

DRAFT: This information has been communicated in confidence and should not be released without prior written agreement by the UK Government.

**NORTH-SOUTH COOPERATION: SCOPING EXERCISE**

	<b>GFA underpinning</b>	<b>Area of North-South cooperation</b>	<b>Description</b>	<b>Indicative categorisation</b>	<b>EU legal/policy base</b>	<b>Separate UK legal base and wider obligations</b>	<b>CTA as core/partial facilitator</b>
1	Cross-border implementation body	Special EU Programmes Body	Established by the Implementation Bodies treaty between the UK and Ireland, which is given legal effect in domestic law either side of the border. Responsible for the implementation of the EU's PEACE IV and INTERREG VA Programmes". The North-South Ministerial Council makes decisions on policies and actions to be implemented by the SEUPB.	Directly underpinned by or linked	The Common Provisions Regulation (EU Regulation 2013/1303); European Territorial Cooperation (ETC) Regulation (EU Regulation 2013/1299).	Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland done at Belfast on 10 April 1998; Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland establishing Implementation Bodies, done at Dublin on 8 March 1999; Exchange of Letters dated 8 March 1999 constituting a supplementary Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland concerning the Interpretation of Certain Terms of the Implementation Bodies Agreement signed at Dublin on 8 March 1999; Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland establishing a North/South Ministerial Council, done at Dublin on 8 March 1999.	N/A
2	Cross-border implementation body	Foyle, Carlingford and Irish Lights Commission/Loughs Agency	Established by the Implementation Bodies treaty between the UK and Ireland, which is given legal effect in domestic law either side of the border. The Loughs Agency (the Agency) aims to provide sustainable social, economic and environmental benefits through the effective conservation, management, promotion and development of the fisheries and marine resources of the Foyle and Carlingford Areas. These functions are as follows: -Promotion of development of Lough Foyle and Carlingford Lough for commercial and recreational purposes in respect of marine, fishery and aquaculture matters; -Management, conservation, protection, improvement and development of the inland fisheries of the Foyle and Carlingford Areas; -Development and licensing of aquaculture and shellfisheries; and -Development of Marine Tourism. The Agency works in partnership with both Central and Local Government Departments, North and South. The Agency also plays an integral role in the sharing of expertise and knowledge to enable the development and provision of scientific advice, in relation to all aspects of fisheries conservation and management on a North/South basis.	Partially underpinned or linked	The existence of the implementation body itself is underpinned by UK-Irish Treaties rather than EU law. Within the scope of the Commission and Loughs Agency's work, some areas such as promoting tourism and inland fisheries do not engage EU frameworks, though other aspects of its work are directly underpinned by EU frameworks (see other entries on aquaculture, invasive alien species and aspects of environmental cooperation). The separate entry on the voisinage agreement in relation to fisheries is also important to note in this context.	Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland done at Belfast on 10 April 1998; Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland establishing Implementation Bodies, done at Dublin on 8 March 1999; Exchange of Letters dated 8 March 1999 constituting a supplementary Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland concerning the Interpretation of Certain Terms of the Implementation Bodies Agreement signed at Dublin on 8 March 1999; Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland establishing a North/South Ministerial Council, done at Dublin on 8 March 1999.  The Foyle Fisheries Act (NI) 1952 (as amended) and the Foyle Fisheries Act 1952 (as amended).	N/A

DRAFT: This information has been communicated in confidence and should not be released without prior written agreement by the UK Government.

**NORTH-SOUTH COOPERATION: SCOPING EXERCISE**

	<b>GFA underpinning</b>	<b>Area of North-South cooperation</b>	<b>Description</b>	<b>Indicative categorisation</b>	<b>EU legal/policy base</b>	<b>Separate UK legal base and wider obligations</b>	<b>CTA as core/partial facilitator</b>
3	Cross-border implementation body	Food Safety Promotion Board	Established by the Implementation Bodies treaty between the UK and Ireland, which is given legal effect in domestic law either side of the border. FSPB is a North-South Implementation Body operating under the auspices of the North-South Ministerial Council. It is accountable to NSMC and is jointly sponsored by the Department of Health, Ireland, and the Department of Health, Northern Ireland.	Partially underpinned or linked	The Board itself is underpinned by a Treaty binding on the UK and Irish Governments, rather than an EU legal framework. Some of the Board's initiatives are not directly related to EU law (such as cooperation to tackle childhood obesity), but more broadly food safety is closely linked to relevant EU regulations and frameworks, particularly EU Regulation 178/2002 on General Food law.	Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland done at Belfast on 10 April 1998; Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland establishing Implementation Bodies, done at Dublin on 8 March 1999; Exchange of Letters dated 8 March 1999 constituting a supplementary Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland concerning the Interpretation of Certain Terms of the Implementation Bodies Agreement signed at Dublin on 8 March 1999; Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland establishing a North/South Ministerial Council, done at Dublin on 8 March 1999.	N/A
4	Cross-border implementation body	Waterways Ireland	Established by the Implementation Bodies treaty between the UK and Ireland, which is given legal effect in domestic law either side of the border. The statutory function of Waterways Ireland is the management, maintenance, development and restoration of the inland navigable waterways system throughout the island of Ireland, principally for recreational purposes. Waterways Ireland has responsibility for approximately 1,000 km of navigable waterways, comprising; the Barrow Navigation the Erne System the Grand Canal the Lower Bann Navigation the Royal Canal the Shannon-Erne Waterway the Shannon Navigation	Partially underpinned or linked	The implementation body itself and its functions are underpinned by a Treaty binding on the UK and Irish Governments, rather than by an EU law framework. However, there are a range of relevant EU legal frameworks in the environmental space which underpin the work of the body, including the Water Framework Directive, and provisions on invasive species (see separate entries).	Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland done at Belfast on 10 April 1998; Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland establishing Implementation Bodies, done at Dublin on 8 March 1999; Exchange of Letters dated 8 March 1999 constituting a supplementary Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland concerning the Interpretation of Certain Terms of the Implementation Bodies Agreement signed at Dublin on 8 March 1999; Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland establishing a North/South Ministerial Council, done at Dublin on 8 March 1999.	N/A

DRAFT: This information has been communicated in confidence and should not be released without prior written agreement by the UK Government.

**NORTH-SOUTH COOPERATION: SCOPING EXERCISE**

	<b>GFA underpinning</b>	<b>Area of North-South cooperation</b>	<b>Description</b>	<b>Indicative categorisation</b>	<b>EU legal/policy base</b>	<b>Separate UK legal base and wider obligations</b>	<b>CTA as core/partial facilitator</b>
5	Cross-border implementation body	North-South Language Body	Established by the Implementation Bodies treaty between the UK and Ireland, which is given legal effect in domestic law either side of the border. The Language Body has two separate Agencies, the Irish Language Agency (Foras na Gaeilge) and the Ulster-Scots Agency (Tha Boord o Ulstèr Scotch). Foras na Gaeilge promotes the Irish Language throughout the island of Ireland and Tha Boord o Ulstèr Scotch promotes the greater awareness and use of Ullans (term used to describe the Ulster-Scots language) and of Ulster-Scots cultural issues both within Northern Ireland and throughout the island of Ireland.	Not underpinned by or linked	The UK has signed and ratified (pursuant to its commitment in the Good Friday Agreement) the European Charter for Regional or Minority Languages. The Charter operates under the auspices of the Council for Europe.	Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland done at Belfast on 10 April 1998; Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland establishing Implementation Bodies, done at Dublin on 8 March 1999; Exchange of Letters dated 8 March 1999 constituting a supplementary Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland concerning the Interpretation of Certain Terms of the Implementation Bodies Agreement signed at Dublin on 8 March 1999; Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland establishing a North/South Ministerial Council, done at Dublin on 8 March 1999.	N/A
6	Cross-border implementation body	Trade and Business Development Body – InterTradeIreland	Established by the Implementation Bodies treaty between the UK and Ireland, which is given legal effect in domestic law either side of the border.  The nature of North South cooperation is to exchange information and coordinate work on trade and business development related matters, where the two administrations specifically agree it would be in their mutual interest. Intertrade also supports cross-border research through supporting Horizon 2020 and the US-Ireland R&D Partnership programme.	Partially underpinned or linked	The implementation body itself and its functions are underpinned by a Treaty binding on the UK and Irish Governments, rather than by an EU law framework. However, clearly the nature of North-South trade and business development cooperation that the body oversees is very closely linked to current EU common trade frameworks and therefore to the outcome of the UK exit negotiations.	Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland done at Belfast on 10 April 1998; Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland establishing Implementation Bodies, done at Dublin on 8 March 1999; Exchange of Letters dated 8 March 1999 constituting a supplementary Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland concerning the Interpretation of Certain Terms of the Implementation Bodies Agreement signed at Dublin on 8 March 1999; Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland establishing a North/South Ministerial Council, done at Dublin on 8 March 1999.	N/A

DRAFT: This information has been communicated in confidence and should not be released without prior written agreement by the UK Government.

