

PREPARING FOR BREXIT – VERSION 7.0

Seventh update – tips and recommendations to facilitate the Brexit preparedness of the road freight transport and logistics industry. IRU recommends members to continue their preparedness activities for a “no-deal” Brexit.

I. WHAT IS NEW IN THIS VERSION?

- Further details on customs procedure, including scenarios for CTC (Common Transit Convention), TIR and ATA (Temporary Admission) use
- Further details on driving and rest time rules and the smart tachograph
- Further details on visas for professional drivers
- Clarifications on EORI numbers
- Links to newly available information

II. BACKGROUND

The current ultimate Brexit deadline is 00:00 hours Central European Time (CET) on 1 November 2019 (23:00 hours, Greenwich Mean Time (GMT) on 31 October 2019). There is still no clarity on how this will happen. The current political situation in the UK also fails to provide any additional clarity. Brexit with a deal is still possible, even though increasingly unlikely. Brexit without a deal at 00:00 hours (CET) on 1 November 2019 remains the most likely option at the time of publication of this document. A further extension of the deadline is also back on the table. No Brexit is extremely unlikely but cannot be fully excluded.

A “no-deal” Brexit presents serious implications for road freight transport and logistics companies in the UK, the EU27 and the EEA.

Given the increasing uncertainty about the nature of the UK departure from the EU and a potential EU-UK post-Brexit relationship, providing the right information for road freight transport and logistics operators remains challenging. The purpose of this document is to provide information on aspects where certainty already exists and flag where additional action might be needed. Caution remains essential owing to the uncertainty of the situation.

Since the end of 2018, the European Commission (EC) increased preparations for a potential “no-deal” Brexit. Regulation (EU) 2019/501 contains a contingency plan in the event that the UK were to leave the EU without a deal. The plan foresees unilateral EU measures for access to the EU market by road freight transport and logistics operators established in the UK. The UK reciprocated this measure.

The EU is similarly increasing its contingency work on customs. The UK government and several EU27 Member States have also taken contingency measures to enable continuity for a transitional period in a “no-deal” Brexit scenario and published additional information on customs and road freight transport and logistics requirements.

On 4 September 2019, the European Commission published its final call to all EU citizens and businesses to prepare for Brexit. The [communication](#) is accompanied by a detailed [press release](#) and by updated versions

of the [Brexit preparedness checklist](#) and the [timeline for key EU contingency measures](#). Within the documents, the EC proposes to extend contingency measures for road transport to 31 July 2020.

On 16 September 2019, the UK Government has launched a "[Get Ready for Brexit](#)" public information campaign to help ensure the general public and businesses are ready when the UK leaves the EU on 31 October 2019. A new [checker tool](#) has also been launched to help businesses to identify quickly what they still need to do. A road freight transport and logistics operator and commercial driver [handbook](#) on transporting goods between the EU and the UK in a no-deal Brexit was also published.

A [newsletter](#) system is also in place to help businesses to stay updated on policy changes as result of Brexit.

III. GENERAL

1. Can road freight transport operators prepare themselves while many things are still uncertain?

Road freight transport and logistics companies should start preparations, especially in the field of customs, because it is more or less certain that road freight transport and logistics operators and drivers will have to be fully aware of customs procedures and required documents, even when they do not handle customs formalities themselves.

In the event of no deal, the UK becomes a third country and EU-, EEA- and UK-established road freight transport and logistics operators will be obliged to deal with customs formalities. Goods will have to be declared for import and export. **Road freight transport and logistics operators are not responsible for this, but they will need to ensure they carry the appropriate customs documentation for the cargo before departure.** Vehicles may be turned back, held at the border, or face financial penalties if customs formalities have not been properly dealt with.

In the event of a deal, a transition period of at least two years will start during which the UK will be treated as an EU Member State for customs purposes. No customs formalities will have to be complied with during this period.

Once the transition period will be over, customs formalities may come into play again. The extent will depend on the provisions of the future UK-EU relationship agreement.

2. Will a road haulage market access permit system be reintroduced?

a) UK-established road freight transport and logistics operators

- In the event that an **EU-UK future relationship agreement** is agreed, the UK would want to seek continued connectivity and liberalised access which would include point-to-point (bilateral), transit, cross trade and cabotage operations without the need for permits.
- In the event of **no-deal** there will be a transition period for market access. The road freight transport and logistics operators established in the UK can continue to use Community Licences and their Certified Copies issued by UK competent authorities under [Regulation \(EU\) 2019/501](#). Road freight transport and logistics operators applying for or renewing a Community Licence after a no-deal Brexit will receive a "UK licence for the Community", which will give the same rights. Its copy has to be carried on board every vehicle when working in the EU. During the transition period, a UK-issued Community Licence and the UK Licence for the Community will not be valid for international road haulage transit journeys made by UK road freight transport and logistics operators to third countries; these will require ECMT permits instead¹. UK operators undertaking own account operations, or who have vehicles below 3.5 tonnes (including vans) do not need a UK Community Licence or a UK Licence for the Community².

The UK government has published its UK haulier border readiness [guidance](#) for transporting goods out of the UK by road if the UK leaves the EU without a deal, including a checklist of documents that haulage drivers must carry to pass through customs in a no-deal scenario.

b) EU-established road freight transport and logistics operators

- The UK has confirmed that, in case of a **no-deal**, they will continue to recognise an EU Community Licence to ensure that EU- and EEA-established road freight transport and logistics operators can

¹ <https://www.gov.uk/guidance/ecmt-international-road-haulage-permits>

² Reg. (EU) 2019/501, art. 3, par. 2c

continue to carry goods to and from the UK. The UK is providing access and laid the [necessary legislation](#) to reciprocate Regulation (EU) 2019/501. This legislation continues the effect of EU Regulations (EC) No 1071/2009 and 1072/2009, so EU road freight transport and logistics operators holding a Community Licence would continue to be able to conduct business in the UK as they could previously, including cabotage and transit, without the need for a permit. On exit, EU road freight transport and logistics operators will **not** need ECMT permits to operate in the UK.

- The UK has stated that the level of access for EU road freight transport and logistics operators will ultimately mirror the access given to UK road freight transport and logistics operators under the approved regulation.

3. Will there be border controls?

When driving to and from the UK, heavy goods vehicles already have to stop at the border for identity checks and, when going to the UK, for people inspections against stowaways. The latter are random but already cause serious extra delays at borders.

In the event of a no-deal Brexit, challenges related to the international migration crisis will continue. Inspections of vehicles to detect stowaways at EU exit ports and identity checks will continue and could be randomly reinforced. ***IRU members should raise their transport and logistics operators' awareness of the safety and security measures outlined in the [checklist for hauliers](#) which they and their drivers should take when driving to the UK.***

There is a serious risk of heavy penalties. Road freight transport and logistics operators and their drivers should follow the [UK Border Force Code of Practice](#) to show that they have done everything possible to avoid stowaways. They can also obtain [an accreditation](#) with the UK Border Force. The recently published [EU voluntary security guidelines](#) could also be a helpful tool to raise security awareness in general.

There will also be customs formalities and phytosanitary checks for certain goods to be reckoned with when entering the UK and or EU.

On both sides of the Channel³, various initiatives are being undertaken to alleviate long road freight transport vehicle queues at border checkpoints by establishing extra parking areas for heavy goods vehicles and by testing filter measures for gradual approach to checkpoints.

Road freight transport and logistics operators should discuss these issues with their customers and consider taking extra measures: it is important to reflect on the impact of extra costs, delays and waiting times on contractual relationships with customers.

a) Checks for goods entering the UK

In the event of no deal, customs checks would be added as well as third-country controls for goods. The UK have already indicated that it will not introduce systematic customs checks at its borders in a way which interferes with the flow of freight traffic. The UK may wish to route duty-sensitive goods to certain points for checks (Heathrow has been mentioned). It should be noted that procedures could vary depending on the EU exit point used. More information can be found below.

