exporters](#)
- [Dual use export controls](#)
- [Import/export licences for certain goods](#)
- [Retail information](#)
- [AgriFood and Fisheries information](#)
- [Healthcare, Medicines and Medical Products information](#)
- [Construction information](#)

### Health Products Regulatory Authority (HPRA)

- [Latest information](#)
- [Human and Veterinary Medicines](#)
- [Medical Devices](#)

### National Standards Authority of Ireland (NSAI)

- NSAI Brexit webinars [here](#)



- [NSAI Brexit Unit – information on certification, economic operators and standards](#)
- [Certification information](#)
- [Factsheets](#)

### **Food Safety Authority of Ireland (FSAI)**

- Brexit webinars [here](#)
- FSAI dedicated Brexit page [here](#)

## **Value Added Tax (VAT)**

- From 1 January 2021, the [Protocol on Ireland and Northern Ireland](#) applies and EU rules for customs, VAT and excise duties [continue to apply](#) to all goods entering and leaving Northern Ireland from/to the EU. This means that the rules that apply to the movement of goods between two EU Member States will also apply to goods moving between Northern Ireland and an EU Member State, and vice versa.
- For customs, the Protocol means that:
  - There will be **no customs formalities** for goods moving between Northern Ireland and EU Member States.
  - EU customs formalities [will apply](#) to goods entering or leaving Northern Ireland to/from the rest of the world, including the UK. There are exceptions with regard to this for goods considered at 'no risk of subsequently being moved into the Union', i.e. those that will not enter the EU Single Market.
  - [Checks and controls](#) will take place on food and live animals entering Northern Ireland from third countries, including the rest of the UK, to make sure they adhere to the [EU's sanitary and phytosanitary \(SPS\) requirements](#).

→ **See the European Commission's [guidance](#) for more information on VAT rules**

- Furthermore, the EU has changed its VAT e-commerce rules from 1 July 2021 (which will also affect many NI businesses that sell goods to the EU). Businesses that sell goods from NI to the EU can pay VAT to all EU countries through the [VAT One Stop Shop](#).
- To use One Stop Shop your business must:
  - Be based in Northern Ireland and sell goods to consumers in the EU
  - Be registered for UK VAT
  - Sell goods worth more than 10,000 euros (£8,818) a year to EU countries

## **Advice on new Customs Arrangements**

- [Haulier and freight forwarder information](#)
- [Air and sea carriers](#) (other than ferries)
- [Customs implications of trade with Northern Ireland](#)
- [Customs Advice for Drivers using Dublin Port](#)



- [Customs Advice for Drivers using Rosslare Europort](#)
- [How to bring your consignment through Dublin Port](#)
- More information from Revenue at [www.revenue.ie/brexit](http://www.revenue.ie/brexit)
- More information from HMRC at <https://www.gov.uk/transition> & <https://www.gov.uk/browse/business/exports>

### Financial Supports for Irish-based companies

- MicroFinance Ireland's [Brexit Business Loan](#)
- [Brexit Loan Scheme](#)
- [Future Growth Loan Scheme](#)
- Enterprise Ireland's [Brexit Advisory Clinics](#)
- Enterprise Ireland's [Market Discovery Fund](#)
- Enterprise Ireland's [Act On Initiative](#)
- Enterprise Ireland's [Ready for Customs](#)

### Irish Government/State Agency Advice & Information

- DETE's [Brexit Information Resources](#)
- Local Enterprise Office's [Brexit Supports for your SME](#)
- Enterprise Ireland's [Currency Impact Calculator](#)
- InterTradelreland's [Brexit Advisory Service](#)
- Moving goods via the Landbridge will need to follow transit requirements. Details [here](#)
- Presentation: Revenue Commissioners – Moving Goods Through the UK Landbridge – the transit procedure [here](#)
- Presentation: Department of Enterprise, Trade and Employment (DETE) – Use of the UK Landbridge post Brexit [here](#)
- InterTradelreland's [Tariff Checker](#)
- Competition and Consumer Protection Commission [Guidance](#)
- Skillnet Ireland's [Clear Customs Training](#)

### UK Government/ State Agency Export Documentation & Licences

#### Commodity codes and reporting

- Trade Tariff: look up commodity codes, duty and VAT rates
- Check duties and customs procedures for exporting goods
- Declare goods you've moved in or out of the UK using Intrastat