**NORTH-SOUTH COOPERATION: SCOPING EXERCISE**

	<b>GFA underpinning</b>	<b>Area of North-South cooperation</b>	<b>Description</b>	<b>Indicative categorisation</b>	<b>EU legal/policy base</b>	<b>Separate UK legal base and wider obligations</b>	<b>CTA as core/partial facilitator</b>
7	Cross-border implementation body	North South Implementation Bodies – cross cutting Human Resources issues	Regular North/South cooperation on HR policy matters between officials in the Department of Finance (DoF) in Northern Ireland and the Department of Public Expenditure and Reform (DPER) in Ireland. Officials liaise primarily on comparative pay, grading and recruitment policy in Northern Ireland/Ireland and to jointly approve the staffing arrangements of the North/South Implementation Bodies and Tourism Ireland Limited in line with legislative requirements. Cooperation is important for the functioning of the implementation bodies.	Not underpinned by or linked	<p>Although there are clearly cross-cutting areas of EU employment law that are relevant, the harmonisation of pay and conditions for the purposes of the cross-border bodies goes significantly further than common EU employment frameworks.</p> <p>In relation to the Common Travel Area (which facilitates cross-border recruitment and working) - Protocol (No 20) on the application of certain aspects of Article 26 of the Treaty of the Functioning of the European Union to the United Kingdom and to Ireland.</p>	<p>Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland done at Belfast on 10 April 1998; Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland establishing Implementation Bodies, done at Dublin on 8 March 1999; Exchange of Letters dated 8 March 1999 constituting a supplementary Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland concerning the Interpretation of Certain Terms of the Implementation Bodies Agreement signed at Dublin on 8 March 1999; Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland establishing a North/South Ministerial Council, done at Dublin on 8 March 1999.</p> <p>Common Travel Area (the formalised legal status is provided for by the Ireland Act 1949, s 2(1) and the Immigration Act 1971, s 1(3)).</p>	Yes
8	Priority NSMC area - Tourism	Tourism, including Tourism Ireland Limited	Tourism has been identified by the NSMC as one of the priority areas of cross-border cooperation under the Good Friday Agreement. Although not formally a cross-border implementation body under the GFA, Tourism Ireland is a limited company with a board of Directors appointed by the NSMC and is responsible for marketing the island of Ireland in Great Britain and overseas as a tourism destination and to support Northern Ireland to realise its tourism potential. The company takes policy direction from the NSMC and is funded jointly by the Irish Government Department of Transport, Tourism and Sport and the Northern Ireland Executive Department for the Economy.	Partially underpinned or linked	The CTA is recognised in Protocol (No 20) on the application of certain aspects of Article 26 of the Treaty of the Functioning of the European Union to the United Kingdom and to Ireland.	<p>Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland done at Belfast on 10 April 1998 and Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland establishing a North/South Ministerial Council, done at Dublin on 8 March 1999.</p> <p>The Common Travel Area and free movement across borders within the CTA enables tourism to be addressed on an all island basis. It facilitates joint promotion of tourism and UK-Ireland visa initiatives for some non-EEA nationals (the formalised legal status of the CTA is provided for by the Ireland Act 1949, s 2(1) and the Immigration Act 1971, s 1(3)).</p>	Yes
9	Priority NSMC area - Health	North West Cancer Centre	Initiative based on intergovernmental agreement between Northern Ireland and Ireland Health Ministers. The new Cancer Centre at Altnagelvin Area Hospital in Northern Ireland was opened on 28 November 2016. This service offers radiotherapy services closer to home for many patients from the North West of Ireland, reducing their travel time significantly.	Partially underpinned or linked	<p>EU Directive 2005/36/EC on the mutual recognition of professional qualifications (MRPQ).</p> <p>Protocol (No 20) on the application of certain aspects of Article 26 of the Treaty of the Functioning of the European Union to the United Kingdom and to Ireland.</p>	<p>Common Travel Area (the formalised legal status is provided for by the Ireland Act 1949, s 2(1) and the Immigration Act 1971, s 1(3)).</p> <p>Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland done at Belfast on 10 April 1998 and Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland establishing a North/South Ministerial Council, done at Dublin on 8 March 1999.</p> <p>Underpinned by an MOU and Service Level Agreement (SLA) between Northern Ireland and Ireland providers and commissioners.</p>	Yes

DRAFT: This information has been communicated in confidence and should not be released without prior written agreement by the UK Government.

**NORTH-SOUTH COOPERATION: SCOPING EXERCISE**

	<b>GFA underpinning</b>	<b>Area of North-South cooperation</b>	<b>Description</b>	<b>Indicative categorisation</b>	<b>EU legal/policy base</b>	<b>Separate UK legal base and wider obligations</b>	<b>CTA as core/partial facilitator</b>
10	Priority NSMC area - Health	All-Island Congenital Heart Disease Network	The Network facilitates collaboration between healthcare providers in Northern Ireland and Ireland to ensure that vulnerable children receive treatment on the island of Ireland. The Network has a single surgical centre in Dublin and a specialist children's cardiology centre in Belfast, supported by cardiology expertise in local hospitals and an all-island academic programme which is under development.	Partially underpinned or linked	EU Directive 2005/36/EC on the mutual recognition of professional qualifications (MRPQ).  Protocol (No 20) on the application of certain aspects of Article 26 of the Treaty of the Functioning of the European Union to the United Kingdom and to Ireland.	Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland done at Belfast on 10 April 1998 and Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland establishing a North/South Ministerial Council, done at Dublin on 8 March 1999.  Common Travel Area to allow doctors and clinicians to move freely across the border (the formalised legal status of the CTA is provided for by the Ireland Act 1949, s 2(1) and the Immigration Act 1971, s 1(3)).  The Network was established following inter-governmental agreement between Northern Ireland and Ireland Health Ministers in 2014. A Framework Document outlines the model for the implementation and operation of the Network by a Network Board which is overseen by the two health departments. Cooperation is underpinned by Service Level Agreements between commissioner and provider organisations in Northern Ireland and Ireland.	Yes
11	Priority NSMC area - Health	Cooperation and Working Together (CAWT)	CAWT is a voluntary partnership between the Health and Social Care Services in Northern Ireland and the Republic of Ireland. It was established in 1992, and during its time has successfully promoted a wide range of cross-border service and collaborative activity.	Directly underpinned by or linked	EU INTERREG funding to CAWT of €550m for 2014-2020.  The Common Travel Area is an important enabler of cross-border health cooperation and is recognised in Protocol (No 20) on the application of certain aspects of Article 26 of the Treaty of the Functioning of the European Union to the United Kingdom and to Ireland.	Voluntary partnership arrangements.  Common Travel Area (the formalised legal status is provided for by the Ireland Act 1949, s 2(1) and the Immigration Act 1971, s 1(3)).  Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland done at Belfast on 10 April 1998; and Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland establishing a North/South Ministerial Council, done at Dublin on 8 March 1999.	Yes
12	Priority NSMC area - Health	Child protection	There is an NSMC cross-border group of officials to intensify work on child protection. Since 2008, child protection has been on the agenda of Health meetings of the NSMC.	Directly underpinned by or linked	European Council regulation EC 2201/2003 which is known as 'Brussels IIa' deals with the recognition and enforcement of judgments in matrimonial matters and in matters of parental responsibility (including residence and contact) in EU Member States.	Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland done at Belfast on 10 April 1998 and Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland establishing a North/South Ministerial Council, done at Dublin on 8 March 1999.	N/A



DRAFT: This information has been communicated in confidence and should not be released without prior written agreement by the UK Government.

**NORTH-SOUTH COOPERATION: SCOPING EXERCISE**

	<b>GFA underpinning</b>	<b>Area of North-South cooperation</b>	<b>Description</b>	<b>Indicative categorisation</b>	<b>EU legal/policy base</b>	<b>Separate UK legal base and wider obligations</b>	<b>CTA as core/partial facilitator</b>
13	Priority NSMC area - Health	Addressing alcohol misuse	A North/South Alcohol Policy Advisory Group was set up, at the request of the two respective Chief Medical Officers, to provide advice, and a platform for information sharing and joined up action. The group informally reports to the NSMC Health and Food Safety Sectoral Group. The group is operated by the Institute of Public Health in Ireland and involves the appropriate Departments and delivery bodies in both jurisdictions.	Not underpinned by or linked		Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland done at Belfast on 10 April 1998 and Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland establishing a North/South Ministerial Council, done at Dublin on 8 March 1999.	N/A
14	Priority NSMC area - Health	Major emergencies and A&E planning cooperation	NSMC meets in the Health Sector in order to make decisions on common policies and approaches in areas such as accident and emergency planning, cooperation on high technology equipment, cancer research and health promotion.	Partially underpinned or linked	There are a number of cross-border projects that may be funding partially by the EU but are not underpinned by EU legislation.  EU Directive 2005/36/EC on the mutual recognition of professional qualifications (MRPQ).  Protocol (No 20) on the application of certain aspects of Article 26 of the Treaty of the Functioning of the European Union to the United Kingdom and to Ireland.	Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland done at Belfast on 10 April 1998 and Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland establishing a North/South Ministerial Council, done at Dublin on 8 March 1999.  Common Travel Area (the formalised legal status is provided for by the Ireland Act 1949, s 2(1) and the Immigration Act 1971, s 1(3)).  On Accident & Emergency Planning, there is a civil contingencies framework owned by The Executive Office in Northern Ireland. There are mutual aid arrangements within Trusts.	Yes
15	Priority NSMC area - Transport	Commercial vehicle roadworthiness enforcement and concerted checkpoints	The Driver and Vehicle Agency (DVA) in Northern Ireland and the Road Safety Authority (RSA) in Ireland, supported by An Garda Síochána, participate in coordinated enforcement operations focussed on targeting high risk transport operators using the main North/ South transport corridors and shipping ports in Ireland.	Directly underpinned by or linked	Various European Directives and Regulations including Regulations (EC) No 1071/2009, 1072/2009 and 1073/2009 which were introduced in December 2011.	Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland done at Belfast on 10 April 1998 and Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland establishing a North/South Ministerial Council, done at Dublin on 8 March 1999.	N/A
16	Priority NSMC area - Transport	Vehicle and driver safety checks	EU regulation seeks to improve road safety and to reduce the negative environmental impacts of commercial vehicles. Roadside checks to test compliance take place at ports across the UK and inland. In relation to regulation of drivers' working hours - and in addition to the checks carried out at ports and inland - there is also a current requirement for a set number of cross-border checks. These are carried out jointly with the relevant authorities in Ireland.	Directly underpinned by or linked	Based on EU legislation: Regulation EC 561/2006 (drivers' hours rules) and Directive 2002/15/EC (sector specific working time rules), Directive 2014/47/EU (roadside inspections), Directive 1996/53/EC (General Circulation Directive). European Agreement Concerning the Work of Crews of Vehicles Engaged in International Road Transport (AETR).	Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland done at Belfast on 10 April 1998; and Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland establishing a North/South Ministerial Council, done at Dublin on 8 March 1999.	N/A
17	Priority NSMC area - Transport	Road safety - departmental cooperation	Operates within the auspices of NSMC where relevant officials meet.	Not underpinned by or linked	This engagement is not itself underpinned by EU law - see separate entries in relation to broader roads regulation and its EU law underpinning.	Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland done at Belfast on 10 April 1998 and Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland establishing a North/South Ministerial Council, done at Dublin on 8 March 1999.	N/A

DRAFT: This information has been communicated in confidence and should not be released without prior written agreement by the UK Government.

