



Northern Ireland  
Assembly

Committee for Infrastructure

# OFFICIAL REPORT (Hansard)

Brexit Issues: Department for Infrastructure

27 January 2021

# NORTHERN IRELAND ASSEMBLY

## Committee for Infrastructure

Brexit Issues: Department for Infrastructure

27 January 2021

**Members present for all or part of the proceedings:**

Miss Michelle McIlveen (Chairperson)  
Mr David Hilditch (Deputy Chairperson)  
Ms Martina Anderson  
Mr Roy Beggs  
Mr Cathal Boylan  
Mr Keith Buchanan  
Mrs Dolores Kelly  
Ms Liz Kimmins  
Mr Andrew Muir

**Witnesses:**

Mr Graeme Banks	Department for Infrastructure
Mr Ciaran Crosbie	Department for Infrastructure
Dr Chris Hughes	Department for Infrastructure
Ms Linda MacHugh	Department for Infrastructure

**The Chairperson (Miss McIlveen):** I welcome from the Department for Infrastructure Ms Linda MacHugh, the acting deputy secretary for resources, governance and EU group; Mr Ciaran Crosbie, head of Brexit planning; and Mr Graeme Banks, gateways and EU relations.

Members, I am conscious of the time. Linda will open with some remarks. When we go into the question and answer session, Linda, in order to save time, can you facilitate by directing who answers each question, if that is OK? Over to you.

**Ms Linda MacHugh (Department for Infrastructure):** OK. We should also have Chris Hughes from the transport side. There he is.

Thank you very much, Chair and members, for the opportunity to update you on the Department's work on EU exit. I am pleased to be joined by my own colleagues Ciaran Crosbie and Graeme Banks, and by Chris Hughes from the Department's safe and accessible travel directorate.

As we adjust to this new environment in the post-EU transition period, EU exit issues are moving at pace, and today's discussion is timely. I will give you an overview of the work done to date, the key outcomes from the Trade and Cooperation Agreement (TCA), and the current key issues for the Department and its stakeholders. We will then be happy to address any questions that you may have.

The UK-EU negotiations on the future relationship reached agreement on 24 December, with the Trade and Cooperation Agreement being ratified by Parliament on 30 December. In our preparatory

work to ensure operational readiness for 1 January 2021, we had recognised the importance of transport and connectivity to Northern Ireland and the potential implications of a non-negotiated outcome.

EU exit also has an impact on wider operations in DFI, including water, flood risk management and planning. That broad range of impacts added to the complexity of ensuring operational readiness for 1 January 2021. Work took place over a number of years across all key policy areas in order to understand the issues and to be as prepared as possible for whatever the outcome of the negotiations. Before and during the negotiations, officials engaged with Whitehall Departments to ensure that issues of particular importance to the Department specifically and to Northern Ireland more generally were understood. I am pleased that many of the unique circumstances of Northern Ireland are recognised in the final TCA.

I will touch on a few of those now, beginning with transport. In previous briefings to the Committee, the importance of securing market access, cabotage and transiting rights were all highlighted as being of particular significance to the Northern Ireland haulage industry and to cross-border transport service providers. I am sure that you are well versed in cabotage by now, but, just to repeat, it is the transport of goods or passengers between two places in the same country by a transport operator from another country. Given the shared land border with the EU and the high levels of operations conducted in the EU and, in particular, on the island of Ireland, it was important to ensure that our hauliers and bus operators could continue to operate.

The terms of the TCA have ensured that hauliers and bus operators can continue to access the EU. In the case of hauliers, they can do so without the need for European Conference of Ministers of Transport (ECMT) permits. Transit through an EU member state is also permitted. As a result of the TCA, a UK licence for the Community will replace the EU Community licence to transport goods by road to or through EU and EEA countries. The agreement in place has made provisions for cabotage for hauliers, with an additional allowance for Northern Ireland hauliers on the island of Ireland. Cabotage has also been permitted on the island of Ireland for bus operators.

Agreements have been reached with all EU countries so that UK driving licence holders will be able to use their valid driving licences without any additional documentation. The position with green cards is that they will still be required for Northern Ireland drivers travelling into the South but not vice versa. It is important to note that work is continuing with Department for Transport colleagues to examine the implications of the TCA and to ensure that the agreement is fully supported in both Northern Ireland and GB legislation.