Certain goods entering the UK such as fresh fruit and vegetables, meat, fish and flowers will also become subject to sanitary and phytosanitary checks at borders and could require specific documentation to be prepared. Other types of goods such as live animals or waste may also become subject to specific additional requirements, as outlined in the [guidance](#) on importing animals, animal products and high-risk food and feed not of animal origin after EU exit. ***Road freight transport and logistics operators should always check with their customers about required checks and necessary documentation.*** Vehicles can be held at the border if procedures have not been complied with. The UK indicated that it will not impose systematic checks for such goods originating from the EU. However, such goods from the rest of the world entering via the EU will become subject to such checks. Such goods need to enter the UK via a port with a Border Inspection Post (BIP) or Designated Point of Entry (as appropriate). A [full list and guidance](#) are available online.

b) Checks for goods entering the EU

In the event of a no-deal Brexit, goods entering the EU will be subject to customs controls and certain goods will be subject to phytosanitary checks. Please see Sections V and VII for further details.

³ See Annex 2 for more information on Operation Brock in the UK.

Transport operations from and to the UK involving animals, plants and other controlled products are subject to dedicated documentation and controls, for which the UK government has just updated its [guidance note](#). See Section VII for further details.

The UK government published a series of brochures/checklists which could help different stakeholders in the road freight transport and logistics chain to prepare for Brexit. This information can be helpful for companies established in the UK or EU27. There is a [general brochure](#), one for the [arts, sports and cultural sector](#), [hauliers](#), [intermediaries](#), [the automotive sector](#), [retail](#), the [chemical](#) and [pharmaceutical](#) sectors and [food and agriculture](#).

IV. IMMEDIATELY FOLLOWING EXIT

1. Customs

In the event of no deal, there will be no transition period for compliance with customs clearance procedures on the EU side.

In the event of no deal, the UK will become a third country and customs formalities will be introduced. The UK has acceded to the Common Transit Convention (CTC) as a contracting party and should, in principle, be ready by that time to use NCTS. Currently, the best source of information is [the European Commission's CTC guidance](#). TIR will also become usable. For more information, see Section V.

The UK has announced [transitional simplified procedures \(TSP\)](#) for goods imported into the UK from the EU using [roll on-roll off locations](#). To register, a duty deferment account is required. This will allow time for TSP-registered businesses to understand the implications that the UK no-deal tariff will have on their business, and get the necessary guarantee set up with a financial institution. Once registered, TSP allows UK businesses or EU businesses with UK establishments or intermediaries who need to complete UK import declarations to access simplified procedures, including making an entry in their commercial records (for non-controlled goods) or a simplified frontier declaration (for controlled goods) in place of a full declaration for most goods. This simplification is intended to support businesses with no experience of making customs declarations and who may be unable to access a customs agent before Brexit.

Declarations made using TSP will have to be followed up with a supplementary declaration within a set time period. UK Customs authorities (HMRC) will review how TSP is working 3 to 6 months after it is introduced but anticipate it will remain in place for at least a year.

Businesses registering for TSP will have to set up a duty deferment account to pay any duties on a monthly basis. Usually a duty deferment account has to be backed by a financial guarantee. In the event of a “no-deal” Brexit, the UK would waive guarantee requirements for duty deferment accounts.

Businesses that are solely established in the EU will not be able to register for TSP. An EU business acting as the UK importer, who does not have a UK establishment, will need to make full customs declarations. If the goods are arriving via a Roll on-Roll off (RoRo) location, this declaration will have to be pre-lodged. EU businesses acting as the UK importer may wish to use the services of a customs intermediary to assist with making customs declarations.

2. Market access

In the event of a no-deal Brexit, a transition period will enter into force for market access. For more information, See Sections III.2 and VI.

V. CUSTOMS PROCEDURES – MORE DETAILED INFO

In the event of no deal, the UK will become a third country and customs formalities will be introduced because the UK will no longer be a member of the EU Customs Union.

In its most recent contingency plan, the EU⁴ stressed that in the event of a “no-deal” Brexit, all relevant EU legislation on imported and exported goods will apply as of the withdrawal date. Member States will have to

⁴ The EC prepared a dedicated [webpage](#) with a list of practical tips and recommendations in 24 languages, a “[Brexit Checklist for Traders](#)” and a “[Brexit Customs Guide for Businesses](#)”. The EC finalised a [guidance note](#) on customs matters in case of a “no-deal” Brexit. This guidance note is accompanied by two additional documents, one on [business transit scenarios](#) in the CTC and one on [business export scenarios](#). A ppt presentation on “[preferential origin](#)” aspects is also available.

be ready to apply the Union Customs Code (UCC) and relevant indirect taxation rules to all imports and exports from and to the UK. They should use existing possibilities to issue authorisations for facilitation measures provided for in the UCC. The UK issued specific guidance for moving goods through Dover or Holyhead.⁵

Member States will use a wide variety of measures for customs clearance to and from the UK.⁶

IRU members should ensure that their member companies are at least fully informed about what customs procedures they will need to follow and what customs documentation will be required for transports between the EU and UK, even if the member companies decide to outsource customs formalities. Road freight transport and logistics operators and their drivers should be aware of the procedures in order to avoid being delayed at borders because not all the requirements were met.

1. Will road freight transport and logistics operators have to take care of customs formalities?

This is the choice of the road freight transport and logistics operator, who can leave this to the customer or outsource. The operator and driver should always ensure that all necessary documents are available and duly completed and that all formalities are complied with. Otherwise, a vehicle may be held at the border.

In the case that road freight transport and logistics operators decide to take care of customs formalities themselves, they will have to apply for an Economic Operators Registration and Identification number (EORI) with their competent customs authorities. This identification number is required when a company has to deal

⁵ [Moving goods through the Port of Dover and Eurotunnel using Common Transit Convention](#)
[Moving goods through the Port of Dover and Eurotunnel with an ATA Carnet](#)
[Moving goods through the Port of Holyhead with an ATA Carnet](#)

⁶ **France** plans a “Smart Border” system for [ferry](#) and [Eurotunnel](#) crossings which will pair the customs declaration to the vehicle registration number. This system will be used to pre-select vehicles for further controls while they are still crossing the Channel. The French customs authorities produced a video (in [French](#) and [English](#)) on how the system will work in the ports and for Eurotunnel and a flyer for drivers (in [French](#) and [English](#)). The “Smart Border” brochure is also available in several other languages:

Deutsch - [Intelligente Grenzlösungen für gut informierte Fahrer \[PDF\]](#)

Español - [Una frontera inteligente para conductores bien informados \[PDF\]](#)

Português - [Uma fronteira inteligente para condutores bem informados \[PDF\]](#)

Italiano - [Una frontiera intelligente per i professionisti del trasporto \[PDF\]](#)

Polski - [Dobrze poinformowany kierowca mądrze przekracza granicę \[PDF\]](#)

Românesc - [O frontieră inteligentă pentru șoferi bine informați \[PDF\]](#)

France also published [guidelines](#) for border users in case of “no-deal” Brexit and a flyer ([EN](#), [FR](#)); links to frequently asked customs questions can be found [here](#).

On 16 September 2019, the DGDDI has published a [notice to operators](#) in case of no-deal Brexit explaining the procedure to be followed by companies who have not followed the National Centralised Clearance (Dédouanement Centralisé National - DCN) procedure. The comprehensive French guide on no-deal Brexit remains the main source of information both in [French](#) and [English](#) language.

Additional information on the functioning of the French border can be found in [this presentation](#) prepared by TLF.