**NORTH-SOUTH COOPERATION: SCOPING EXERCISE**

	<b>GFA underpinning</b>	<b>Area of North-South cooperation</b>	<b>Description</b>	<b>Indicative categorisation</b>	<b>EU legal/policy base</b>	<b>Separate UK legal base and wider obligations</b>	<b>CTA as core/partial facilitator</b>
18	Priority NSMC area - Transport	Road network	There are around 180 Northern Ireland public roads that cross the border. Cooperation exists for both jurisdictions to communicate and plan on strategic routes.	Partially underpinned or linked	<p>Although the road network is not itself underpinned by EU law, all of the measures relevant to avoiding a hard border clearly have potential relevance to the cross-border road network.</p> <p>The Common Travel Area arrangements facilitate the cross-border road network and are recognised in Protocol (No 20) on the application of certain aspects of Article 26 of the Treaty of the Functioning of the European Union to the United Kingdom and to Ireland.</p>	<p>Informal local arrangements under NSMC for road monitoring/maintenance at border roads.</p> <p>Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland done at Belfast on 10 April 1998 and Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland establishing a North/South Ministerial Council, done at Dublin on 8 March 1999.</p> <p>Common Travel Area (the formalised legal status is provided for by the Ireland Act 1949, s 2(1) and the Immigration Act 1971, s 1(3)).</p>	Yes
19	Priority NSMC area - Transport	Cross-border Enterprise Rail Service	There is a working agreement between Northern Ireland Railways and Iarnród Éireann to jointly operate the cross-border Enterprise Rail Service between Belfast Central and Dublin Connolly. This involves agreed sharing of revenue and costs.	Directly underpinned by or linked	<p>Safety: Directive 2004/49/EC (to be repealed in 2019/20 by Directive 2016/798/EU); Interoperability: Directive 2008/57/EC (to be repealed in 2019/20 by Directive 2016/797/EU); Train driving licenses and certificates: Directive 2007/58/EC; Market access including operator licensing: Directive 2012/34/EU (to be amended pre-Exit by Directive 2016/2370); Franchising, procurement, state aid rules: EU Regulation 1370/2007 (to be amended pre-Exit by EU Regulation 2016/2338); Passenger rights: EU Regulation 1371/2007.</p> <p>The Common Travel Area arrangements are recognised in Protocol (No 20) on the application of certain aspects of Article 26 of the Treaty of the Functioning of the European Union to the United Kingdom and to Ireland.</p>	<p>Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland done at Belfast on 10 April 1998 and Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland establishing a North/South Ministerial Council, done at Dublin on 8 March 1999.</p> <p>Common Travel Area (the formalised legal status is provided for by the Ireland Act 1949, s 2(1) and the Immigration Act 1971, s 1(3)).</p>	Yes
20	Priority NSMC area - Transport	The Stormont Agreement and Implementation Plan – Capital Infrastructure Projects	The Stormont Agreement and Implementation Plan is a joint agreement between the Northern Ireland Executive, the UK Government and the Irish Government; within this there is a commitment to jointly support, progress and deliver a number of infrastructure/transport projects.	Not underpinned by or linked		<p>A Fresh Start: the Stormont Agreement and Implementation Plan, 2015.</p> <p>Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland done at Belfast on 10 April 1998 and Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland establishing a North/South Ministerial Council, done at Dublin on 8 March 1999.</p>	N/A

DRAFT: This information has been communicated in confidence and should not be released without prior written agreement by the UK Government.

**NORTH-SOUTH COOPERATION: SCOPING EXERCISE**

	<b>GFA underpinning</b>	<b>Area of North-South cooperation</b>	<b>Description</b>	<b>Indicative categorisation</b>	<b>EU legal/policy base</b>	<b>Separate UK legal base and wider obligations</b>	<b>CTA as core/partial facilitator</b>
21	Priority NSMC area - Transport	Operation of cross-border taxis	<p>There are informal agreements between the Department for Infrastructure and the Irish National Transport Authority to ensure that taxis registered and licensed in the other jurisdiction can carry fare paying passengers providing the journey commenced in the place where the licence was issued.</p> <p>The Department for Infrastructure and Department for Transport, Tourism and Sport, in Ireland, have been working on a policy to formally include legal exemptions in both jurisdictions. Any proposal will be the subject of public consultation north and south of the border. This has been discussed at NSMC.</p>	Partially underpinned or linked	<p>In respect of the Common Travel Area - Protocol (No 20) on the application of certain aspects of Article 26 of the Treaty of the Functioning of the European Union to the United Kingdom and to Ireland.</p> <p>See other entries in relation to driving licences and road safety.</p>	<p>Common Travel Area (the formalised legal status is provided for by the Ireland Act 1949, s 2(1) and the Immigration Act 1971, s 1(3)).</p> <p>Currently there is no legal provision for taxis licensed in Ireland to operate in Northern Ireland and vice versa. Enforcement authorities have been applying informal agreements between Departments for many years to ensure that taxis registered and licensed in the other jurisdiction can carry fare paying passengers providing the journey commenced in the place where the licence was issued.</p> <p>Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland done at Belfast on 10 April 1998; and Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland establishing a North/South Ministerial Council, done at Dublin on 8 March 1999.</p>	Yes
22	Priority NSMC area - Environment	Water pollution and water catchment work	<p>Northern Ireland Environment Agency (NIEA) interacts and alerts the respective authorities in the Ireland in the event of cross-border water pollution incidents and threats. This includes contact with Irish border councils, Irish fisheries bodies, Irish Water, Environmental Protection Agency (EPA) and Department of Agriculture, Food and Marine (DAFM). With cross-border catchments or INTERREG projects NIEA would cooperate where appropriate with the relevant Irish authorities. These will tend to be the same bodies.</p>	Directly underpinned by or linked	<p>Under the EU Water Framework Directive (2000/60/EC), cooperation is required between Member States on all water management issues including accidents and incidents.</p>	<p>There are international agreements that cover transboundary catchment issues, including the UN Watercourses Convention 1997.</p> <p>The Convention on Wetlands of International Importance especially as Waterfowl Habitat 1971 (focus is on designating and promoting conservation of suitable wetlands).</p> <p>Sustainable Development Goals – particularly Goal 6 (Clean Water and Sanitation).</p> <p>Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland done at Belfast on 10 April 1998 and Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland establishing a North/South Ministerial Council, done at Dublin on 8 March 1999.</p>	N/A
23	Priority NSMC area - Environment	Water quality	<p>North-South cooperation on the environment operates within the auspices of the NSMC. There is continued N-S collaboration on the development of catchment-based strategies in relation to water quality, which includes common policies and approaches in water quality management to ensure co-ordination of the programme of measures for the whole of each internationally shared river basin district.</p>	Directly underpinned by or linked	<p>EU Water Framework Directive (2000/60/EC).</p> <p>The N-S Shared Aquatic Resource Project, funded by INTERREG IIIA, aimed to facilitate delivery of the objectives of the WFD between August 2004 and March 2008, with the overall aim of strengthening inter-regional capacity for environmental monitoring and management at the river basin district level, to improve public awareness and participation in water management issues, and to protect and enhance the aquatic environment and dependent ecosystems.</p>	<p>Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland done at Belfast on 10 April 1998; and Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland establishing a North/South Ministerial Council, done at Dublin on 8 March 1999.</p>	N/A



DRAFT: This information has been communicated in confidence and should not be released without prior written agreement by the UK Government.

**NORTH-SOUTH COOPERATION: SCOPING EXERCISE**

	<b>GFA underpinning</b>	<b>Area of North-South cooperation</b>	<b>Description</b>	<b>Indicative categorisation</b>	<b>EU legal/policy base</b>	<b>Separate UK legal base and wider obligations</b>	<b>CTA as core/partial facilitator</b>
24	Priority NSMC area - Environment	Water regulation	Along the border there are Northern Ireland Water (NIW) treatment works and drinking water abstractions which receive inputs from Ireland, and vice-versa. While Northern Ireland Water (NIW) and Irish Water will take the lead in the practicalities of these cases, the Northern Ireland Environment Agency (NIEA) as the regulator also interacts with the Irish authorities.	Directly underpinned by or linked	Under the EU Water Framework Directive (2000/60/EC), cooperation is required between Member States on all water management issues including accidents and incidents.	Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland done at Belfast on 10 April 1998 and Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland establishing a North/South Ministerial Council, done at Dublin on 8 March 1999.	N/A
25	Priority NSMC area - Environment	Waste management	The North South Market Development Steering Group (NSMDSG) was established in 2002 as a North South partnership to assist the move to an all-island resource efficient and low carbon economy. The activities of the Group, which aims to meet bi-annually, are kept under review to ensure that they remain relevant and continue to meet departmental priorities and strategic needs.	Partially underpinned or linked	The group is not itself mandated or underpinned by EU law, but the nature of cooperation in this area is underpinned by EU law including: Packaging & Packaging Waste Directive (1994/62/EC); Batteries & Accumulators (2006/66/EC) Directive; The Waste Framework Directive (2008/98/EC); Waste Electrical & Electronic Equipment Directive (2012/19/EU).	Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland done at Belfast on 10 April 1998 and Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland establishing a North/South Ministerial Council, done at Dublin on 8 March 1999.	N/A
26	Priority NSMC area - Environment	Repatriation of waste and cross-border movement of waste including hazardous materials	There is continued N-S commitment to a joint Roadmap Agreement signed in 2009 between the then Department of the Environment (NI) and Department of Environment, Heritage and Local Government (Ireland) to undertake repatriation of waste from illegal landfills in Northern Ireland. Northern Ireland and Ireland work together and target resources into joint enforcement action against those involved in illegal waste activity including the continued exchange of intelligence and information on problem areas and the continuation of coordinated joint inspections.	Partially underpinned or linked	The Waste Shipments Regulation (EC/1013/2006) sets out the procedures for the transboundary shipment of waste within the EU and between the EU and other countries. It also places a ban on the export of hazardous wastes to countries not in the OECD as well as a ban on the export of waste for disposal. The EU WSR is based on the Basel convention international obligations.	Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland done at Belfast on 10 April 1998 and Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland establishing a North/South Ministerial Council, done at Dublin on 8 March 1999.  International obligations in the Basel Convention.	N/A
27	Priority NSMC area - Environment	Environmental protection reporting and research	N-S cooperation on the Environment operates within the auspices of the NSMC. NSMC priorities includes information sharing and collaboration on environmental research activities.	Directly underpinned by or linked	Reporting obligations are woven throughout all of the relevant acquis relating to environmental protection.  EU Funding in Horizon 2020, INTERREG V and LIFE is also relevant to this area of cross-border cooperation.	Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland done at Belfast on 10 April 1998 and Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland establishing a North/South Ministerial Council, done at Dublin on 8 March 1999.	N/A
28	Priority NSMC area - Agriculture	Common Agricultural Policy (CAP)	The NSMC has agreed to discuss CAP as part of its priority work on agriculture. Many of the policy choices and implementation issues faced by both Northern Ireland and Ireland are the same. North-South cooperation is confined to discussion through the agreed work programme; does not involve the making of policy; and is done without prejudice to the negotiating positions of the UK and Ireland where relevant.	Directly underpinned by or linked	EU Common Agricultural Policy	Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland done at Belfast on 10 April 1998 and Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland establishing a North/South Ministerial Council, done at Dublin on 8 March 1999.	N/A

DRAFT: This information has been communicated in confidence and should not be released without prior written agreement by the UK Government.