From a DFI perspective, we retain a particular interest in the mutual recognition of rail safety certificates, licences and permits.

I will move on to water. As you know, the main risk identified was the potential for disruption to the supply of critical chemicals required to treat drinking water and waste water. You will be aware from previous briefings that Northern Ireland Water (NIW) worked closely with its supply chain and the water sector across this island and in GB. It maximised stock levels and did a lot of work to understand its supply chains. Northern Ireland Water maintained those stocks at a higher than normal level and has done so for over a year. Its contingency arrangements have been kept in place for that period and were adapted to deal with the early stages of the COVID lockdown. At this early stage of the post-EU transition period, there do not appear to be any issues in the chemical supply chain, but we recognise the need to be vigilant and to monitor the situation. Should any problems start to manifest themselves, the emergency planning arrangements will be escalated.

The Committee will also be aware that the Department's legislative remit has been heavily impacted on by EU exit. That is because legislation for much of the Department's remit — transport, water and flooding, and the environmental aspects of planning in particular — being derived from EU directives and regulations. The Department's EU exit legislative programme examined 250 pieces of legislation and identified around 50 that required a fix to post-exit inoperables. The vast majority required minor technical amendments, with little or no change being made to the intention of the relevant legislation or supporting policies. The Department was able to make all those changes before the end of the transition period. At this stage, however, further work is now required. In addition to the legislative programme that we have already completed, a key issue for the Department is the repeal of the European Communities Act 1972 and its impact on the Department's regulation-making powers across a range of policy areas that have until recently been predominantly EU-led. The Executive Office is leading on the development of an Executive Bill to provide Departments with continued regulation-

making powers, and DFI will feed into that work to ensure that the Department has appropriate regulation-making powers in future.

The TCA and the Northern Ireland protocol are now under consideration by officials to identify any further legislative amendments that may be required. At this stage, we do not anticipate too many immediate requirements, although there are some safety requirements that we will look at and develop, but those will need ongoing monitoring as and when legislation in the UK or the EU starts to diverge. Significant engagement and consultation has taken place with UK Departments, Departments here, arm's-length bodies (ALBs), stakeholders and the Departmental Solicitor's Office (DSO) on the preparation for and delivery of the Department's EU exit legislative programme.

Our Minister and officials have had regular contact with key stakeholders to understand their issues and share information. Minister Mallon personally initiated a series of stakeholder discussions that proved to be very useful. As we now start to implement the TCA and the Northern Ireland protocol, that engagement will continue. I am aware that a number of issues are impacting on our stakeholders, particularly in the haulage sector, that are outwith the powers of DFI to address, such as new customs arrangements and sanitary and phytosanitary (SPS) checks. The Executive Office is coordinating efforts to address supply chain issues, and we are involved in that cross-departmental working along with DAERA, the Food Standards Agency (FSA) and the Department for the Economy to ensure that the issues are raised with and fully understood by colleagues in Whitehall and in Dublin.

Finally, on funding, the UK Government will not participate in the Connecting Europe Facility (CEF), which is the financial instrument for the development of the Trans-European Transport Network, commonly known as TEN-T. That is an area in which the Department has successfully accessed funding in the past. Officials continue to engage with the Department of Finance through the financing work stream, which reports to the future relations group and ultimately the Executive, to make the case for infrastructure funding from the UK Government's proposed replacements for EU funding, which are the Shared Prosperity Fund (SPF) and the Levelling Up Fund (LUF). Both of those funds are emerging, and further detail on them is not expected until early spring. In addition, the proposed PEACE PLUS programme is under development, and we continue to work with the Department of Finance and the Special EU Programmes Body (SEUPB) on the inclusion of investment areas for transport and water infrastructure projects. A public consultation is to take place before the programme is finalised.

In summary, that is a general overview. There is clearly still a lot of work to be done, but we are relieved that a lot of the key concerns that were the Department's responsibility were provided for through the TCA. I hope that today has given you some clarity on the issues still to be addressed. We are now happy to take any questions that you may have.