The Netherlands developed [information](#) on how to pass via Dutch Ports, information leaflets in [DE](#), [EN](#) and [NL](#). This has been done in close cooperation with IRU members TLN and EVO. Portbase, a cooperation between the Dutch Ports, Customs Authorities and private initiatives has also been developed. [Portbase](#) is a paid service (registration costs are EUR 249.50) which will assist freight and logistics operators with the different formalities requested to transport between the Netherlands and the UK. All Dutch ferry terminals (C-ro, P&O, Stena Line and DFDS) agreed that all customs declaration numbers and documents for exports and imports from the UK via the Netherlands have to be pre-registered through Portbase. Road freight transport vehicles will be refused access to the terminals if those numbers have not been properly registered and will be diverted to specific parking areas.

Belgium developed a customs-related [webpage](#) for Brexit. The Port of Zeebrugge has a [dedicated Brexit webpage](#) on its website. This page includes practical information and a data sharing platform which offers a digital connection between all links in the logistical chain.

Ireland also proposed [webpages](#) with useful customs information for Brexit. Additional information on procedures concerning movement from/to Ireland can be found [here](#) and [here](#).

with customs. In the event that companies outsource this, a road freight transport and logistics operator will need an EORI number if the declarations are completed in its name.

Following intense exchanges, UK Customs confirmed that road freight transport and logistics operators will not require two EORI numbers, unless in special cases. Operators established in the UK will need a UK EORI number for exports to the EU. Operators established in the EU27 will need an EU EORI number to export to the UK. EU27 operators willing to export to the UK and to import from the UK will need two EORI numbers and an intermediary.

IRU members should enquire with their national customs authorities about the procedures to apply for EORI numbers and inform their member companies and IRU thereof. It is understood that currently it is difficult to apply for more than one EORI number. To get a UK EORI number, members should follow the [EORI number guidance](#). UK IRU members should also be aware that HMRC has automatically assigned UK EORI numbers to a wide range of companies.

2. TIR

In case of a no-deal scenario, TIR procedure will become applicable for transit operations between UK and 27 EU Member States, in parallel with NCTS and ATA (Temporary Admission of goods) (e.g. as it is a case currently Turkey and Serbia). In case of a deal scenario, a transition period of at least two years will apply, during which UK will remain within the single customs territory of the Union. In case the UK is treated as an EU Member State for customs purposes, TIR will become applicable for transit operations between UK and 27 EU Member States, in parallel with NCTS, only after expiry of the transition period and depending on what is agreed between the UK and EU on customs matters. It should be noted that road freight transport and logistics operators have to comply with a number of conditions in order to start using TIR (see Annex 1).

On general terms, it is the **responsibility** of the trader to make customs declarations and to provide the road freight transport and logistics operator and the driver with the relevant documentation. ***IRU Members should bear in mind that road freight transport and logistics operators, intermediaries or shippers can all be the trader.*** In case of TIR, the road freight transport and logistics company is the declarant, unless the importer makes the import declaration and customs clearance in advance. The road freight transport and logistics operator must ensure the driver has all the necessary customs documentation and other relevant paperwork in order to correctly perform the transport operation. The former must also inform the latter on what documents he needs to present at key transit points.

IRU members should inform their road freight transport and logistics operators about the transport operator conditions in their country to enable the use of TIR and enquire about the interest to use TIR to cover certain operations. IRU members should also contact their competent authorities in order to try to obtain an as simplified an application process as possible for authorised access to the TIR procedure.

3. Customs procedures when entering the UK

The EU adopted a delegated Regulation to modify Delegated Regulation (EU) 2015/2446 regarding the time limits for launching entry summary declarations and pre-departure declarations in case of transport by sea from and to the UK. This should allow customs declarations for goods going to the UK. However, it should be noted that it will not be possible to submit pre-lodged declarations for a certain period before and after the Brexit deadline.

Before leaving the EU, the road freight transport and logistics companies and their drivers must make sure that they have all relevant documents and should confirm that the trader has completed all EU export procedures. If no other movement procedures are being used, this means the driver must have, for each consignment, evidence of customs declaration from the traders (in EU and UK), under the form of: a MRN (a Movement Reference Number), or the UK trader's EORI number, or the EU export declaration MRN. The driver must have additional MRN for TSP controlled goods⁷. ***IRU members should bear in mind that road freight transport and logistics operators, intermediaries or shippers can all be the trader.***

The UK government indicated that goods that depart the EU for the UK will not require customs formalities if they depart the EU prior to the Brexit deadline. ***IRU members should make their road freight transport and logistics operators aware of this challenge.***

⁷ <https://www.gov.uk/guidance/list-of-controlled-goods-for-transitional-simplified-procedures>

The UK will require all imported goods to be subject to either customs declarations or transit movement. CTC transit movements will be available to importers and exporters, as well as the UK's TSP procedures, to support making import declarations. In other cases, importers and exporters or their agent will have to interact with the customs procedures to make import/export declarations.

The UK Customs Code will mirror the UCC to a very large extent, but there will be some differences. For goods entering the UK through a [listed Roll on-Roll off \(RoRo\)](#) location, customs declarations will need to be pre-lodged. This could be a full customs declaration, a simplified frontier declaration or an entry in the commercial records where the agent or importer are authorised for CFSP, or a simplified frontier declaration or entry in declarant's commercial records under the new TSP processes.

The UK government has announced that the requirement for carriers to complete [Entry Summary \(ENS\) declarations](#) will be phased in over six months for goods being imported from territories where the UK do not currently require these declarations. This includes, for example, the EU, Norway and Switzerland. The declaration required before the goods arrive in the UK can be completed by the road freight transport and logistics operator, the customer(s), or it could be outsourced to a third party. Under UK export declaration processes, this information is submitted as part of the export customs declaration.

Scenarios:

a) Common Transit Convention (CTC)

- Departure in the EU

Before departing, the driver must obtain a Transit Accompanying Document (TAD) from the trader and make sure the goods have been released to the transit procedure.

- Exit from the EU

The Driver must follow EU Exit procedures.

- Entry in the UK

The driver must follow the port's local procedures for the presentation of the TAD. UK Border Force will also use risk-based intelligence to select trucks for targeted customs checks. When they do, the driver will be asked to present the MRN and the EORI they have for each consignment.

- Termination in the UK

After disembarkation, the driver must present the TAD to an Office of Destination or an authorised consignee, thus closing the transit procedure. Goods will become subject to UK import procedures: if a MRN and/or an EORI number are already available, these will allow the goods to be cleared immediately. If the MRN and/or the EORI number are not immediately available, the driver must take the goods to facilities at the authorised consignee or Office of Destination, where the transit movement ends.

b) TIR

- Departure in the EU

Before starting the TIR procedure, the holder (authorised by the UK Customs and accepted by UK national TIR Associations like RHA or FTA) needs to lodge a "transit declaration data" through NCTS to the customs office of departure in the Union (to this purpose, holder shall have a valid EU EORI). That customs office ensures a risk assessment of the transaction by evaluating the data of the declaration against the risk criteria. In general, a TIR carnet holder may have the following possibilities to submit an electronic TIR carnet data depending on the Member State concerned:

- Direct Trader Input (including the input via a customs internet site);
- Electronic Data Interchange (EDI);
- Data input at the customs office (at a terminal put at the disposal of operators);
- Interface developed by the IRU (TIR-EPD application).

NCTS automatically validates the declaration and generates a MRN.

After presentation of the vehicle, goods, TIR carnet and accompanying documents and necessary controls by the customs office of departure in EU, including the sealing of the vehicle, TIR operation is released on the territory of EU, and customs annotate counterfoil 1 (page 1) of the TIR carnet, marking the stat or FIR on the EU territory.

Containers are exempted from customs such requirements.

- Exit from the EU

Upon presentation of the vehicle, goods, TIR carnet and accompanying documents, the competent Customs office of exit in EU checks the affixed seals, uses the MRN to retrieve the data from NCTS and registers it. After necessary controls, this customs office of destination closes TIR operation by annotating counterfoil 2 (page 2). This marks the termination of TIR on the EU territory.

- Entry in the UK

TIR carnet, accompanying documents, vehicle and the goods are presented by the TIR carnet holder or his representative to the customs office of entry in UK. This customs office ensures necessary controls and releases the transit operation by annotating counterfoil 1 (page 3) of the TIR Carnet. This marks the start of TIR on the UK territory.