**NORTH-SOUTH COOPERATION: SCOPING EXERCISE**

	<b>GFA underpinning</b>	<b>Area of North-South cooperation</b>	<b>Description</b>	<b>Indicative categorisation</b>	<b>EU legal/policy base</b>	<b>Separate UK legal base and wider obligations</b>	<b>CTA as core/partial facilitator</b>
29	Priority NSMC area - Agriculture	Plant health and regulatory checks for quarantine pests	<p>N-S cooperation in Plant health and Pesticides operates within the auspices of the NSMC with delivery through the DAERA/ Department of Agriculture, Food and the Marine (DAFM), Plant Health and Pesticides sub group. The sub group oversee cooperation on important plant health, pesticides and bee health shared issues and joint actions are delivered through the joint work programme, which is subject to ongoing review.</p> <p>EU law requires a range of physical checks to take place at the external border in relation to plant health and phytosanitary requirements. Currently, physical checks are carried out by the Plant Health Inspectorate on products from outside the EU to check for plant pests or diseases to prevent entry into the UK. 100% documentary and identity checks are carried out on these products, except from an agreed list of countries where reduced checks are permitted on a risk basis. Approximately 40% of these products are physically checked at the external border. (This area also links to the 'avoiding a hard border' objective).</p>	Directly underpinned by or linked	<p>Plant Health Directive 2000/29.</p> <p>Directive 2004/103 - Conditions for checks to be carried out at a place other than point of entry.</p> <p>Directive 98/22 - Minimum conditions for carrying out plant health checks.</p>	<p>Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland done at Belfast on 10 April 1998 and Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland establishing a North/South Ministerial Council, done at Dublin on 8 March 1999.</p> <p>DAERA (Northern Ireland) and DAFM (Ireland) implement the requirements of the Plant Health Directive and work together to ensure legislation is coordinated to take account of each other's unique requirements. For example, recent (EU) legislation developed to accommodate each jurisdiction's requirements and account for each region's uniqueness were on Epitrix and Ash Dieback, which resulted in amendments to the Plant Health Order (Northern Ireland ) 2006 and Destructive Insects And Pests A 1958 and 1991 (HYMENOSCYPHUS FRAXINEUS) Order 2015.</p>	N/A
30	Priority NSMC area - Agriculture	Cooperation on checks on third country products of animal origin, including fish products and bivalve molluscs	<p>Normal business exchange of information between the authorities in Northern Ireland with the Department of Agriculture, Food and the Marine (DAFM) and liaison regarding relevant consignments of products of animal origin. (This area also link to the 'avoiding a hard border' objective).</p>	Directly underpinned by or linked	<p>Regulation 882/2004/EC Council Directive 97/78/EC and Commission decision 94/360/EC.</p>	<p>Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland done at Belfast on 10 April 1998 and Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland establishing a North/South Ministerial Council, done at Dublin on 8 March 1999.</p> <p>Trade in Animal and Related Products Regulations (Northern Ireland) 2011 (TARP regulations). These Regulations provide enforcement authorities with means of enforcing EU legislation laying down controls on imports of animal products from third countries.</p>	N/A

DRAFT: This information has been communicated in confidence and should not be released without prior written agreement by the UK Government.

**NORTH-SOUTH COOPERATION: SCOPING EXERCISE**

	<b>GFA underpinning</b>	<b>Area of North-South cooperation</b>	<b>Description</b>	<b>Indicative categorisation</b>	<b>EU legal/policy base</b>	<b>Separate UK legal base and wider obligations</b>	<b>CTA as core/partial facilitator</b>
31	Priority NSMC area - Agriculture	Transmissible Spongiform Encephalopathies (TSE) & Animal By-Products (ABP)	<p>Under the NSMC arrangements, there is a working group on Animal By-Products and TSEs. Its role is to consider a range of issues of mutual interest, including those affecting cross-border trade, disposal of international catering waste and options for the use and disposal of ABP generally. The topics it has discussed include the registration of traders, use of Trade Control and Expert System (TRACES) which controls import and export of live animals and animal products in the EU and Northern Ireland's BSE negligible risk status application. This is to take advantage of the rendering capacity across the island to resolve the disposal issue as efficiently as possible.</p> <p>There are also regular exchanges of information and communication in both administrations on emerging national and cross-border issues, such as the safe transport of ABP.</p>	Directly underpinned by or linked	<p>EU Regulation 2001/999 lays down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies.</p> <p>EU Regulation 1069/2009 and Commission Regulation 142/2011 set down controls on the safe use and disposal of animal-by products to safeguard public and animal health.</p>	<p>Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland done at Belfast on 10 April 1998 and Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland establishing a North/South Ministerial Council, done at Dublin on 8 March 1999.</p> <p>More broadly, there is a non-statutory all-Ireland Strategy that sets out cooperation in the development of disease control and animal welfare policies as a strategic area - the 'All Island Animal Health and Welfare Strategy.'</p>	N/A
32	Priority NSMC area - Agriculture	Animal health and welfare working groups and steering group	<p>NMSC working groups between DAERA and DAFM have been set up to cover specific EU Regulations and Directives ((EC) 1/2005, (EC) 1255/97, (EU) 2016/429, (EC) 494/98, (EC) 1760/2000, (EC) 1082/2003, (EC) 21/2004, (EC) 911/2004, (EC) 1505/2006, (EU) 2017/949, and 2008/71/EC) with the objective of cooperating on policies as far as possible in:</p> <ul style="list-style-type: none"> <li>- Animal Welfare and Transport</li> <li>- Identification, registration and movement</li> </ul> <p>Cooperation also includes the development and implementation of an All-Island Animal Health and Welfare Strategy.</p>	Directly underpinned by or linked	<p>Broadly, EEA Agreement Annex A on Veterinary and Phytosanitary Matters. See description section for specific Regulations and Directives discussed in working groups.</p> <p>Transport: Transporter authorisations (Article 10 and 11, Regulation 1/2005); Vehicle Approval Certificates (Article 18 and 19, Regulation 1/2005); Driver Certificate of Competences (CoCs) (Article 17, Regulation 1/2005); and Journey Logs (Article 14, Regulation 1/2005).</p>	<p>Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland done at Belfast on 10 April 1998 and Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland establishing a North/South Ministerial Council, done at Dublin on 8 March 1999.</p>	N/A
33	Priority NSMC area - Agriculture	North South Working Group on veterinary medicines	<p>Under the NSMC arrangements, there is a North South working group on Veterinary Medicines. Its role is to identify and maintain ongoing contact on areas of mutual interest concerning veterinary medicines generally and to facilitate the exchange of information on emerging national and EU issues and legislation.</p>	Partially underpinned or linked	<p>Although the Working group itself is not underpinned or mandated by EU law, the area of cooperation is underpinned by Article 37 of Regulation EC 882/2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules.</p>	<p>Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland done at Belfast on 10 April 1998 and Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland establishing a North/South Ministerial Council, done at Dublin on 8 March 1999.</p>	N/A
34	Priority NSMC area - Agriculture	Tuberculosis (TB) Brucellosis (BR) Working Group	<p>The control of Tuberculosis and Brucellosis in cattle across the island of Ireland is a significant issue given the integrated nature of the agri food industry. Under the NSMC, a number of North South Working Groups between DAERA and the Department of Agriculture, Food and the Marine (DAFM) were established with the objective of cooperating on policies as far as possible.</p>	Partially underpinned or linked	<p>Although the Working group itself is not underpinned or mandated by EU law, the area of cooperation is underpinned by Council Directive 64/432/EEC; 77/391/EEC; 78/52/EEC; Council Regulation (EC) No. 1/2005; Regulation (EC) No. 853/2004 and 854/2004.</p>	<p>Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland done at Belfast on 10 April 1998 and Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland establishing a North/South Ministerial Council, done at Dublin on 8 March 1999.</p>	N/A

DRAFT: This information has been communicated in confidence and should not be released without prior written agreement by the UK Government.