**The Chairperson (Miss McIlveen):** Thank you. You have answered my question about funding for infrastructure programmes. Legislation may come before the Committee. Your paper states:

*"There are a number of items of tertiary EU legislation ... which may be necessary to implement".*

Do you anticipate that coming through TEO as opposed to the Department for Infrastructure?

**Ms MacHugh:** I think that it will be a mixture of both. Graeme, will you come in on the legislative issue?

**Mr Graeme Banks (Department for Infrastructure):** The tertiary EU legislation, which includes implementing Acts and delegated Acts as a result of the various EU directives and regulations included in the protocol, will, most likely, come through this Department, and anything that is brought forward will be brought to the Committee to be scrutinised.

**The Chairperson (Miss McIlveen):** References to the fact that you are in the very early stages of understanding the potential requirements coming out of all of this pepper your paper, but, at the same time, it states: "Additional amendments may be required". At what stage and in what timescale do you anticipate knowing whether something is required?

**Mr Banks:** My policy colleagues across the Department who are responsible for the policy areas impacted on by the various pieces of EU legislation, including the protocol, are engaged in ongoing work. I will give you an example of what is happening in my policy area of rail safety. We are working with the Department for Transport (DfT) to understand that. We have identified 11 pieces of tertiary

legislation, most of which will apply directly. We do not anticipate a great deal of change, at least not immediately, unless the European Union decides that those pieces of legislation require update or amendment. A lot of it will depend on what the European Union decides to do and how quickly we need to respond to that. A lot of it continues to apply directly as a result of the European Union (Withdrawal) Act, so, in some instances in which changes are made by the European Union, we will not have to legislate, because it will fold directly into NI statute as a result of the withdrawal Acts.

**The Chairperson (Miss McIlveen):** The Department plans to bring forward a set of rail safety regulations. When is that likely to happen?

**Mr Banks:** We are in the process of developing the regulations. Ideally, we would like to bring them forward as soon as possible, potentially before the summer recess, but a lot will depend on the availability of resources from the DSO. It has resource pressures as a result of COVID, but, ideally, the regulations will be brought forward in May or June, subject, of course, to the availability of resources.

**The Chairperson (Miss McIlveen):** You will be aware of the presentation that we received last week from the haulage sector and of the challenges that it faces. While I appreciate that the Department has limited powers to give assistance — it may be able just to relax drivers' hours — what discussions have been held with other Departments about giving assistance, where required, to make life a bit easier for those in the haulage sector who find it difficult?

**Ms MacHugh:** I will start and then hand over to Chris to provide more information. The haulage sector has been impacted on by the issues affecting the supply chain. Those issues are complex, because some are around SPS checks, which are DAERA's responsibility, while a lot of them are around the new customs arrangements, which are the responsibility of HMRC and the Trader Support Service (TSS). The Executive Office is coordinating work so that all Departments that have a touchpoint in aspects of the supply chain can work together to understand what the issues are and lobby collectively with our colleagues in Whitehall and in Dublin to get some of the current issues resolved. As I said, it is complex. Some of the issues may be teething problems. You heard last week that some of the companies that supply goods to Northern Ireland were just not prepared for the new arrangements. Some of it may be teething problems, but some of it may be around fundamental changes to how business will be done in Northern Ireland and with Northern Ireland. There will be quite a difficult period ahead. We are doing all that we can to make sure that the position for Northern Ireland hauliers is understood and that we give any practical help that we can.

Chris, do you want to say anything more about discussions that you have had with the sector?

**Dr Chris Hughes (Department for Infrastructure):** Yes, specifically about drivers' hours, if that is what the Chair was asking about.

We have been in contact with the sector. As recently as yesterday afternoon, we were speaking with people about the requirement for evidence for drivers' hours. At this point, the sector is clear about the drivers' hours issue and what the requirements are for us to relax them. We still need to be able to account for any relaxations that we allow to drivers' hours. There is a need for certain types of evidence; in fact, there are five types, with which the sector is familiar. We have sent out the templates for presenting that evidence and supporting evidence. We have also been in discussions with people who are content at the moment with what that need is.