- Termination in the UK

The customs office of termination in UK, after necessary controls, including checks of the seals, stamps counterfoil 2 (page 4) of TIR Carnet. In case the TIR procedure is to be terminated at the UK border, the customs office of entry will also play the role of the customs Office of Destination and stamp both counterfoils 3 and 4 of the TIR Carnet.

If excise goods are being moved, the driver will need to make sure to have either a copy of the Electronic Administrative Document (eAD) or commercial documentation that clearly states the Administrative Reference Code (ARC) before they leave the port.

UK Border Force will also use risk-based intelligence to select trucks for targeted customs checks. When they do, the driver will be asked to present the MRN and the EORI they have for each consignment.

c) Admission Temporaire/Temporary Admission (ATA)

- Departure in the EU

If the goods entering the UK are moving under the Admission Temporaire/Temporary Admission (ATA) Carnet⁸, the driver must obtain such carnet from the trader.

- Exit from the EU

The driver must follow EU Exit procedures. Once at the EU border, the driver must present the ATA Carnet and make sure the carnet is stamped by EU Customs authorities in line with EU's procedures.

- Entry in the UK

The driver must follow the port's local procedures for the presentation of the ATA Carnet. If the UK Border Force puts the last stamp on the ATA Carnet, this will be the end of the ATA Carnet process. UK Border Force will also use risk-based intelligence to select trucks for targeted customs checks. When they do, the driver will be asked to present the MRN and the EORI they have for each consignment.

- Termination in the UK

The carnet should be then given to the recipient of the goods when they are delivered.

4. Customs procedures when entering the EU

Before leaving the UK, the UK exporter must complete the UK export customs procedures. He shall inform the driver if the goods need to be presented to a UK Customs Office. The exporter has the responsibility to provide the driver with all necessary documentation from the trader to meet the EU Member State of destination's import requirements, as well as whether the goods to be moved have to be presented to a UK Customs Office. **The road freight transport and logistics company, an intermediary or a shipper can all be a trader or an exporter.** The road freight transport and logistics company also has a crucial responsibility when it comes to safety and security declaration (which can be done in the framework of ENS): the road freight transport and logistics company can ask an intermediary or a shipper to take care of the paperwork, but it has to happen with his explicit consent. Otherwise, boarding on ferries and The Shuttle can be denied.

Once all of this has been completed, the exporter will be given the Permission to Progress (P2P): drivers will be able to collect and take the goods to the UK port or terminal of departure. In case P2P is not granted, the

⁸ <https://www.gov.uk/government/publications/uk-trade-tariff-other-documents-and-procedures>

driver will either need to collect the goods and take them to a Designated Export Place (DEP) or an approved inland location for appropriate checks and P2P (P2P not granted, physical checks required) or wait until the exporter has provided documentary checks to the national Clearance Hub and received further instructions (P2P not granted, documentary checks required).

IRU members should enquire with their national customs authorities about their level of readiness to handle customs declarations (NCTS and TIR) on a large scale in case of a “no-deal” Brexit and inform IRU thereof. IRU members should also raise the awareness of their road freight transport and logistics operators about the use of TIR in case of a “no-deal” Brexit and notify IRU if they require assistance.

Scenarios

a) Common Transit Convention (CTC)

- Departure and exit from the UK

Before departing the UK, the driver must either: (a) receive a Transit Accompanying Document (TAD) from the trader (that can be the road freight transport and logistics operator, the intermediary or the shipper) and be informed by him that the movement has been released to the Transit procedure and that they can proceed to the UK exit point, or (b) be given a Local Reference Number (LRN) or a TAD that has not been released to the transit procedure and told to present the goods and the LRN or the TAD to the UK Border Force at an assigned UK Office of Departure. Goods will be then released to the procedure and a TAD will be provided to the driver. It is responsibility of the exporter or the agent to update the road freight transport and logistics operator and the driver on the status of the TAD.

- Entry in the EU

Once at the EU border, the driver must present the TAD to EU Customs authorities.

- Termination in the EU

After the EU border, the driver must present the TAD at an Office of Destination or to an authorised consignee, where the transit procedure will be closed.

b) TIR

- Departure from the UK

If the goods entering the EU are moving under TIR Convention⁹, the vehicle must hold an Approval Certificate¹⁰ of a road vehicle for the transport of goods under customs seal, unless goods are carried in a container. In case the TIR is started on the UK territory, TIR Carnet, accompanying documents, the vehicle and the goods have to be presented to the customs office of departure in UK by the TIR Carnet holder or his representative. The customs office will check the sealing and the paperwork, and will release the transit operation by annotating counterfoil 1 (page 1) of the TIR Carnet. Then, the road freight transport and logistics operator have to provide the driver with the TIR Carnet, ensure that all necessary arrangements have been made to declare the movement to NCTS system and have the reference numbers needed to present goods to EU Customs authorities.¹¹

- Exit from the UK

The TIR Carnet have to be presented by the driver to the customs office of exit from UK, which checks the seals and stamps counterfoil 2 (page 2). In case the TIR operation is started at the border and not on the UK territory, the relevant border customs office acts as a customs office of departure and exit, and annotates counterfoils 1 and 2 of the TIR Carnet.

- Entry in the EU

Before the goods arrive into the customs territory of the Union under TIR, an entry summary declaration (ENS) shall be lodged through NCTS at the customs office of first entry in the Union. That customs office

⁹ <https://www.gov.uk/government/publications/uk-trade-tariff-other-documents-and-procedures>

¹⁰ Containers approved for the transport of goods under Customs seal in accordance with the Customs Convention on Containers, 1956, the agreements arising there from concluded under the auspices of the United Nations, the Customs Convention on Containers, 1972 or any international instruments that may supersede or modify the latter Convention, shall be considered as complying with the provisions of the TIR Convention and must be accepted for transport under the TIR procedure without further approval.

¹¹ The operation can be done through IRU TIR-EPD application, which is in full compliance with the NCTS

ensures risk assessment of the transaction by evaluating the data of declaration against risk criteria. The time limits for the submission of the ENS are directly related to the mode of transport, for road traffic - at the latest one hour before arrival. In general, a TIR carnet holder may have the following possibilities to submit an electronic TIR carnet data depending on the Member State concerned:

- Direct Trader Input (including the input via a customs internet site);
- Electronic Data Interchange (EDI);
- Data input at the customs office (at a terminal put at the disposal of operators);
- Interface developed by the IRU (TIR-EPD application): Holders using TIR-EPD application will have a possibility to comply with safety and security requirements as well.

NCTS automatically validates the declaration and generates a Movement Reference Number (MRN). All TIR holders declaring ENS should have a valid EORI number provided by the EU. After presentation of the vehicle, goods and TIR carnet and necessary controls by the customs office of entry in EU, TIR operation is released on the territory of EU, and customs annotate counterfoil 1 (p.3) of the TIR carnet, marking the start of TIR on the EU territory.

- Termination in the EU

Upon presentation of the vehicle, goods, TIR carnet and accompanying documents, the competent Customs office of destination in EU checks the affixed seals, uses the MRN to retrieve the data from NCTS and registers it. After necessary controls, this customs office of destination closes TIR operation by annotating counterfoil 2 (page 4), and returns the TIR carnet to the driver, marking the termination of TIR on the EU territory.

In case TIR is to be closed at the border, the relevant customs office of entry into EU shall also act as a customs office of destination, and annotate both counterfoils 1 and 2 of the TIR Carnet.

