

Smart Border 2.0

Avoiding a hard border on the island of Ireland for customs control and the free movement of persons

One of the most politically-sensitive aspects of the current 'Brexit' negotiations is the issue of the border between Northern Ireland and Ireland. In many respects, the Irish border is unique, with some 200 possible crossing points along the 500km border. Managing such a porous border in the event that the UK, following Brexit, does not participate in a customs union with the EU, thus becoming an external EU border, presents significant challenges for the EU and UK alike.

In order to analyse the various options, on 26 November 2017, the Policy Department for Citizens' Rights and Constitutional Affairs organised a workshop for the AFCO Committee to examine this question. As part of this, Lars Karlsson, a former director at the World Customs Organisation, proposed a solution in his paper '[Smart Border 2.0](#)'. This at a glance provides a short summary of the paper.

What is Smart Border 2.0?

In the Joint Report of December 2017, both the EU27 and the UK committed to avoiding a hard border on the island of Ireland following the UK's withdrawal; Smart Border 2.0 is a potential solution to this. The proposal does not remove the need for a border with checks; rather, it is designed to make such a border as frictionless and open as possible. This is to be achieved through the use of technological advances, cooperation agreements and various systems of pre-checks. These methods draw upon those currently being used at borders such as Norway-Sweden, New Zealand-Australia and Canada-United States.

This proposed solution has three aspects: institutional cooperation, the movement of people and the movement of goods, while sitting within the obligations and rights provided under the Good Friday Agreement (GFA) and the Common Travel Area (CTA). Karlsson argues that such a solution can be implemented during the currently suggested timeframe of a transition period of up to two years.

Institutional cooperation

Smart Border 2.0 relies on enhanced cooperation between the EU-UK as well as the customs authorities of Ireland and the UK. At the EU-UK level, a customs cooperation agreement is necessary to govern the new external EU border. The agreement would consist of inspection cooperation which would allow each party to carry out checks on behalf of the other and coordinate in such a way as to avoid procedural duplications.

In addition to this agreement, there may also be a requirement for a technical customs-customs agreement (based on World Custom Organisation SAFE Framework of Standards) which would facilitate the transfer of data between customs authorities. Such data would include information for customs purposes and security. This is significant due to the high reliance on pre-checks using forms of electronic clearance of Smart Border 2.0. As this

requires the transfer of personal data, this aspect of the proposal is ultimately bound with the results of the EU-UK negotiations on data transfers in the future relationship.

Infrastructure requirements

Although Smart Border 2.0 relies on technology to reduce the level of friction at the border, it still requires a certain level of both physical and digital infrastructure: the movement of vehicles, to be monitored using Automatic Number Plate Recognition (ANPR) at unmanned border crossings, requires cameras to read number plates (as in Norway). CCTV will also be required at border crossings.

Smart Border 2.0 requires a substantial amount of digital infrastructure. First, the creation of a Single Window at which the authorities and importers/exporters can share information, lodge applications and receive a single response. This Single Window ties in with the One-Stop Shop approach, meaning that importers/exporters should only deal with one government agency which represents the other relevant agencies. In order to carry out inspections, mobile control and inspection units will be necessary and can be coordinated to reduce duplication. Existing infrastructure such as mobile technology and GPS can also be utilised to track commercial vehicles.

The movement of people

Maintaining the free movement of people to a level congruent with the requirements of the CTA will require the creation of a Trusted Traveller Program, which will apply to ordinary travellers or a Trusted Commercial Traveller Program for drivers of commercial vehicles or other individuals involved in cross-border trade. These would allow people to pre-register for fast-track movement across the border. This system could be used in conjunction with biometric passports or enhanced drivers' licenses using radio frequency identification. At a limited number of border crossings (where most crossings take place) a system of free movement lanes would be used, which would allow differentiation between those entitled or not to move under the CTA. Non-qualifying individuals who did not cross at these specific border crossings would then be considered to have entered the state irregularly. Those who qualify under the CTA can cross at any border crossing. In addition, it is also suggested to create some form of frequent traveller program for those outside of the CTA.

The movement of goods

For the movement of goods, the basis for as frictionless as possible movement over the border comes from the use of the Authorised Economic Operator (AEO) system, which allows companies to be recognised as trusted traders and thereby speed-up the customs process. This is achieved in part by the ability to submit a simplified export/import declaration. The drivers of vehicles would also be in the Trusted Commercial Traveller Program. The driver would then be tracked to the border via their mobile phone and granted a permit to pass. The Green Corridor would facilitate supply chain movements across the border by reusing the export data for the import declarations.

Any checks on commercial vehicles or indeed ordinary travellers would then be conducted on the basis of risk.

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