The Minister has already provided a relaxation for feed and feedstuffs. The sector needs to show that there is a demonstrable detriment to the community and that there are no other mitigations that it can provide. For example, can they look at rota shifts? Do they have backup drivers? Can they use backup office staff with the requisite driving qualifications? They would need to demonstrate evidence that the situation will improve as the result of a relaxation and that the problem cannot be resolved without one. Finally, they would need to demonstrate the fact that safety — driver safety in particular — will be maintained as a central focus of the safe transport of goods, materials and people.

Those are the elements. People have been through this in the spring. They sometimes do it when they are faced with adverse weather conditions. As of yesterday afternoon, we have been in contact with people, and they are generally aware that they need to make that evidence available to us and that they meet our requirements where, they think, they need to demonstrate that.

**Mr Boylan:** Thank you very much for your presentation. The TCA did not arrive until the end of December, and the Department is trying to get a better understanding of it and whatever emanates

from it in the form of regulations and is developing its response. Are there any potential implications for us other than legislative ones?

**Ms MacHugh:** From the TCA?

**Mr Boylan:** Yes.

**Ms MacHugh:** There are so many implications from it, particularly when it overlays the protocol. I have gone through most of those implications. From a departmental perspective, the TCA was good news, because it addressed a lot of the specific day one issues that we were concerned about, such as ECMT permits and cabotage. If some of those issues had not been addressed, we would be in a much worse position. Cross-border bus services and other transport services would have been impacted on, and things would have been a lot worse. It was a good outcome, if only for the very narrow issues that the Department has to deal with.

**Mr Boylan:** You said that you had been working on things. Do you not foresee any other potential implications, other than perhaps some legislative changes, or have you overcome some of the things already?

**Ms MacHugh:** As Graeme pointed out, there will be a need for some legislative change. We now know about the specific issue that he was talking about. As standards and legislation start to diverge over time, we will have to keep a close eye on what we are bound to keep aligned with because of the protocol and what is required by the TCA. That will be an ongoing feature. We do not have all the answers yet. It will be part and parcel of our future policy development.

**Mr Boylan:** It is a work in progress.

**Ms MacHugh:** Yes, it is a work in progress.

**Mr Boylan:** I will touch on the issue of green cards for proving vehicle insurance. It is absurd that people have to carry extra documentation, especially seeing as we have done away with tax discs and introduced forms of electronic identification over the years. We are awaiting a decision from the European Commission on the green card free circulation zone for motor insurance. Do you have any idea of when that decision will be forthcoming?

**Ms MacHugh:** I do not have any indication of when we are likely to get a decision.

**Mr Boylan:** Graeme? Anybody else?

**Dr Hughes:** That is my area of responsibility. The short answer is, no, we do not know when that is likely to be. We know that it is the subject of discussions.

**Mr Boylan:** Right. Will you keep us updated on that?

**Ms MacHugh:** Absolutely.

**Mr Boylan:** Thank you.

**Mr Muir:** I thank the officials for coming along today and for all the work that has been done, particularly in recent weeks. Is it fair to say that you are still working through the implications of the TCA and that there may be further developments in the weeks ahead that help us understand its implications?

**Ms MacHugh:** You are right. There are clear impacts or implications that are up front. What is becoming apparent is that there may be unintended consequences or unexpected things. For example, there was an issue with steel imports that was short-lived but quite serious. It suddenly impacted on Translink and on the ability of our Department to order steel for new road signs. That has been resolved, but things like that, which we would never have anticipated, are coming out of the woodwork. I suspect that that will be the case for some time.

**Mr Muir:** I have a question about data aggregation — that is easy for me to say.

**Ms MacHugh:** Data.

**Mr Muir:** Yes. If there is not a resolution, what will the practical implications be?

**Ms MacHugh:** On data, we had prepared in the Department for no deal. We felt that we had all the required agreements in place to ensure that we could continue to share data. I hope that there will be no implications, because we had prepared for the absolute worst. Ciaran, do you have anything to add to that?

**Mr Ciaran Crosbie (Department for Infrastructure):** The Department had, in advance, looked at the data flows that go between the Department and the EU. There is a different mitigation in place, depending on what the relationship is. For example, there are administrative arrangements around the flow of vehicle keeper information, but there are other things that will be done on a case-by-case basis, such as authorisations for bus services, where there will be interaction around those authorisations. A bit of work has been done already to map out the data flows that are in place and to make sure that there are mitigations. We are waiting for a longer-term decision from the EU.