If goods are subject to excise duty, in addition to other commercial documents, the driver must receive from the trader (that can be the road freight transport and logistics operator, the intermediary or the shipper) one of the following: a copy of the electronic administrative document (eAD), commercial documentation that clearly shows the administrative reference code (ARC) for the eAD, a paper W8 form for energy products, a copy of the customs declaration.

c) Admission Temporaire/Temporary Admission (ATA)

- Departure and exit from the UK

If the goods entering the EU are moving under the ATA Carnet¹², the driver must obtain the ATA carnet form from the trader (that can be the road freight transport and logistics operator, the intermediary or the shipper) and take the goods and the ATA carnet to the UK Border force at a UK Office of Departure following the instructions of those controlling the movement, be them the trader, the agent or the logistics company.

- Entry in the EU

Once at the EU border, the driver must present the ATA Carnet and ensure it is stamped by the EU Customs authorities.

- Termination in the EU

After the EU border, the driver should give the ATA Carnet to the recipient of goods when they are delivered.¹³

5. Customs procedures when transiting through the UK

Scenarios

- Departure in the EU

Before starting the TIR procedure, holder needs to lodge a “transit declaration data” through NCTS to the customs office of departure in IRE (to this purpose, holder shall have a valid EORI). In general, a TIR

¹² <https://www.gov.uk/government/publications/uk-trade-tariff-other-documents-and-procedures>

¹³ EC Notice REV2 published on 22 July 2019 states that ATA Carnets may be also used in order to receive a temporary admission procedure for those goods which are temporarily imported in the EU.

carnet holder may have the following possibilities to submit an electronic TIR carnet data depending on the Member State concerned:

- Direct Trader Input (including the input via a customs internet site);
- Electronic Data Interchange (EDI);
- Data input at the customs office (at a terminal put at the disposal of operators);

NCTS automatically validates the declaration and generates a Movement Reference Number (MRN).

After presentation of the vehicle, goods, TIR carnet and accompanying documents, and necessary controls by the customs office of departure in IRE, including the sealing of the vehicle, TIR operation is released on the territory of IRE, and customs annotate counterfoil 1 (page 1) of the TIR carnet, marking the start of TIR on the EU territory.

Moreover, in order to ensure that the goods do not lose community status (upon exit from IRE), holder must ensure that the TIR Carnet is endorsed by customs office of departure by “T2L” stamp (this can be also done via production of a T2L document).

Safety and security declarations are not required unless when the termination of the whole operation is in a country other than EU or EFTA country. In such case, holder may proceed by lodging either a combined transit/Safety & Security declaration, or an Exit Summary declaration followed by a transit declaration.

- Exit from the EU

Upon presentation of the vehicle, goods and TIR carnet, competent Customs office of exit in IRE checks the affixed seals, uses MRN to retrieve the data from NCTS and registers it. After necessary controls, this customs office of destination closes TIR operation by annotating counterfoil 2 (page 2), and returns the TIR carnet to the driver. This marks the termination of TIR on the EU territory.

- Entry in the UK

TIR carnet, accompanying documents, vehicle and the goods are presented to the customs office of entry in UK. This customs office ensures necessary controls, and releases the transit operation on the territory of UK by annotating counterfoil 1 (page 3) of the TIR Carnet. This marks the start of TIR on UK territory.

- Exit from the UK

The customs office of exit from UK checks the seals and stamps counterfoil 2 (page 4) of TIR Carnet. This marks the termination of TIR on UK territory.

- Entry in the EU

Before the goods arrive (again) into the customs territory of the Union under TIR, an entry summary declaration (ENS) shall be lodged through NCTS at the customs office of first entry in the Union. That customs office ensures risk assessment of the transaction by evaluating the data of declaration against risk criteria. NCTS automatically validates the declaration and generates a Movement Reference Number (MRN).

After presentation of the vehicle, goods, TIR carnet accompanying documents, and necessary controls by the customs office of entry in EU, TIR operation is released on the territory of EU, and customs annotate counterfoil 1 (page 5) of the TIR carnet. This marks the (re)start of TIR on EU territory.

- Termination in the EU

Upon presentation of the vehicle, goods and TIR carnet, competent Customs office of destination in EU checks the affixed seals, uses MRN to retrieve the data from NCTS and registers it. After necessary controls, this customs office of destination closes TIR operation by annotating counterfoil 2 (page 6), and returns the TIR carnet to the driver. This marks the termination of TIR on the EU territory.

6. Should transport companies obtain Authorised Economic Operator (AEO) status?

Today, very few road freight transport operators have AEO status because it is not necessary, and it requires considerable investment and effort to obtain. Obtaining AEO status will only provide benefits if a company decides to take care of customs formalities itself. In order to be able to benefit in the EU and in the UK, a mutual recognition agreement will be required between the two Parties. This means that in case of a “no-deal” Brexit, transport companies will need to apply for AEO status in the EU27 and in the UK in order to benefit from this status on both sides of the Channel. ***IRU members should enquire with their national customs authorities about the procedures for obtaining AEO status and about potential special procedures for mutual recognition and inform their member companies and IRU thereof.***

7. Which rules will apply to the fuels and lubricants used by vehicles and special containers?

If in the event of no deal, the UK becomes a third country and the provisions of Directive 2003/96/EC on taxation of energy products and electricity will no longer apply to vehicles registered in the UK entering the EU. Instead, the provisions of [Regulation \(EC\) No 1186/2009](#) setting up a Community system for a relief of customs duty will apply to such vehicles. This Regulation specifies that the fuel and lubricants contained in the standard tank of the vehicle are exempt from duties when entering the EU. However, Member States can decide to limit the exemption to 200 litres. Special rules can also be applied to border areas within 25km from the border. ***IRU members should enquire with their national customs authorities about potential limitations and special rules applying to the fuels and lubricants in the standard tank of third country registered vehicles when entering their territory and inform IRU thereof.***

It is not yet known what requirements will apply to EU27 vehicles and special containers entering the UK.

VI. MARKET ACCESS – MORE DETAILED INFO

1. UK established road freight transport and logistics companies

Regulation (EU) 2019/501 on road transport connectivity was published on 25 March 2019. This means that in the event of a “no-deal” Brexit, UK road freight transport and logistics operators will be able to drive to, from and through Member States of the EU as well as perform limited cabotage and cross trade. The measure currently expires on 31 December 2019, but the Commission made a proposal to extend the date to 31 July 2020. EU transit to third countries will not be allowed. UK road freight transport and logistics operators wanting to do more than two cross-trade journeys within a seven day period will need an ECMT permit. They will also need an ECMT permit to transit the EU to non-EU countries (such as Switzerland)¹⁴. Future bilateral agreements between the EU and the UK will regulate transit, bilateral access and cross-trade. ECMT permits are only valid when accompanied by an ECMT logbook (issued with the permit) and certificates of compliance and roadworthiness relevant to the vehicle being used.

Concerning cross-trade and cabotage operations undertaken by UK road freight transport and logistics operators in the EU, the current regime in the EU Regulation foresees three different periods. During the first four months, road freight transport and logistics operators are allowed to perform 2 operations within seven days; during the following three months, operations are limited to one per week; during the third period UK operators are not allowed to undertake any cross-trade nor cabotage operation.

2. EU established road freight transport and logistics companies

Should the UK leave without a deal, the UK government has already confirmed that it will continue to recognise an EU-issued Community Licence to ensure that EU and EEA established road freight transport and logistics operators can continue to carry goods to and from the UK. The UK has already laid the necessary legislation to confirm this. This legislation continues the effect of EU Regulations (EC) No 1071/2009, 1072/2009. This means that EU road freight transport and logistics operators holding a Community Licence will continue to be able to conduct business in the UK as they could previously; this includes cabotage and transit, without the need for an ECMT permit.

For those established in the UK, Community Licences and their certified copies, issued by UK competent authorities, can continue to be used under the EU contingency regulation and will be replaced by a UK equivalent.