**NORTH-SOUTH COOPERATION: SCOPING EXERCISE**

	<b>GFA underpinning</b>	<b>Area of North-South cooperation</b>	<b>Description</b>	<b>Indicative categorisation</b>	<b>EU legal/policy base</b>	<b>Separate UK legal base and wider obligations</b>	<b>CTA as core/partial facilitator</b>
35	Priority NSMC area - Agriculture	North-South Dairy International Trade Working Group	Under the NSMC arrangements, there is a working group on North South Dairy International Trade. During the monthly meetings discussions focus on dairy issues of mutual interest (as there is considerable movement of milk/milk product across the border on a daily basis). Areas discussed include: facilitating exports, growing export opportunities, supporting the integrity of certification, market intelligence.	Partially underpinned or linked	Although the Working group itself is not underpinned or mandated by EU law, this policy area is clearly very closely linked to the current EU frameworks governing trade and regulation of the dairy sector. With respect to regulation and the work of this group, the public health hygiene package is particularly relevant and is made up of Regulations 852/2004, 853/2004 and 854/2004.	Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland done at Belfast on 10 April 1998 and Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland establishing a North/South Ministerial Council, done at Dublin on 8 March 1999.	N/A
36	Priority NSMC area - Education	Teacher qualifications and professional development	The Good Friday Agreement specified that North-South cooperation may include "teacher qualifications and exchanges."  The NSMC North South Teacher Qualifications Working Group takes forward issues in relation to the mutual recognition of teacher qualifications, with a focus on the scope for cooperation in the arrangements for the initial, early and continuing professional development of teachers.	Directly underpinned by or linked	EU Directive 2005/36/EC on the mutual recognition of professional qualifications (MRPQ).  In relation to the Common Travel Area - Protocol (No 20) on the application of certain aspects of Article 26 of the Treaty of the Functioning of the European Union to the United Kingdom and to Ireland.	Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland done at Belfast on 10 April 1998 and Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland establishing a North/South Ministerial Council, done at Dublin on 8 March 1999.  Common Travel Area - the formalised legal status is provided for by s 2(1) of the Ireland Act 1949 and s 1(3) of the Immigration Act 1971.	Yes
37	Priority NSMC area - Education	Middletown Centre for Autism Ltd	Middletown Centre for Autism was established by the Department of Education (NI) and the Minister for Education and Science (Ireland) in 2007 for the purpose of supporting the promotion of excellence through Northern Ireland and Ireland in the development and harmonisation of education and allied services to children and young people with autism spectrum disorders. It is funded on an equal basis between Northern Ireland and Ireland.	Partially underpinned or linked	There are some links to the wider cross-border movement of people and EU Mutual Recognition of Professional Qualifications Directive (2005/36/EC). There is no EU funding provided directly to Middletown, however they may benefit indirectly from EU funding provided to universities to undertake research, as this enables Middletown to work with these universities on relevant research areas.  In relation to the Common Travel Area - Protocol (No 20) on the application of certain aspects of Article 26 of the Treaty of the Functioning of the European Union to the United Kingdom and to Ireland.	Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland done at Belfast on 10 April 1998 and the Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland establishing a North/South Ministerial Council, done at Dublin on 8 March 1999.  Department of Education (Northern Ireland) and the Minister of Education of Science (Ireland) signed a Memorandum of Understanding, 27 May 2004.  Common Travel Area - the formalised legal status is provided for by s 2(1) of the Ireland Act 1949 and s 1(3) of the Immigration Act 1971.	Yes
38	Priority NSMC area - Education	The North South Education and Training Standards Committee	The North South Education and Training Standards Committee for Youth Work (NSETS) was established on a cross-border basis in 2006. The primary role of NSETS is the professional endorsement of Higher Education programmes in youth work on the island of Ireland.  NSETS works to ensure and promote quality standards in the education and training of youth workers through an endorsement process based on a rigorous assessment of all aspects of programme content and delivery. NSETS professional endorsement represents a formal recognition by the youth work sector that programmes of study in youth work have met prescribed criteria and are fit-for-purpose.	Not underpinned by or linked		Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland done at Belfast on 10 April 1998 and Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland establishing a North/South Ministerial Council, done at Dublin on 8 March 1999.  NSETS has a Memorandum of Understanding with the Joint National Councils for Youth Work for the professional endorsement of Higher Education Institute courses.	N/A



DRAFT: This information has been communicated in confidence and should not be released without prior written agreement by the UK Government.

**NORTH-SOUTH COOPERATION: SCOPING EXERCISE**

	<b>GFA underpinning</b>	<b>Area of North-South cooperation</b>	<b>Description</b>	<b>Indicative categorisation</b>	<b>EU legal/policy base</b>	<b>Separate UK legal base and wider obligations</b>	<b>CTA as core/partial facilitator</b>
39	Priority NSMC area - Education	Educational underachievement	At the NSMC meeting in October 2014, Ministers agreed to work together on the development of a proposal for external assistance to progress teacher professional development in the area of educational underachievement	Not underpinned by or linked		Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland done at Belfast on 10 April 1998 and Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland establishing a North/South Ministerial Council, done at Dublin on 8 March 1999.	N/A
40	Priority NSMC area - Education	Cooperation between Department of Education and Skills Inspectorate (Ireland) and Education Training Inspectorate (Northern Ireland) on inspection matters	The joint inspection of schools.	Not underpinned by or linked		Voluntary arrangement between inspectorates.  Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland done at Belfast on 10 April 1998 and Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland establishing a North/South Ministerial Council, done at Dublin on 8 March 1999.	N/A
41	Potential NSMC area suggested in the GFA - Aquaculture and marine matters	Convention on International Trade in Endangered Species	Ensuring endangered species are not traded illegally across the border. One particular area of relevance to Northern Ireland and Ireland relates to eels - the importation and exportation of eels to the EU is currently banned under CITES regulations.	Directly underpinned by or linked	Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora, and associated implementing regulations.  The European eel ( <i>Anguilla Anguilla L.</i> ) was included in Appendix II to the Convention on International Trade in Endangered Species (CITES) and Annex B to Council Regulation (EC) No 338/97 in March 2009.	The UK is a signatory to the Convention on International Trade in Endangered Species.	N/A
42	Potential NSMC area suggested in the GFA - Aquaculture and marine matters	Fish health and aquaculture	Authorities in Northern Ireland working with the Department of Agriculture, Food and the Marine (Cork) and the Marine Institute (Galway) on matters relating to: Fish Health, Fish Movements and Export Health Certification and Fish Disease Contingency Plans.	Directly underpinned by or linked	Aquatic Animal Health trade and disease measures are governed under Directive 2006/88/EC.	Informal arrangements in relation to the cooperation between the two administrations.	N/A
43	Potential NSMC area suggested in the GFA - EU programmes	PEACE IV programme	Current funding programme covers, on a cross-border basis, Shared Education, Children & Young People, Shared Spaces and Services and Building Positive Relations. The content of the PEACE IV programme was agreed by the Northern Ireland Executive and Irish Government through the NSMC, and the European Commission.	Directly underpinned by or linked	Managed by Special EU Programmes Body and accompanying EU regulation - The Common Provisions Regulation (EU Regulation 2013/1303); ETC Regulation (EU Regulation 2013/1299).	Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland done at Belfast on 10 April 1998; Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland establishing Implementation Bodies, done at Dublin on 8 March 1999; Exchange of Letters dated 8 March 1999 constituting a supplementary Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland concerning the Interpretation of Certain Terms of the Implementation Bodies Agreement signed at Dublin on 8 March 1999; Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland establishing a North/South Ministerial Council, done at Dublin on 8 March 1999.	N/A

DRAFT: This information has been communicated in confidence and should not be released without prior written agreement by the UK Government.

**NORTH-SOUTH COOPERATION: SCOPING EXERCISE**

	<b>GFA underpinning</b>	<b>Area of North-South cooperation</b>	<b>Description</b>	<b>Indicative categorisation</b>	<b>EU legal/policy base</b>	<b>Separate UK legal base and wider obligations</b>	<b>CTA as core/partial facilitator</b>
44	Potential NSMC area suggested in the GFA - EU programmes	INTERREG funding	Current funding programme covers, on a cross-border basis, Research & Innovation (SMEs and Health & Life Sciences and Renewable Energy), Health, Environment and Sustainable Transport (€240m). INTERREG VA funding can be allocated to Northern Ireland, the border counties of Ireland and western areas of Scotland. It is also 15% match funded by the Northern Ireland Executive and Irish Government. The SEUPB acts as a Managing Authority for INTERREG VA funding.	Directly underpinned by or linked	Managed by Special EU Programmes Body and accompanying EU regulation - The Common Provisions Regulation (EU Regulation 2013/1303); ETC Regulation (EU Regulation 2013/1299). The Common Provisions Regulation identifies a framework of 11 thematic objectives that are designed to contribute towards the EU 2020 targets.	Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland done at Belfast on 10 April 1998; Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland establishing Implementation Bodies, done at Dublin on 8 March 1999; Exchange of Letters dated 8 March 1999 constituting a supplementary Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland concerning the Interpretation of Certain Terms of the Implementation Bodies Agreement signed at Dublin on 8 March 1999; Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland establishing a North/South Ministerial Council, done at Dublin on 8 March 1999.	N/A
45	Potential NSMC area suggested in the GFA - EU programmes	EU LEADER cooperation – agriculture	LEADER Cooperation is a scheme operating as part of the EU Rural Development Programme. Facilitates the development of applications for cooperation projects involving a broad range of local action groups (LAG) across themes including coastal regeneration, landscape, heritage and cultural development, rural tourism and service delivery. There are a number of cross-border projects under development.	Directly underpinned by or linked	LEADER funding is a requirement of the EU Rural Development Programme 2014-2020.	Informal arrangements.	N/A
46	Potential NSMC area suggested in the GFA - Inland fisheries	Cross-border cooperation to manage salmon stocks for cross-border catchments (outside of the Loughs Agency jurisdiction)	On behalf of Department of Agriculture, Environment and Rural Affairs (DAERA) in Northern Ireland, Agri-Food and Biosciences Institute (AFBI) scientific staff contribute to the calculation of conservation limits and the identification of surplus stocks above these limits for harvesting by anglers on cross-border rivers. This is agreed at the All-Island Standing Scientific Committee for salmon which meets annually.	Not underpinned by or linked		There are international obligations applying to the effective management of salmon populations under the North Atlantic Salmon Conservation Organisation (NASCO).	N/A
47	Potential NSMC area suggested in the GFA - Inland fisheries	North South Fisheries Liaison Group – cooperation on operational issues relating to inland fisheries management	Cooperation with Inland Fisheries Ireland and the Loughs Agency on a range of operational issues relating to the conservation, protection, development and promotion of angling for salmon and inland fisheries.	Not underpinned by or linked		Cooperation covers inland fisheries not subject to the Common Fisheries Policy or any EU fishery management measures.	N/A
48	Potential NSMC area suggested in the GFA - Inland fisheries	Management of eel stocks on the Erne	Cooperation with Inland Fisheries Ireland and the Department of Communications, Climate Action and Environment to manage eel stocks on the Erne which is part of the North West International River Basin District (NWIRBD) eel management plan.	Directly underpinned by or linked	EU Eel Regulations No 1100/2007 required eel management plans to be put in place to ensure the escapement of adults from the catchment.		N/A