**Mr Muir:** My final question is about the green card issue that Cathal raised. For a number of years since the Brexit referendum, there was a lot of discussion about no deal and the preparations that had to be done for that. One of the things was the potential for people to have to get a green card. Unfortunately, that seems to have been realised. None of us is doing a lot of travelling at the moment, but people have had to request green cards in case they need to travel. A lot of people travel across the border from day to day as part of their work and personal life. What is the resolution to this, or is the agreement that green cards will be required as a long-term solution?

**Ms MacHugh:** We await an agreement with the EU to see if that can be resolved on a permanent basis, but, for the moment, the advice is that, if you cross the border, you will need a green card.

**Mr Muir:** That is not acceptable. That is not a criticism of you — you are doing sterling work in difficult circumstances — but it is not acceptable that we require green cards to travel across the island of Ireland. I do not know whether the Department has brought any pressure to bear on the relevant bodies in the UK and the EU to try to find a resolution to this, but it is really important that that is done.

**Dr Hughes:** That is a matter of constant contact between the Department and DfT. DfT is fully aware of the impact and implications of that and is taking that forward on our behalf, but, yes, I can assure you that the representations have made been made, so the implications of the green card issue have been fully communicated.

**Mr Muir:** Chair, I am conscious of the time, so I will conclude with this. We should maybe write a letter to the Department outlining our concerns about this and stating that a prompt resolution is needed. That would be pertinent.

**Ms Anderson:** I concur with what Andrew said, and Cathal before him, because 30,000 people cross the border every day to work or study, and the matter needs to be resolved.

If the Minister needs to amend regulations to keep the regulatory and policy approach in line with that in the South of Ireland — I am just picking up on what was said in the presentation — what process would be required regarding the regulation-making powers that were referred to?

**Ms MacHugh:** Graeme, do you want to take that one?

**Mr Banks:** Yes. Making the regulations to maintain alignment with the European Union or with Ireland will entirely depend on the policy area. Many of the primary legislative powers are already in place to enable the Minister to make regulations to maintain that alignment. There are some areas in which we previously relied on provisions in the European Communities Act, which has now been repealed, and TEO is leading a project to bridge those gaps, where they exist.

**Ms Anderson:** I am on the Executive Office Committee, so I can pick that up there, but I think that this Committee needs to be across the kind of regulation-making powers that the Minister and the Department will have as that unfolds.

I ask again for some clarity on public transport and cabotage in terms of the Interbus Agreement. A couple of months ago, there was talk about an agreement by the end of the year, and, obviously, that year has come and gone. Can you comment on that? Have the issues that were addressed at the previous Committee meeting been ironed out?

**Ms MacHugh:** Yes, the TCA was a great help because it provided for cross-border services on the island of Ireland and for cabotage in bus services. It means that, if Translink is operating a service to Dublin, it can pick up passengers in Dundalk and go on to Dublin. That was another problem.

There is, potentially, a wider issue if bus operators from here want to, say, run bus services to France, and that is where we will have to rely on the wider UK-EU negotiations on Interbus. I think that some of that is still allowed. Ciaran, can you elaborate?

**Mr Crosbie:** Yes. The Interbus agreement is now in place for occasional services, and that is for any operator from Northern Ireland or GB travelling into the EU. The TCA has been helpful because it has allowed occasional services with cabotage added on. The Interbus agreement did not allow for cabotage, and, at present, there are no special and regular services. For mainland EU, you are looking at the Interbus Agreement, but, on the island of Ireland, we have the additional arrangements around cabotage and special and regular services.

**Ms Anderson:** That is what I wanted to hear, Ciaran. I wanted to know whether the Interbus Agreement included cabotage.

Linda, you mentioned that the TCA did not include rail safety as part of the agreement with the EU. My understanding is that railways were included, obviously, in the Irish protocol. However, this only covers the interoperability of the rail system, so what are the implications of the TCA not including rail safety as part of the agreement?

**Ms MacHugh:** I think that it was not included because it is in the protocol. The protocol is the lead document on rail safety. Graeme, do you want to say anything more on that point?