#### Licences and special rules (Full lists available [here](#))

- Export or move animal bones, protein and other by-products
- Export art, antiques and cultural goods: special rules
- Export chemicals: licences and special rules

- Export drugs and medicines: special rules
- Export or move food, drink and agricultural products
- Export or move animal feed or pet food
- Export horses and ponies: special rules
- Export or move live animals
- Export medical devices

### **Trade Barriers**

- Trade barriers: what you need to know

## Useful Contact Information

<p><b>Revenue (available 24/7)</b>  <a href="http://www.revenue.ie/brexit">www.revenue.ie/brexit</a>  <a href="mailto:brexitqueries@revenue.ie">brexitqueries@revenue.ie</a>            (01) 738-3685</p>	<p><b>Microfinance Ireland</b>  <a href="http://www.microfinanceireland.ie">www.microfinanceireland.ie</a>  <a href="mailto:info@microfinanceireland.ie">info@microfinanceireland.ie</a>            (01) 260-1007</p>	<p><b>Health and Safety Authority</b>  <a href="http://www.hsa.ie">www.hsa.ie</a>  <a href="mailto:wcu@hsa.ie">wcu@hsa.ie</a>            1890 289 389</p>
<p><b>Enterprise Ireland</b>  <a href="http://www.enterprise-ireland.com">www.enterprise-ireland.com</a>  <a href="mailto:brexitunit@enterprise-ireland.com">brexitunit@enterprise-ireland.com</a>            (01) 727-2727</p>	<p><b>Skillnet Ireland</b>  <a href="http://www.skillnetireland.ie">www.skillnetireland.ie</a>  <a href="mailto:info@skillnetireland.ie">info@skillnetireland.ie</a>            (01) 207-9630</p>	<p><b>National Standards Authority</b>  <a href="http://www.nsai.ie">www.nsai.ie</a>  <a href="mailto:BrexitUnit@nsai.ie">BrexitUnit@nsai.ie</a>            (01) 807-3800</p>
<p><b>Local Enterprise Offices</b>  <a href="http://www.localenterprise.ie">www.localenterprise.ie</a></p>	<p><b>Department of Agriculture, Food and the Marine</b>  <a href="http://www.agriculture.gov.ie">www.agriculture.gov.ie</a>  <a href="mailto:brexitcall@agriculture.gov.ie">brexitcall@agriculture.gov.ie</a>            (076) 106-4443</p>	<p><b>Competition and Consumer Protection Commission</b>  <a href="http://www.ccpc.ie">www.ccpc.ie</a>            (01) 402-5555</p>
<p><b>InterTradeIreland</b>  <a href="http://www.intertradeireland.com">www.intertradeireland.com</a>  <a href="mailto:brexit@intertradeireland.com">brexit@intertradeireland.com</a>            (048) 3083-4100</p>	<p><b>Department of Enterprise, Trade and Employment</b>  <a href="http://www.enterprise.gov.ie">www.enterprise.gov.ie</a>  <a href="mailto:info@enterprise.gov.ie">info@enterprise.gov.ie</a>            (01) 631-2121</p>	<p><b>Health Service Executive (HSE)</b>  <a href="http://www.hse.ie">www.hse.ie</a>  <a href="mailto:hselive@hse.ie">hselive@hse.ie</a>            (041) 685-0300</p>
<p><b>IDA Ireland</b>  <a href="http://www.idaireland.com">www.idaireland.com</a>  <a href="mailto:brexit@ida.ie">brexit@ida.ie</a>            (01) 603-4000</p>	<p><b>Bord Bia</b>  <a href="http://www.bordbia.ie">www.bordbia.ie</a>  <a href="mailto:brexit@bordbia.ie">brexit@bordbia.ie</a></p>	<p><b>Food Safety Authority of Ireland</b>  <a href="http://www.fsai.ie">www.fsai.ie</a>  <a href="mailto:brexit@fsai.ie">brexit@fsai.ie</a></p>
<p><b>SBCI</b>  <a href="http://www.sbc.gov.ie">www.sbc.gov.ie</a>  <a href="mailto:info@sbc.gov.ie">info@sbc.gov.ie</a>            (01) 238-4000</p>	<p><b>Fáilte Ireland</b>  <a href="http://www.failteireland.ie">www.failteireland.ie</a>  <a href="mailto:info@failteireland.ie">info@failteireland.ie</a></p>	