**NORTH-SOUTH COOPERATION: SCOPING EXERCISE**

	<b>GFA underpinning</b>	<b>Area of North-South cooperation</b>	<b>Description</b>	<b>Indicative categorisation</b>	<b>EU legal/policy base</b>	<b>Separate UK legal base and wider obligations</b>	<b>CTA as core/partial facilitator</b>
49	Potential NSMC area suggested in the GFA - Social security/social welfare	EURES Cross Border Partnership	An Ireland / Northern Ireland Cross Border Partnership to address the obstacles that cross-border workers, employers and jobseekers face - for example, cross-border taxation issues, social security benefits and medical services. Participation in the partnership includes the Department for Employment and Learning in Northern Ireland, along with the Department for Social Protection in Ireland, as well as chambers of commerce, trade unions and employer bodies on both sides of the border.	Directly underpinned by or linked	<p>EU Regulation 492/2011. EURES services are delivered through a central website, known as the European Job Mobility Portal, which hosts vacancies and CVs from public employment services across the European Economic Area and Switzerland, as well as through nationally-based teams of EURES advisers.</p> <p>The UK is currently working to implement a new EU Regulation 2016/589 by May 2018.</p> <p>Funding for the EURES Cross-Border Partnership is bid for and secured on an annual basis through the EU Employment and Social Innovation fund.</p> <p>The Common Travel Area is a crucial enabler of cross-border working and is recognised in Protocol (No 20) on the application of certain aspects of Article 26 of the Treaty of the Functioning of the European Union to the United Kingdom and to Ireland.</p>	Common Travel Area (the formalised legal status is provided for by the Ireland Act 1949, s 2(1) and the Immigration Act 1971, s 1(3)). There are no requirements for UK or Irish nationals to seek permission to work when in the other state, and UK-Irish nationals have reciprocal rights with respect to social security and healthcare.	Yes
50	Potential NSMC area suggested in the GFA - Social security/social welfare	Benefit fraud cross-border cooperation	Cooperation between Department for Communities in Northern Ireland and the Department for Social Protection in Ireland to target and investigate benefit fraud.	Partially underpinned or linked	<p>EU Regulation 883/2004 on the coordination of social security systems.</p> <p>In relation to the Common Travel Area - Protocol (No 20) on the application of certain aspects of Article 26 of the Treaty of the Functioning of the European Union to the United Kingdom and to Ireland.</p>	<p>Section 155A of the Social Security Administration (Northern Ireland) Act 1992 permits the exchange of information relating to social security benefit between the Department for Communities and overseas authorities (i.e. countries outside the United Kingdom).</p> <p>Section 179A of the Social Security Administration Act 1992 permits the exchange of information relating to social security benefit between the Department for Work and Pensions, Her Majesty's Revenue and Customs, and overseas authorities (i.e. countries outside the United Kingdom).</p> <p>Common Travel Area (the formalised legal status is provided for by the Ireland Act 1949, s 2(1) and the Immigration Act 1971, s 1(3)). CTA and associated arrangements have always involved social security coordination and cooperation between the UK and Ireland. Pre-EU accession arrangements for social security coordination and cooperation were set out in a variety of agreements between the government of Great Britain and Northern Ireland and the government of Ireland, including:                      S.I. 1971/1742                      S.I. 1968/1655                      S.I. 1966/270                      S.I. 1953/395                      S.I. 1952/634                      S.I. 1949/601                      S.I. 1949/371</p>	Yes

DRAFT: This information has been communicated in confidence and should not be released without prior written agreement by the UK Government.

**NORTH-SOUTH COOPERATION: SCOPING EXERCISE**

	<b>GFA underpinning</b>	<b>Area of North-South cooperation</b>	<b>Description</b>	<b>Indicative categorisation</b>	<b>EU legal/policy base</b>	<b>Separate UK legal base and wider obligations</b>	<b>CTA as core/partial facilitator</b>
51	Potential NSMC area suggested in the GFA - Urban and rural development	Spatial Planning	Department for Infrastructure (NI) work cooperatively with colleagues in the Department of Housing Planning Community and Local Government (Ireland) to ensure alignment of respective spatial strategies and to identify shared issues, opportunities and challenges in relation to spatial planning. This work takes various forms including Northern Ireland representation on the National Planning Framework Advisory Group (Ireland); the joint publication of the non-statutory "Framework for cooperation;" joint support for the North West Strategic Growth Partnership and the establishment of a Cross Border Forum for local Council officials involved in taking forward Development Plans.	Not underpinned by or linked		Informal arrangements.	N/A
52	Cooperation beyond NSMC (energy)	Single Electricity Market	<p>Since 1 November 2007 there has been a single wholesale electricity market across the island, known as the Single Electricity Market (SEM).</p> <p>The SEM is undergoing extensive redesign to improve the market and comply with the EU market model, scheduled to go live in May 2018, which is known as the Integrated Single Electricity Market (I-SEM) project.</p>	Directly underpinned by or linked	To a large extent, the similar legal frameworks, which it is necessary for Northern Ireland and Ireland to apply for the SEM to be viable, are provided for by EU electricity legislation governing the Internal Energy Market, including (without limitation): the Electricity Directive (2009/72/EC), the Electricity Regulation ((EC) No 714/2009), the Agency Regulation ((EC) No 713/2009) and the various EU Network Codes (each a Commission Regulation made under the Electricity Regulation).	Aside from the wider EU legal framework underpinning the SEM, there is also an extensive domestic framework. The SEM was established pursuant to a December 2006 Memorandum of Understanding between the Government of Ireland and the UK. The SEM involves parallel domestic legislative frameworks in both Northern Ireland and Ireland (including (without limitation) in Northern Ireland the Electricity (Single Wholesale Market) (Northern Ireland) Order 2007 (the "SEM Order") and the Electricity (Northern Ireland) Order 1992 (as amended, in particular (but without limitation) by the SEM Order)) and it functions under an extensive domestic electricity regulatory and licensing framework.	N/A



DRAFT: This information has been communicated in confidence and should not be released without prior written agreement by the UK Government.

**NORTH-SOUTH COOPERATION: SCOPING EXERCISE**

	<b>GFA underpinning</b>	<b>Area of North-South cooperation</b>	<b>Description</b>	<b>Indicative categorisation</b>	<b>EU legal/policy base</b>	<b>Separate UK legal base and wider obligations</b>	<b>CTA as core/partial facilitator</b>
53	Cooperation beyond NSMC (energy)	Natural gas	<p>Both Northern Ireland and Ireland import gas from Great Britain through pipelines which run from Scotland to the Ireland with a spur to Northern Ireland. The gas markets in Northern Ireland and Ireland which make use of the GB-Ireland pipelines (including the spur to Northern Ireland) are governed by EU Internal Energy Market gas legislation.</p> <p>In particular, the harmonised auctions which are used to sell capacity on the pipelines are governed by the Network Code on Capacity Allocation Mechanisms in Gas Transmission Systems (Commission Regulation (EU) 2017/459).</p> <p>There is also cooperation between Northern Ireland, Ireland, and Great Britain in relation to gas security of supply.</p>	Directly underpinned by or linked	<p>The EU Internal Energy Market gas legislation which governs gas markets in Northern Ireland and Ireland includes (without limitation) the Gas Directive (2009/73/EC), the Gas Regulation ((EC) No 715/2009), the Agency Regulation ((EC) No 713/2009) and the various EU Network Codes (each a Commission Regulation made under the Gas Regulation), including (without limitation) the Network Code on Capacity Allocation Mechanisms in Gas Transmission Systems (Commission Regulation (EU) 2017/459), as referenced in the first column.</p> <p>Gas Security of Supply Regulation ((EU) No 994/2010).</p>	<p>The Agreement between the UK and Ireland relating to the transmission of natural gas by pipeline of 30 April 1993 (governing the pipeline between Moffat in Scotland and Loughshinny in the Republic of Ireland).</p> <p>The Agreement between the UK and Ireland relating to the transmission of natural gas through a second pipeline of 24 September 2004 (governing the pipeline between Moffat in Scotland and Gormanston in Ireland through a connection to the Isle of Man).</p> <p>In broad terms, these Agreements include provision guaranteeing a certain level of capacity of gas delivered through the pipelines to be provided to Northern Ireland and Ireland, and requires that this be done on fair commercial terms. There is also an extensive domestic gas legislative, regulatory and licensing framework.</p> <p>There is a transmission system operator-to-transmission system operator Gas Transportation Agreement which provides the commercial basis for gas to flow to Northern Ireland using the pipeline spur to Northern Ireland.</p>	N/A
54	Cooperation beyond NSMC (broadcasting)	Irish language broadcasting	In the Good Friday Agreement the UK agreed to facilitate the reception of cross-border broadcasts from Irish public service broadcasters in Northern Ireland and explore the scope for achieving more widespread availability of Irish language channels in Northern Ireland.	Directly underpinned by or linked	Audiovisual Media Services Directive (2010/13/EU) guarantees freedom of reception for Irish TV services in the UK.	<p>Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland done at Belfast on 10 April 1998.</p> <p>UK licensing arrangements and legislation also has the potential to address freedom of reception issues outwith the scope of the AMSD.</p>	N/A
55	Cooperation beyond NSMC (telecoms)	Mobile roaming	From June 2017, consumers from an EU Member State were not charged for using their phone for calls, SMS or data while travelling in another EU Member State. This is relevant to roaming at the border between Northern Ireland and Ireland.	Directly underpinned by or linked	Regulation (EU) No 531/2012 of the European Parliament and of the Council of 13 June 2012 on roaming on public mobile communications networks within the Union, amended by Regulations (EU) 2015/2120 and (EU) 2017/920.	Prior to Roam Like At Home, there was action by mobile operators to help guard against bill shock due to inadvertent North-South roaming.	N/A
56	Cooperation beyond NSMC (telecoms)	Subsea cables	Project Kelvin is a joint North-South initiative to establish the first direct telecommunications link between the north-west of the island of Ireland and North America. The project concludes in December 2018.	Not underpinned by or linked	Project Kelvin was co-funded by the Irish Government, Northern Ireland Executive, and European Union via INTERREG IVA programme.	Subsea cables are mainly governed by The 1982 UN Convention on the Law of the Sea (UNCLOS). Domestically, cable owners are issued licenses to land cables within a country. In the UK, these are issued by the Crown Estate and the Marine Maritime Organisation.	N/A

DRAFT: This information has been communicated in confidence and should not be released without prior written agreement by the UK Government.