**Mr Banks:** For interoperability, the lead document is the protocol, and that is why issues around rail interoperability were not included in the TCA. Rail safety does not feature either. In some respects, the implications of that are that there is the potential for the regulatory framework in place in the North to differ from that in the South. Essentially, that means that the rail operating companies will have to ensure that they meet whatever requirements are in place in each jurisdiction in which they are operating. However, we currently have broad alignment on rail safety, and the Minister has given a commitment that that will be maintained, at least for 2021 and going forward. As we mentioned in the presentation, a set of rail safety regulations will be brought forward in 2021 to ensure that we align on the issue of rail safety certification.

**Ms Anderson:** Chair, it will be important that Committee members are kept across any divergence that may appear so that companies understand that there may be a difference. We need to make sure that we are scrutinising that.

My final question is on Rosslare. I am told that that port is doing well, with a sixfold increase. I believe that there is a new vessel from Stena that has been reassigned from Belfast-to-Birkenhead. Given that businesses in Britain were hopelessly unprepared for Brexit, is the grace period being used wisely? Is the Department engaging with the industry? We heard from many of the businesses last week, and we know that they are looking for an extension. We would support them on that, but we do not think that that may happen. Is the Department looking at the supply chain and the differing offerings? I refer to what is happening at Rosslare, for instance, as one method that may assist them going forward. How is the Department working with the industry to ensure that it takes advantage of that supply chain?

**Ms MacHugh:** As I said, this will mean a new way of doing business, and I think that the sector and the industry itself will have to find the best way to resolve some of the issues. I know that there has been displacement, particularly because of the issues between Dublin and Holyhead, where there seem to be real difficulties. As I said, some of that might be because of teething problems, and some of it might be that there will be a fundamental shift and change in how goods are moved around and, indeed, where Northern Ireland sources products as some of the trading problems with GB start to manifest themselves.

That is why it is really important that there is a collective effort around the Executive to have all Departments that have an interest in the issue work together. We do not know, for example, what impact there will be when we come out of lockdown and the hospitality sector starts to open up. That sector will need more foodstuffs than are currently coming in. When the retail sector opens, there will be more flow of goods. We do need to start mapping out what the next couple of months will look like and make sure that we are in the best position to support the sector as and when the grace period finishes. That is why that work, which has been coordinated by the Executive Office, will be so important.

**Ms Anderson:** Chair, I know that members will not collectively agree that Brexit has been an unmitigated disaster, but I think that, in the context of the Good Friday Agreement and the all-Ireland economy, you can see opportunities for strengthening that.

**Ms Kimmins:** Thanks, Linda and others, for another comprehensive presentation. Quite a number of questions have been asked already, but I have a couple about the common frameworks. Could we get an update on that and their current standing? The last time we discussed Brexit they were at phase 4, but phase 5 is the post-implementation period, so I would like an update on that.

**Ms MacHugh:** I know that somebody from planning will be here next week to talk about the common framework for hazardous substances. There has been no further movement since the last time that we updated you on the common framework. They are there as a process to start to deal with potential divergence, but, at this early stage, not an awful lot of divergence is happening. Graeme, do you want to say anything more on common frameworks?

**Mr Banks:** Yes. The common frameworks are still in phase 4. They are going through the parliamentary scrutiny process. As Linda mentioned, the hazardous substances and land use planning aspects common framework is coming back next week. We have been liaising with the Committee to identify an appropriate slot for the remaining transport-related common frameworks, so that they can be subject to further scrutiny as well. They have been provisionally agreed, and it is just a matter of moving to finalisation and implementation, but, of course, that is subject to the scrutiny process.

**Ms Kimmins:** OK, thank you. You talked about hauliers and the drivers' hours and those challenges. We had a briefing last week that was very detailed about the challenges that they face. You will know that I and others have repeatedly asked the Minister to provide financial support to hauliers, first, due to COVID but now due to the impacts of Brexit as well. Is the Department reviewing the decision not to introduce support to hauliers, or is it something that we are now looking at?

**Ms MacHugh:** Chris, can you take that one?

**Dr Hughes:** Yes. This is an evidence-based intervention. At this point, we will look at any evidence that is provided, and the Minister has made that clear on a number of occasions. There is an issue around the evidence that was provided right up until the end of December. We had evidence from national surveys that, while the sector had experienced difficulties, that was not the case across all providers and some people had actually seen an increase in business, supply chains had displayed a lot of robustness and there was a continuation in supply chains of food and medicine. That took us up until the end of December. Any intervention that would be available from DFI would need to be evidence-based and in special circumstances.