3. Will vehicles and trailers need to be registered?

All commercial trailers over 750kg and all non-commercial trailers over 3.5 tonnes intended for international transport from the UK to the EU by a UK established company will need to be registered with the Driver and Vehicle Licensing Agency (DVLA) before travelling abroad (except from Ireland and regardless from Brexit)¹⁵. Then, the trailer will need to display the registration plate and the driver will need to carry DVLA

¹⁴ <https://www.gov.uk/guidance/international-authorisations-and-permits-for-road-haulage>

¹⁵ <https://www.gov.uk/register-trailer-to-take-abroad>

trailer registration papers.¹⁶ There's no need for registration if trailers are only used for haulage operations between the UK and Ireland.

4. Will drivers be required to have an insurance?

When driving abroad, drivers will also have to carry on board a vehicle log book (V5C)¹⁷ or VE103¹⁸ to use a hired or leased vehicle, a GB sticker fixed to the rear of the vehicle and trailer, a motor insurance Green Card. All vehicles doing business to, from or through the EU have to be provided with a Green Card. Multiple Green Cards are required if a commercial operator have a fleet insurance (road freight transport and logistics operators will need a Green Card for each vehicle), or if the vehicle has a trailer attached (road freight transport and logistics operators will need a Green Card for the tractor unit and a Green Card for the trailer), or if there are two insurance policies covering the duration of the trip (e.g.: if the insurance policy renews during the journey).

As the EU measure was adopted, the reliance on ECMT permits has reduced. The UK government secured an additional allocation of ECMT permits to be used for journeys not covered by the EU contingency regulation (mainly journeys transiting the EU to non-EU countries). ECMT permits allow point-to-point journeys, transit and cross-trade journeys. Cabotage is not allowed under ECMT. Under the ECMT system, drivers need to return to the country of establishment of the company on regular basis. In addition, vehicles are required to carry documentation confirming the emissions standard of the vehicle.

Finally, drivers may need to carry a Green Card as evidence of third-party motor insurance when driving abroad. The UK is part of the Green Card-free circulation area by virtue of EU membership. The EU needs to make an administrative decision to allow the UK to remain part of this area – the UK of course meets all of these requirements. Should the EU not make this decision in time for exit, a Green Card may be required to drive both in the EU and in the UK.

5. Will unaccompanied shipments become more attractive?

If road freight transport market access becomes restricted, sending unaccompanied semi-trailers or trailers to and from the UK could be an option. Customs formalities will still have to be complied with. Available capacity on other modes of transport might be limited. There might be additional waiting times and delays which might have an impact on contractual obligations. Partnerships might have to be established to ensure collection of the unaccompanied vehicle units. ***Road freight transport and logistics operators should discuss this with their customers and inform other modal providers about availability and the customs formalities to be complied with in due course. In the case of UK semi-trailers being towed by EU-registered tractor units, it should be noted that the UK vehicle units would need to have their own registration number.***

6. Will market access rules change for own account transport?

Currently own account road freight transport can be carried out without access to the profession and Community Licence. Own account is also generally exempt under ECMT requirements; however, many member states have a reservation against this. It is not yet clear to what extent own account road freight transport will need a specific licence or permits in those countries. ***IRU members should contact their competent authorities to enquire about the market access regime for own account transport and inform IRU thereof.***

7. Which technical and social rules will apply?

The UK will continue to apply the AETR regulations on driving and rest times and on tachographs. It should be noted that on 15 June 2019, the smart tachograph will enter into force for newly registered vehicles. This will happen during the transition period should the UK get one. Regardless of exit scenarios, the UK will continue to introduce the smart tachograph.

It is expected that the UK will be able to control EU-registered vehicles equipped with a smart tachograph. On the website of the [Driver and Vehicle Standards Agency](https://www.gov.uk/government/organisations/driver-and-vehicle-standards-agency) (DVSA), users can already find information

¹⁶ www.gov.uk/guidance/trailer-registration

¹⁷ www.gov.uk/vehicle-log-book

¹⁸ www.gov.uk/taking-vehicles-out-of-uk-for-less-than-12-months

about training on the introduction of the smart tachograph. The requirements to obtain a new workshop card have been established and can be officially consulted. Card issuance started on 15 March 2019.

a) Regulation (EC) 561/2006 – Driving and rest times and smart tachographs

The European Commission also published a dedicated [Notice to Stakeholders](#) on the use of smart tachographs in road transport. In case of a no deal, contingency regulation applies: on the EU side, tachographs will have to comply with technical requirements set out in Reg. 165/2014, while on the UK side vehicles may be equipped with a tachograph type-approved by the UK type-approval authority. As of the withdrawal date, vehicles equipped with a (smart) tachograph type-approved by the UK can no longer be registered in the EU27 on the basis of Reg. 165/2014.

UK drivers driving in the EU must continue to comply with EU rules on driving and rest times and tachograph use: they must be able to produce tachograph charts and any legally required manual records for the current day and the previous 28 calendar days. In case they have a digital smart card, they also must be able to produce it.

b) Directive 96/71/EC – Posting of workers

Concerning the application of Directive 96/71/EC on posting of workers, the [EC Notice to Stakeholders](#) published on 28 June 2019 provides guidance: as of the withdrawal date, Dir. 96/71/EC ceases to apply. For what concerns EU Member States national laws apply, taking also into account the commitments and qualifications¹⁹ made by the EU and the UK in the framework of the GATS for what concerns the temporary presence of certain categories of natural persons in the EU27 to supply services. As of withdrawal date, Member States must ensure that workers posted by UK companies in their territory are granted at least the terms and conditions of employment applicable to workers posted to that Member State by an EU-established company. Directive 96/71/EC continues to apply in case a EU27 company posts a UK national to another EU27 Member State.

8. Will certificates and attestations still be valid?

In the event of no deal, Transport Manager Certificates of Professional Competence (CPC) for road freight transport operators issued by UK competent authorities will cease to be valid in the EU. However, these will still be valid for UK operators when operating under the EU contingency regulations or when using an ECMT permit. EU-based operators with an UK-issued CPC should exchange these for a CPC issued by the relevant Member State before exit day. UK authorities have stated that certificates issued by an EU or EEA Member State will be accepted in the UK.

Driver CPCs issued by UK competent authorities will also cease to be valid in the EU. However, these will still be valid for drivers working for UK operators when operating under the EU contingency regulations or when using an ECMT permit. Certificates issued by an EU or EEA Member States will be accepted in the UK. UK or EU nationals working for a company established in the EU27 but who hold UK issued CPCs should exchange these for a CPC issued by the relevant Member State before exit day. If they do not, they will have to undergo professional training in the EU27 Member State where their employer is established. More information can be found in the government's [guidance](#) on driving in the EU after EU exit for truck and goods vehicle drivers.

IRU members who hold a UK-issued Driver or Transport Manager CPC certificates should verify with their competent authorities what the procedures are to exchange these before exit day and inform their road freight transport and logistics operators and IRU thereof.

UK nationals who are not long-term residents in the EU and who are employed by a company established in the EU27 will have to obtain a third-country drivers' attestation from the competent authority of the Member State where the company is established.

Member States who are Contracting Parties to the 1968 Vienna Convention on Road Traffic or 1949 Geneva Convention on Road Traffic (those who have not ratified the former) will have a system of mutual recognition of drivers' licences with the appropriate accompanying International Driving Permit (IDP) and vehicle registration documents.²⁰ The UK issued [recommendations](#) on IDPs when travelling to the EU and third

¹⁹ www.wto.org/english/tratop_e/serv_e/serv_commitments_e.htm

²⁰ According to the European Commission, this could be an issue in the following Member States: Germany, Croatia, Estonia, Latvia and Lithuania. For **Sweden**, when the UK becomes a third country, a UK driving licence will be valid in Sweden until 31 March 2020. This new rule will be applicable even for the holders who have been living in Sweden for more than one year. The holder of a UK driving licence has one year to qualify for a Swedish driving licence. This new,

countries. On 22 July 2019, the European Commission published [notice REV2](#) which provided further clarification on mutual recognition of driving licences: holders of UK driving licences who intend to drive in the EU are advised to contact the responsible Member State authorities regarding recognition rules for driving licences. Likewise, holders of EU driving licences who intend to drive in the UK are advised to contact the UK responsible authority.