**NORTH-SOUTH COOPERATION: SCOPING EXERCISE**

	<b>GFA underpinning</b>	<b>Area of North-South cooperation</b>	<b>Description</b>	<b>Indicative categorisation</b>	<b>EU legal/policy base</b>	<b>Separate UK legal base and wider obligations</b>	<b>CTA as core/partial facilitator</b>
57	Cooperation beyond NSMC (transport)	Cabotage	Cabotage arrangements exist relating to the national carriage of goods for hire or reward carried out by non-resident hauliers on a temporary basis in a host Member State. This is important for hauliers on both sides of the border and links to the wider NSMC priority work on transport.	Directly underpinned by or linked	Regulation (EC) No 1072/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international road haulage market (Articles 8 and 9 only).  The Common Travel Area, which facilitates the free movement of hauliers across the land border without impediment, is recognised in Protocol (No 20) on the application of certain aspects of Article 26 of the Treaty of the Functioning of the European Union to the United Kingdom and to Ireland.	Common Travel Area (the formalised legal status is provided for by the Ireland Act 1949, s 2(1) and the Immigration Act 1971, s 1(3)).	Yes
58	Cooperation beyond NSMC (transport)	Motor insurance	The International Motor Insurance Card System or 'Green Card' is an international certificate of insurance providing visiting motorists the minimum compulsory insurance cover required by the law of the country visited. Carrying a Green Card is not compulsory for all countries in the Green Card System. The EU Directive removes the requirement for the Green Card to be carried when crossing borders in the EU, including between Northern Ireland and Ireland. The Green Card system currently comprises 47 countries including all EU Member States and EEA countries.	Directly underpinned by or linked	1st Motor Insurance Directive (72/166/EC) which also applies to Andorra, Norway, Iceland, Serbia, Switzerland and Liechtenstein. This removes the requirement for the green card to be shown when crossing borders.  The 5 EU Motor Insurance Directives (EU MID) were established in order to further enhance the protection system of road traffic victims within the European Economic Area (EEA).  They are now superseded by the consolidated text of the Codified Directive (2009/103/EC).	International Motor Insurance Card System	N/A
59	Cooperation beyond NSMC (transport)	Driver and vehicle licensing	Mutual recognition of driving licences means that a person with an EU or EEA license can drive in any member state on that license.	Directly underpinned by or linked	Driving licences are covered by Directive 2006/126/EC on driving licenses and enables the mutual recognition of driving licences between the EU and EEA.	In relation to international obligations, the UK and Ireland both signed and ratified the 1949 Geneva Convention on Road Traffic.	N/A
60	Cooperation beyond NSMC (transport)	International (cross-border) Authorisations for bus and coach services	For a bus operator to conduct international bus or coach services they will need a Community Licence issued by the Member State in which their business is established and authorisation from the country or countries on the route. The type of authorisation needed depends on which countries the service will operate in and whether the service is regular or non-regular. Where the regular services begin in Northern Ireland and cross into another EU jurisdiction the carrier will require an international (cross-border) authorisation which requires approval from the other Member States in which the service will operate.	Partially underpinned or linked	Bus and coach travel between EU member states is governed by EU Regulation (EC) No 1073/2009 on common rules for access to the international market for coach and bus services.  Protocol (No 20) on the application of certain aspects of Article 26 of the Treaty of the Functioning of the European Union to the United Kingdom and to Ireland.	The Road Service Licensing (Community Licences) Regulations (Northern Ireland) 2013.  Common Travel Area (the formalised legal status is provided for by the Ireland Act 1949, s 2(1) and the Immigration Act 1971, s 1(3)).	Yes
61	Cooperation beyond NSMC (transport)	HGV levy	The Westminster HGV Road User Levy Act 2013 provides that all vehicles of 12 tons or more gross weight must pay a charge for using the UK's roads.	Not underpinned by or linked		Two Northern Ireland-Ireland roads are formally exempt from the levy. Note that this is a UK-Ireland agreement as the HGV levy is a reserved matter, rather than an agreement under the auspices of the NSMC.	N/A
62	Cooperation beyond NSMC (transport)	Ferries	A number of private cross-border ferry services operate between Northern Ireland and Ireland.	Partially underpinned or linked	EU Regulation 725/2004 makes provision for Member States to agree to disapply certain provisions in the Safety of Life at Sea Convention relating to the information which must be provided by vessels travelling between those Member States.	For the private cross-border ferry services, Local Governments in the two jurisdictions are responsible for licensing.	N/A

DRAFT: This information has been communicated in confidence and should not be released without prior written agreement by the UK Government.

**NORTH-SOUTH COOPERATION: SCOPING EXERCISE**

	<b>GFA underpinning</b>	<b>Area of North-South cooperation</b>	<b>Description</b>	<b>Indicative categorisation</b>	<b>EU legal/policy base</b>	<b>Separate UK legal base and wider obligations</b>	<b>CTA as core/partial facilitator</b>
63	Cooperation beyond NSMC (environment)	Habitats and Bird Directives and associated monitoring and surveillance	<p>In order to fulfil requirements of the reporting requirements for the Habitats and Birds Directives, Northern Ireland and Ireland have to work together as the biogeographic island of Ireland. This means that surveillance, monitoring and reporting must be coordinated.</p> <p>The Habitats Directive protects a defined list of European Protected Species such as great crested newts, all bat species and, in marine areas, species such as the bottlenose dolphin. The Birds Directive protects all wild birds, with limited exceptions for certain species that may be hunted.</p> <p>Each Member State is required to prepare and propose to the European Commission a national list of sites for each of the Habitats Directive features which occur in their territory. While selection and submission of sites within national territory is the responsibility of individual Member States, natural areas which cross territorial borders may be included in separate but adjoining SACs proposed by more than one Member State. Several SACs within the UK (all in Northern Ireland) adjoin SACs in the Republic of Ireland.</p>	Directly underpinned by or linked	<p>The Habitats and Wild Birds Directives are the two key pieces of EU wildlife protection legislation, introduced in 1992 and 1979 respectively and referred to as the Nature Directives.</p> <p>The Natura 2000 (N2K) network of protected sites contribute to the conservation of the natural habitat types and species identified in the Annexes of the Directives.</p>		N/A
64	Cooperation beyond NSMC (environment)	Biodiversity	<p>Informal communication between Northern Ireland Environment Agency (NIEA) officers and the National Park and Wildlife Service (NPWS) rangers on monitoring of cross-border Special Areas of Conservation and Special Protection Areas – this is the NATURA 2000 network of protected sites which is viewed as a trans-boundary issue by the EU Commission. There are occasional meetings (every three years) so that staff get to meet their counterparts on the other side of the border and update each other on the current position.</p>	Partially underpinned or linked	<p>Cross-border cooperation is encouraged by the EU through funding packages which encourage cooperation between Northern Ireland and Ireland. INTERREG is one of the main environmental funding delivery mechanisms and Northern Ireland is currently in the process of utilising its share (~£10M) of a bid which covers Scotland, Northern Ireland, and Ireland.</p>		N/A
65	Cooperation beyond NSMC (environment)	Flood risk management	<p>Cooperation on flood risk management, and agreements on the maintenance of watercourses along the border. These include service level agreements with cross-border organisation Waterways Ireland &amp; Foyle Fisheries for undertaking works for them on the Northern Ireland side of the border.</p>	Partially underpinned or linked	<p>Directive 2007/60/EC on the assessment and management of flood risks (Floods Directive). The Floods Directive requires various types of cooperation between Member States in relation to preliminary flood risk assessments (see Article 4(3)), flood risk management plans (Article 7(4) and Article 8).</p> <p>The Environmental Impact Assessment Directive 2011/92 requires cooperation between Member States where a project will have significant effects in another Member State (see Article 7).</p>		N/A

DRAFT: This information has been communicated in confidence and should not be released without prior written agreement by the UK Government.

**NORTH-SOUTH COOPERATION: SCOPING EXERCISE**

	<b>GFA underpinning</b>	<b>Area of North-South cooperation</b>	<b>Description</b>	<b>Indicative categorisation</b>	<b>EU legal/policy base</b>	<b>Separate UK legal base and wider obligations</b>	<b>CTA as core/partial facilitator</b>
66	Cooperation beyond NSMC (environment)	River basins/River Basin Management Plans	Two of three river basins cross the border, therefore there is a need to cooperate on flood risk management and water quality. There are annual cross-border and ad-hoc meetings between the Department of Infrastructure (Northern Ireland) and the Office of Public Works (Ireland) regarding drainage and flooding issues.	Partially underpinned or linked	The Water Framework Directive (WFD) - Directive 2000/60/EC - requires the implementation of River Basin Management Plans with the main aim of meeting WFD water quality objectives. WFD requires Member states to cooperate on cross-border river basin districts such as those on the island of Ireland. The Floods Directive requires that relevant information is exchanged between relevant competent authorities in Northern Ireland and Ireland.		N/A
67	Cooperation beyond NSMC (environment)	Lough Erne water levels agreement	Agreement regarding control of Portora sluice gates in Enniskillen as part of the management of water levels on Lough Erne.	Not underpinned by or linked		Water level control in Lough Erne is undertaken by the Department for Infrastructure in Northern Ireland in conjunction with the Electricity Supply Board in Ireland under the terms of an agreement reached in 1950.	N/A
68	Cooperation beyond NSMC (environment)	Air quality issues	Research into emissions from solid fuel burning on the island of Ireland. In 2012 the Department of Environment Minister and his counterpart in Ireland, committed to working together to tackle the issue of poor air quality on the island of Ireland. Emissions from residential combustion (of smoky coal) have formed an important part of this discussion.	Partially underpinned or linked	Potential links to wider EU frameworks, such as: National Emissions Ceilings Directive; Ambient Air Quality Directives; Clean Air Policy Package.		N/A
69	Cooperation beyond NSMC (environment)	Strategic Environmental Assessment	The authorities in Northern Ireland are consulted by public authorities in Ireland in relation to Strategic Environmental Assessments. DAERA (NIEA) meet with the Environmental Protection Agency (EPA) in Ireland on an ad hoc basis.	Directly underpinned by or linked	Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment (SEA Directive) and the transposed Environmental Assessment of Plans and Programmes Regulations (Northern Ireland) 2004 contain specific provisions relating to transboundary consultations between Member States.		N/A
70	Cooperation beyond NSMC (environment)	Forest management and development	Routine cooperation between the authorities in Northern Ireland and the Department of Agriculture, Food and the Marine (Ireland) and Coillte (commercial forestry business in Ireland, owned by the state).	Not underpinned by or linked		Informal arrangement although general power of cooperation under section 7 of Forestry Act (Northern Ireland) 2010	N/A
71	Cooperation beyond NSMC (environment)	Provision of mapping data	The TriOS agreement is a contract that facilitates greater collaboration and cooperation between not only Ordnance Survey Ireland (OSi) and Ordnance Survey of Northern Ireland (OSNI), as managed by Land & Property Services (LPS), but additionally Ordnance Survey Great Britain (OSGB). The agreement primarily facilitates the provision of mapping data from all three organisations through one portal. It also provides the broad framework for licensing the data. Any specific licensing requirements of the individual component bodies are managed by separate bilateral arrangements.	Not underpinned by or linked		The TriOS (Ordnance Survey) Agreement is a contract for the provision and licensing of Ordnance Survey mapping data.	N/A
72	Cooperation beyond NSMC (environment)	Geodetic network	Maintaining the geodetic infrastructure, which is the framework and positioning systems which support national mapping, and which all land, engineering, and topographic surveys are related to.	Not underpinned by or linked		Informal arrangement.	N/A



DRAFT: This information has been communicated in confidence and should not be released without prior written agreement by the UK Government.