We are now moving into the impact of the current arrangements under the protocol. That is now business as usual, as Linda has already said. While it is exceptional, it is actually now business as usual. This is a matter where we will look at any evidence, and the Minister has made clear consistently that evidence that is provided will be considered at that time.

**Ms Kimmins:** Chris, you talked about a national survey. We have had numerous engagements with hauliers in Committee and outside of it. I have heard time and again that there needs to be a bespoke package because many hauliers had been OK, depending on what supply they are involved in and what goods they are transporting. However, the fact is that there are many whose business was completely decimated and continues to be. I do not know what evidence you need to see on that. What engagement has the Department had with the hauliers on that? It is certainly not the message that we get.

I am sure that you heard the hauliers say last week that the impacts of COVID are now coupled with the challenges that Brexit has presented. Last week, Paul Jackson and others said that, if they did not get financial support, there was a risk that their businesses would collapse. We really need to look at that prior to December. It is clear from any engagement that I have had that there are hauliers that have suffered greatly due to COVID and now Brexit. I have said it time and again. It is similar to the briefing that we had from the bus and coach operators. Everybody has been impacted differently, so I do not understand why we have to take a blanket approach and say, "Yes; some have done well out of this, and some business has actually increased", when that is certainly not the case for many to whom I have spoken.

**Dr Hughes:** There is pretty much daily engagement with the sector. As I said, we have made it clear that we will look at any evidence that is provided to us.

**Ms Kimmins:** We have spoken to the likes of Seamus Leheny and John Martin on a number of occasions. That was certainly the message that we got from them as sector representatives. It is disappointing that not enough evidence has been provided, but I suppose that we can work on that as a Committee.

The briefing states:

*"the Department is still heavily involved in managing the impact of COVID-19, which has added to the challenge of ensuring that any potential impacts of the TCA are mitigated."*

Can you elaborate a bit on those challenges?

**Ms MacHugh:** The main issue relates to Translink. It continues to experience very low passenger numbers and, therefore, low income. It has had to deal with issues around the health and safety of its staff. It has done that very well: few of its staff have contracted COVID. That is testament to the good work that is being done. Equally, the Department has taken health and safety very seriously. Again, COVID numbers amongst our staff have been quite low.

Certainly, in the run-up to Christmas, there was a lot of planning for the potential impact of the end of the transition period coupled with COVID. That was across the board. One of those issues would be difficult enough to deal with, but both at the same time made it even more complex. For example, at ports, at the same time as passenger numbers were being impacted, they were trying to gear up for the new health checks. DAERA has done a very good job very quickly to get the required arrangements in place. We were concerned at one point that there might be a bit of traffic chaos around the ports, but that did not materialise. We had PSNI officers in the Traffic Information and Control Centre (TICC) for around 48 hours. They expected to be there for much longer. They actually did not need to be there, because the sort of build-up that, we thought, might happen did not, possibly because the TCA had addressed many of the issues that we had feared, although, clearly, at a very late stage. It complicated the arrangements that the Department had to put in place to prepare for all that. We are relieved that we got through it. Believe me: I am not saying that there are not issues, but it could have been much worse.

**Ms Kimmins:** Yes. Thank you, Linda. That is all from me. Thanks, Chair.

**Mr Beggs:** Hello again. Thanks for that update. Last week, representatives of the haulage supply chain indicated to us that they were having to bring back empty trailers at their own cost and are losing significant money. They also indicated that there were significant delays, particularly at Dublin port, which were also adding to cost, and that, because of drivers' hours, they were having to send down other drivers etc. When drivers are caught in those long delays, is that included on their tachographs? Is a relaxation needed there?

**Ms MacHugh:** Chris, do you want to take that one?

**Dr Hughes:** I am not entirely sure about the detail on the tachograph issue, Mr Beggs. However, I know that the relaxations that apply in each jurisdiction apply within that jurisdiction. The relaxations that have taken place in GB and the Republic of Ireland apply when you are in that jurisdiction. That is where most of the hold-ups are.