9. Will professional drivers require a visa?

A visa will not be needed to enter the UK or for UK nationals to enter the EU. However, it is recommended that professional drivers use a passport rather than an identity card for journeys to and from the UK.

From February 2020 onwards, the revised Visa Code will apply: applicants may apply up to 6 months before the intended visit (contrary to 3 months currently) and the rules on the issuing of multiple entry visas with a long validity have been clarified to ensure the mandatory issuing of such visas to persons needing to travel frequently to the Schengen area and for Member States to apply the common rules in the same manner. Persons who intend to stay beyond 90 days in the Schengen area for professional reason must apply for a national long stay visa – and most likely a work permit. Both falls under Member States national competence. In case of a no-deal Brexit, long-term visas or residence documentation would be required for stays of UK nationals in the EU that exceed 90 days in any 180-day period.

VII. SANITARY AND PHYTOSANITARY REQUIREMENTS

In the event of no deal, the entry of many goods²¹ and animals subject to sanitary and phytosanitary rules to the EU will be prohibited – unless the UK is accepted as a “listed” third country. The UK will have to comply with all applicable conditions laid down in EU veterinary legislation in order to allow for the entry of live animals and animal products. The UK has already started the application procedure to become a “listed” country. When the UK becomes a “listed” country, strict health-related import conditions applicable to third countries will be required and these imports will have to undergo sanitary and phytosanitary controls by Member State authorities at border inspection posts.²² The UK expects this to be completed by the EU soon. New border inspection posts and existing ones that are extended will have to be approved by the EC.²³

A transport operation from the UK to the EU involving animals, plants, and other controlled products should start only after having ensured that the importer or the exports has checked whether the planned route is appropriate and the border crossing location is authorised to moved such goods into (or out) the UK. Traders exporting animals to the EU will need to ask in advance for an Export Health Certificate (EHC)²⁴, which will have to be signed by an authorised person after the inspection of the consignment. Then, the trader must check the route the driver intends to take and make sure it will allow for the consignment to be checked at the correct Border Inspection Post (BIP)²⁵ at the first EU Member State reached. For its part, the driver needs to inform the trader (or the road freight transport and logistics operator) that the EU import agent has told the concerned BIP about the arrival of the consignment at least 24 hours in advance. The driver also has to carry a physical copy of each EHC for their consignment, which may be checked at BIP. In case the transport operation involves marine caught fish for human consumption, exporters will need to obtain a UK Catch Certificate for each consignment to the EU. In case the transport operation involves live animals, traders will need to appoint a representative within an EU Member State and make sure they receive the following documents from the importer (or exporter): a transporter authorisation, a certificate of competence, a vehicle approval certificate and a journey log (where necessary). Endangered or protected animal or plant species can only transit through designated ports.²⁶ **IRU Members should bear in mind that road freight transport and logistics operators, intermediaries or shippers can all be the trader.**

and in time limited, rule has to do with the driving licence being issued in the UK and has nothing to do with the citizenship of the holder.

²¹ The EC issued a [specific notification](#) on EU Food Law in case of a “no-deal” Brexit.

²² More information on such controls, including a list of approved control posts, can be found [here](#).

²³ The control posts in France are: Calais; Le Havre; St-Malo; and Dunkirk. The French authorities produced brochures on preparations for phytosanitary controls ([FR](#), [EN](#)) and on the controls themselves ([FR](#), [EN](#)) for import from the UK.

²⁴ www.gov.uk/brexit-export-animals

²⁵ https://www.gov.uk/government/publications/uk-border-inspection-posts-contact-details?utm_source=c18685cc-8b09-43dd-851b-3b0f0295f423&utm_medium=email&utm_campaign=govuk-notifications&utm_content=daily

²⁶ www.gov.uk/guidance/trading-cites-listed-species-through-uk-ports-and-airports-after-brexit

The UK issued a note indicating that in the event of a “no-deal” Brexit, there would be no immediate change in the current import procedures providing that the goods or animals in question come directly from the EU27. Therefore, there will be no new checks or controls on such goods from the EU. However, businesses importing controlled goods from outside the EU may not be able to use RoRo locations and Eurotunnel if the UK leaves the EU without a deal.

Products of Animal Origin from non-EU countries and transiting the EU to reach the UK must enter the UK via a BIP, and High-Risk Food Not of Animal Origin from non-EU countries and transiting the EU to the UK must enter the UK via a DPE.

In the UK, guidance is available for: [importing animals, animal products and high-risk food and feed not of animal origin after EU Exit](#); [exporting animals, animal products, fish and fishery products to the EU after EU Exit](#); [importing and exporting plants and plant products if the UK leaves the EU without a deal](#); [trading and moving endangered species protected by CITES if there's no withdrawal deal](#).

UK Government has also published dedicated flowcharts for exporting [meat and dairy](#), [wild-caught marine fishery](#), [live animals](#) and [chemicals](#) to the EU.

IRU members should enquire with their national competent authorities about approved border inspection posts and inform IRU thereof.

VIII. WOOD PACKAGING MATERIAL, INCLUDING PALLETS

In the event of no deal, the UK will become a third country. This will have an impact on the wooden pallets and wood packaging material used to transport goods from the UK into the EU because the rules for wood packaging material coming in from third countries are stricter than those used for intra-EU trade.

EU legislation indicates that all wood packaging material from third countries must be heat treated or fumigated, must have a 3 coded ISPM15 stamp and the IPPC logo and must have all bark removed. There are some exemptions: if the wood is 6mm thick or less; the material is entirely made from processed wood using glue, heat and pressure; or, the material is used for intra-EU trade. More information can be found on the [EC, DG SANTE website](#).

The UK has committed to retaining its current pallet import approaches and is not planning to change its approach to wood packing material controls. The [export guidance](#) will therefore remain as before EU exit.

IX. TRANSPORT OF DANGEROUS GOODS – ADR

The European Agreement concerning the carriage of Dangerous goods by Road (ADR) will continue to apply²⁷ to all dangerous goods transports by road in, to and from the UK in any post-Brexit scenario. The UK has amended its rules implementing ADR in the UK in order to remove deficiencies arising from the UK's exit from the EU. The amended rules will enter into force on the day the UK exits the EU.

X. ACTION FOR MEMBERS

Members are invited to carefully examine the content of this updated document and use it to help prepare their road freight transport and logistics operators for a “no-deal” Brexit. They should also contact their national competent authorities to try to obtain additional information relating to a number of questions raised in the document and should communicate this information to IRU (marc.billiet@iru.org and matteo.azzimonti@iru.org) as soon as possible.

IRU will also continue to make enquiries with the EU, the UK and ECMT in order to obtain useful information on available options. This document will be updated regularly as substantial new and useful information becomes available.

This document will be further updated in due course. IRU will keep members informed of any further developments.

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²⁷ https://ec.europa.eu/info/sites/info/files/notice-transportable-pressure-equipment_en.pdf

ADDITIONAL INFORMATION ON TIR

As indicated in the main document, in order to be able to use TIR, road freight transport and logistics operators have to comply with a number of conditions.

1. Becoming an authorised TIR holder

It should be noted that before being able to use TIR, road freight transport and logistics operators should become an authorised TIR holder. In Part II, articles 1, 2 and 3 of its Annex 9, the [TIR Convention](#) lays down a number of conditions and requirements to be complied with by persons wishing to have access to the TIR procedure. HMRC's [online application service](#) provides further details. These consist of minimum and additional criteria; the latter may be introduced by the competent authorities and by the associations, therefore they may vary from country to country. The contracting parties will also determine how to implement the authorisation process.

2. Vehicle certification and containers

Under the TIR system goods should be carried in customs **secure vehicles or containers**.

a) Vehicles

According to Annex 2 of the TIR Convention, approval for the international transport of goods under customs seal may be granted only to vehicles, the load compartments of which are constructed and equipped in such a manner that:

- No goods can be removed from or introduced into the sealed part of the vehicle without leaving obvious traces of tampering or without breaking the customs seal.
- Customs seals can be simply and effectively affixed to them.
- They contain no concealed spaces where goods may be hidden.
- All spaces capable of holding goods are readily accessible for customs inspection.

b) Approval Certificate and Approval Plate

Every road vehicle used for TIR must be approved according to the procedure laid down in Annex 3 of this Convention. The **Certificate of Approval** shall conform to the specimen reproduced in Annex 4.

An approved certificate of approval, as provided for in Annex 4 of the Convention, is required to be kept in the vehicle only for the load compartment of a road vehicle as described in Annex 2, article 1 (that is, different from a container or demountable body). In case of transport of a demountable body, as defined in Annex 6, Explanatory note 0.1(j), or a container, an approval plate, as provided for in Annex 7, Part II, is required to be affixed to the approved demountable body or the approved container.

c) Containers

Containers must be constructed in conformity with the conditions laid down in Part I of Annex 7 and must have been approved according to the procedure laid down in Part II of that Annex.

Containers approved for the transport of goods under customs seal in accordance with the Customs Convention on Containers, 1956, the agreements arising therefrom concluded under the auspices of the United Nations, the Customs Convention on Containers, 1972 or any international instruments that may supersede or modify the latter Convention, shall be considered as complying with the provisions of the TIR Convention and must be accepted for transport under the TIR procedure without further approval.

Last but not least, it is also recommended to advise these transport operators who want to start using the TIR system that they should also equip their vehicles with TIR plates as reproduced in Annex 5 to the TIR Convention.

One **rectangular plate bearing the inscription "TIR"** and conforming to the specifications given in Annex 5 to this Convention, shall be affixed to the front and another to the rear of the road vehicle or combination of vehicles. These plates shall be so placed as to be clearly visible. They shall be removable or be fitted or designed in such a way that these plates can be reversed, covered, folded or indicate in any other manner that a TIR transport is not carried out.

The dimensions of the plates shall be 250mm by 400mm. The letters TIR in capital Latin characters shall be 200mm high and their strokes at least 20mm wide. The letters shall be white on a blue ground. An electronic file (encapsulated postscript format – EPS) containing the TIR plate in conformity with Annex 5 is available on the [TIR web site](#) or can be obtained by contacting the TIR Secretary.

3. Additional information relating to TIR use in the UK

IRU members are invited to enquire about their road freight transport and logistics operators' interest to start using TIR after Brexit and inform IRU thereof.

a) Do TIR holders need to submit advance cargo information prior to entering the UK? If yes, by which means and where?

No, holders should just provide their TIR carnets at border control to be handled by the customs officer (stamps and control).

In a second stage (6-9 months) customs will be ready to get advance cargo information with safety and security and then advance cargo information should be submitted prior the entry/departure in the UK.

b) As a normal TIR transport, will import formalities be carried out at the customs office of destination (inland)?

Yes, after arrival at destination, the TIR operation will be terminated and goods passed to another regime (import, temporary storage, et cetera).

c) In case of transit in the UK for movements to Ireland, where should the TIR holders terminate the transit in the UK?

Customs at ports will perform the stamp and termination of the TIR procedure in the UK.

d) Is the use of Authorised Consignors for TIR already in place in the UK?

UK Customs envisage to implement it at a later stage.

e) Is the use of Authorised Consignees for TIR already in place in the UK?

In the UK, there are already 40 authorised consignees able to work with TIR.

f) Will the number of inland customs offices increase and will they be open for TIR?

The number will remain unchanged at the moment (around 44).

g) What is the current status of the IT system to manage TIR movements (transit)?

UK Customs is working on import-export and transit systems, customs will inform in a timely manner when changes on the requirements will occur.

h) Are there any special requirements for TIR at entry/exit points?

No, TIR paper will act as the customs declaration for transit; no additional requirements are foreseen for the coming months.

OPERATION BROCK

New measures that improve Kent's resilience when services across the English Channel are disrupted will be ready for use, Highways England announced on Friday 22 March 2019.

Traditionally when there has been severe disruption to cross-channel services, sections of the M20 have been closed and used to queue heavy goods vehicles (HGVs) heading for mainland Europe, under arrangements known as Operation Stack.

In November 2017 the Government announced that, alongside ongoing work to find a permanent solution for Operation Stack, Highways England would take forward interim alternatives for Operation Stack that could be ready for use in March 2019, and that, crucially, would keep the M20 open in both directions.

Operation Brock will be available as an extra tool for managing disruption in Kent. Operation Brock queues trucks bound for mainland Europe on the coastbound M20 and uses a contraflow on the London-bound carriageway to enable other traffic to travel in both directions.

Under the new arrangements, in addition to the M20 contraflow trucks can be routed to Manston Airfield and, if needed, the M26 motorway can be closed and used to queue HGVs too.

Highways England project director John Kerner said:

"Since Operation Stack's 32-day deployment in summer 2015 we have been working tirelessly with our partners across Kent to make the county more resilient to disruption than ever before. Operation Brock strengthens this resilience even further and offers a safe, scalable response to disruption that can be used to queue up to 11000 trucks heading for mainland Europe, while keeping other traffic flowing for people living, working and travelling in and around Kent."

Operation Brock has stages that can be deployed sequentially, scaling up or down to meet demand. This is how Operation Brock will work:

- In recent years there have already been significant improvements to the holding capacity in the Port of Dover and Eurotunnel, as well as the A20 on approach to the port, where peaks of traffic arriving at the Port of Dover can be managed by traffic lights toward the end of the dual carriageway
- If this increased capacity looks set to be reached, Highways England can activate a contraflow on the M20 between junctions 8 and 9. Trucks bound for mainland Europe will be queued on the coastbound carriageway, with cars using a clearly signed contraflow on the London-bound carriageway
- If the M20 becomes full, trucks heading for the Port of Dover will be directed to Manston Airfield, while the M20 is used to hold traffic for Eurotunnel. Traffic lights on the A256 will help to manage traffic arriving at the port from Manston, similar to the existing system on the A20.
- If the M20 holding area becomes full after Manston airfield has been activated, the coastbound M26 could additionally be used to hold trucks heading for the Eurotunnel terminal.
- Lorries would move through the queue in sequence and would be released from the front of the queue as soon as there is capacity in the port and tunnel terminals.
- Instructions for truck drivers will be clearly signed, well managed and monitored at every step.
- The holding areas are all temporary and will be stood down as soon as they are no longer needed. They will be safe and secure with appropriate welfare facilities and access for emergency services throughout.
- The queuing system only applies to drivers of trucks heading to mainland Europe from Kent. All other drivers should check conditions before setting out and, if they are crossing the channel, check with their service operator for updates.

The arrangements offer a significant improvement to Operation Stack and, crucially, keep the M20 motorway open to traffic in both directions in all but the most extreme circumstances.

For more information on Operation Brock and other contingency measures in Kent, visit:

How Operation Brock will affect your journey

<https://highwaysengland.co.uk/OperationBrock>

Government advice for car drivers in Europe after Brexit

<https://www.gov.uk/guidance/prepare-to-drive-in-the-eu-after-brexit>

<https://euexit.campaign.gov.uk>

Government advice for bus and coach drivers in Europe after Brexit

<https://www.gov.uk/guidance/prepare-to-drive-in-the-eu-after-brexit-bus-and-coach-drivers>

Government advice for HGV drivers in Europe after Brexit

<https://www.gov.uk/guidance/prepare-to-drive-in-the-eu-after-brexit-lorry-and-goods-vehicle-drivers>

How Kent County Council has prepared for Brexit

<https://www.kent.gov.uk/about-the-council/britain-leaving-the-european-union>

Kent's joint action plan for dealing for disruption

<https://www.kentprepared.org.uk>