**Mr Beggs:** The delays in the Republic of Ireland have been considerable, and I understand from the industry that up to a third of loads are being inspected in detail. Is it the expectation that that is what will come to Northern Ireland when our extension period runs out, or is it officials being overzealous and causing part of the problems?

**Dr Hughes:** I do not have any insight on that.

**Ms MacHugh:** That is really an issue for HMRC and TSS. The Welsh Government are equally concerned by the delays in Dublin, because that impacts on the trade that routes through Holyhead. They have also made representations to the UK Government to sort some of this out either unilaterally or in negotiations with the Irish Government.

**Mr Beggs:** Has our Department made representations to highlight concerns around this and to establish what rules will apply around tachographs and how relaxations may help?

**Dr Hughes:** There is daily contact between the Department and the Department for Transport in England. On those specific issues, if they are not within our remit, we probably would not have been making representations on them. Certainly, on the issue of relaxations for drivers' hours, yes, that is something that we are in constant contact about. The evidence that there is a need for relaxation in Northern Ireland needs to be demonstrated to us at a local level.

**Mr Beggs:** Who is making representations over basic things such as toilet facilities, which, I understand, have been a problem in the port of Dublin?

**Ms MacHugh:** I do not know whether there has been anything that specific. The Executive Office has been leading on the lobbying and representation in dealings with Whitehall. It is probably right that it is coordinated in that way because so many Departments have an interest and a role to play. Most of the issues are around customs declarations and the SPS checking for certain types of food and agricultural products. DAERA has a big role to play, as does the Food Standards Agency. They are clearly concerned about all the delays in the supply chains. Working collectively we will get to a better position than if we act unilaterally. That said, both my Minister and the permanent secretary have written to their counterparts in the Department for Transport over the last year, highlighting the potential issues that we were dealing with and seeking their help to resolve them.

**Mr Beggs:** Can you give any update on groupage? It is particularly important in Northern Ireland because smaller firms rely on pallets or part loads rather than full loads and we primarily are an area with small and medium-sized companies. With regard to groupage and parcels going forward, can you advise whether practical methods have been established that will enable normal trade to occur for small companies and that the barrier to trade with the rest of the United Kingdom will be overcome?

**Ms MacHugh:** That is not an area where we have any powers, but I am aware that there are discussions ongoing. That would be with HMRC and TSS.

**Mr Beggs:** OK. You seem to be saying that it is all somebody else's fault.

**Ms MacHugh:** But it —.

**Mr Beggs:** As a final point, —

**Ms MacHugh:** Sorry, but it is —.

**Mr Beggs:** — do you have input into the Joint Committee or the Joint Committee working group? Has it been established, and does the Department responsible for transportation in Northern Ireland have any input into it?

**Ms MacHugh:** The main representation from Northern Ireland is the junior Ministers in TEO, and, as and when required, a Minister or Ministers may be invited to join the Joint Committee. From a Northern Ireland perspective, that is how it works.

**Mr Beggs:** My question is about the Joint Committee working group that, I understood, was to include wider representation, including industry. Has that group been established? Are you part of it?

**Ms MacHugh:** Not that I am aware of at the moment.

**Mr Beggs:** OK. Can you reassure us that the difficulties that have been experienced in Dublin will not come to Larne, Belfast and Warrenpoint on 1 April?

**Ms MacHugh:** At this point, no. A lot of the difficulties that are being experienced are outwith the powers of the Department. I know that there are ongoing discussions, and we are aware that there is a need to avoid a cliff edge. We are doing all that we can to make sure that those with the powers to resolve the issues are aware of the problems. However, that is all we can do at this point.

**Mr Beggs:** For my clarity, who are now the decision-makers? Who decides these things? Is it the Joint Committee?

**Ms MacHugh:** It will, ultimately, be a negotiation between the UK and the EU because that is where the final resolutions will need to be agreed. It is an international agreement, so it will have to be done at national to EU level.

**Mr Beggs:** Thank you.

**The Chairperson (Miss McIlveen):** No one else has indicated. I thank Linda and the team for coming this morning. Obviously, this is a work in progress, and we will receive a briefing in the not-too-distant future about all of those issues. Thank you.