**NORTH-SOUTH COOPERATION: SCOPING EXERCISE**

	<b>GFA underpinning</b>	<b>Area of North-South cooperation</b>	<b>Description</b>	<b>Indicative categorisation</b>	<b>EU legal/policy base</b>	<b>Separate UK legal base and wider obligations</b>	<b>CTA as core/partial facilitator</b>
73	Cooperation beyond NSMC (environment)	Matters relating to radiation	Northern Ireland Environment Agency (NIEA)'s Industrial Pollution and Radiochemical Inspectorate hold annual meetings with the Environmental Protection Agency to discuss regulation of radioactive substances, regulation of transport of radioactive substances, monitoring programmes, emergency preparedness and natural radioactivity.	Not underpinned by or linked			N/A
74	Cooperation beyond NSMC (environment)	Northern Ireland Water / Irish Water Knowledge Sharing	Northern Ireland Water and Irish Water share a range of asset standards and asset strategies; information on capital delivery processes and how capital efficiencies can be delivered; staff meet to further explore procuring and operating Geographical Information Systems; share information on innovation and technology development; and continue to explore areas of mutual benefit in Major Incident Planning.	Not underpinned by or linked		Informal arrangements and collaboration	N/A
75	Cooperation beyond NSMC (environment)	All-Ireland Pollinator Plan	Production of an all-Ireland Pollinator Plan for the period 2015-2020. The plan contains a number of actions to help sustain the number of natural pollinators such as bees, which are required for producing agricultural crops as well as wild plants in the natural environment.	Not underpinned by or linked	Halting the loss of biodiversity by 2020 is an international target under the Convention of Biological Diversity which over 150 countries including the UK and Ireland have agreed to embrace. The 2020 target was adopted by the EU which produced a strategy in 2010 to assist meet this target. The EU strategy contains actions in relation to many of its directives such as the Habitats Directive.	Within the UK all devolved administrations, and England, have produced separate biodiversity strategies which contain both EU and local actions. Ireland's national biodiversity plan has a similarly worded target.	N/A
76	Cooperation beyond NSMC (environment)	Irish Naturalists Journal	This scientific journal publishes short papers and notes on a wide range of topics relating to the natural environment of Ireland, including botany (eg. rare species, plant communities), zoology (eg. invertebrates, fish, mammals, birds), and geology (eg. palaeontology, regional geology, mineral records). Northern Ireland Environment Agency (NIEA) contribute funding by way of purchasing a significant number of journals. The INJ Board of Directors includes representatives from NIEA.	Not underpinned by or linked		Informal arrangements and collaboration	N/A
77	Cooperation beyond NSMC (environment)	Wildfire initiatives	DAERA/Northern Ireland Environment Agency (NIEA) occasionally meet or join with the National Parks and Wildlife Service (Ireland) and Department of Agriculture, Food and Marine (DAFM) for wildfire initiatives associated with: capacity building / training events; sharing of knowledge; investigations; and steering / reviewing any associated wildfire projects. These engagements are informal and on an ad hoc basis.	Not underpinned by or linked		Informal arrangements and collaboration	N/A
78	Cooperation beyond NSMC (environment)	All-Ireland Fracking	There is nothing currently being progressed in this area following production of a joint North-South report into the environmental implications of fracking. However, should an operator wish to progress a proposal which was close to, or on both sides of, the border there would be a requirement for the relevant authorities to engage on this.	Not underpinned by or linked		Northern Ireland's existing planning system and Environmental Impact Assessments (EIA) legislation.	N/A

DRAFT: This information has been communicated in confidence and should not be released without prior written agreement by the UK Government.

**NORTH-SOUTH COOPERATION: SCOPING EXERCISE**

	<b>GFA underpinning</b>	<b>Area of North-South cooperation</b>	<b>Description</b>	<b>Indicative categorisation</b>	<b>EU legal/policy base</b>	<b>Separate UK legal base and wider obligations</b>	<b>CTA as core/partial facilitator</b>
79	Cooperation beyond NSMC (chemicals)	Chemicals regulation	The chemicals sector is largely regulated by centralised EU legislation –REACH – implemented through the European Chemicals Agency (ECHA). At the scientific level, Member State collaboration, including with Ireland, is mediated through the technical committees of ECHA. Enforcement of REACH is carried out by the Health and Safety Executive (HSE) and Environment Agency (EA). Additionally some enforcement activity is carried out by devolved authorities such as HSE Northern Ireland, Northern Ireland EA and local authorities. Cooperation mechanisms between UK enforcing authorities centre on the Enforcement Liaison Group - an Ireland representative usually attends this body. Relevant EU legislation also provides for common rules governing the export and import of hazardous chemicals, and so is relevant to our objectives with respect of the land border between the UK and Ireland	Directly underpinned by or linked	Prior Informed Consent Regulation - EU Regulation 649/2012  EU Registration, Evaluation and Authorisation of Chemicals (REACH) Regulation - (EC) No 1907/2006. Implemented through the European Chemicals Agency (ECHA).		N/A
80	Cooperation beyond NSMC (agriculture)	Invasive alien species	Close collaboration with National Parks and Wildlife Service (Ireland) and Loughs Agency given that this is a biogeographic island of Ireland issue.  There is a shared resource, Invasive Species Ireland website, which is single point of contact for advice, guidance and reporting incidents of Invasive Alien Species. With new EU Regulations recently coming into force, the aspiration is to set up an all-Ireland Invasive Alien Species group to coordinate an all-Ireland approach to invasive alien species. The issue is currently managed through yearly/bi-yearly ad-hoc meetings.	Directly underpinned by or linked	EU Regulation 1143/2014 on invasive alien (non-native) species requires member states to impose restrictions on listed species.		N/A
81	Cooperation beyond NSMC (agriculture)	Common Chapters agreed for the control of epizootic diseases	A variety of informal partnerships: Interreg Atlantic Dairy-4-Future Project; Intertradelreland Fusion Graduate Programme; Enterprise Ireland Innovation Voucher Programme; Sensory Food Network Ireland. DAERA's College of Agriculture, Food and Rural Enterprise (CAFRE) is a member of each of these.	Directly underpinned by or linked	Co-ordination in relation to Epizootic diseases is underpinned by EU law, where there is an understanding that neighbouring countries will cooperate for mutual benefit in a disease outbreak situation. Some regulations in scope include: Council Directive 2003/85/EC on Community measures for the control of foot-and-mouth disease; Council Directive 2005/94/EC on Community measures for the control of avian influenza; Council Directive 2001/89/EC on Community measures for the control of classical swine fever; Council Directive 92/35/EEC laying down control rules and measures to combat African horse sickness; Council Directive 2002/60/EC laying down specific provisions for the control of African swine fever.	There is no legal basis for the common chapters. They are agreements between the administrations in Northern Ireland and Ireland for sustained cooperation at all stages of a disease outbreak, including: <ul style="list-style-type: none"> <li>• early notification of suspects,</li> <li>• liaising in terms of setting up zones, particularly where these are near the border,</li> <li>• cooperation in tracings,</li> <li>• working together to ensure minimal disruption in the trade of fresh meat, meat products, raw milk and milk products, and</li> <li>• coordinating external communications where possible.</li> </ul>	N/A

DRAFT: This information has been communicated in confidence and should not be released without prior written agreement by the UK Government.

**NORTH-SOUTH COOPERATION: SCOPING EXERCISE**

	<b>GFA underpinning</b>	<b>Area of North-South cooperation</b>	<b>Description</b>	<b>Indicative categorisation</b>	<b>EU legal/policy base</b>	<b>Separate UK legal base and wider obligations</b>	<b>CTA as core/partial facilitator</b>
82	Cooperation beyond NSMC (agriculture)	DAERA/DAFM Equine Liaison Group and cross-border horse movements	Passports are required for all equines - Passport Issuing Organisations in another Member State (in this case Ireland) can issue passports for horses in another Member State (in our case - UK / Northern Ireland). The Equine Liaison Group meets twice per year to discuss issues of interest between the equine industry.	Directly underpinned by or linked	The Tripartite Agreement legal basis is provided by Article 6 of Council Directive 2009/156/EC and covers the UK, Ireland and France.  EU Regulation 2015/262 on methods for the identification of equidae (Equine Passport Regulations).		N/A
83	Cooperation beyond NSMC (agriculture)	Equine Industry Strategy	A collaboration between DAERA, Horse Sport Ireland and the Irish Thoroughbred Breeders' Association to set a Strategy for the Equine Industry in Northern Ireland.	Partially underpinned or linked	Although the strategy itself is non-statutory and not mandated by EU law, the broader policy and legal environment that underpins this is heavily linked to the common EU framework.  Council Directive 2009/156/EC.  A Tripartite Agreement (TPA) is in place for the movement of horses specifically between the United Kingdom, France and Ireland which allows for a relaxation of the procedures required under Council Directive 2009/156/EC.	The equine industry strategy is an informal arrangement. However, the broader legal framework is linked to the Directives.	N/A
84	Cooperation beyond NSMC (agriculture)	Veterinary public health and trade meetings	Biannual meetings between Department of Agriculture, Environment and Rural Affairs (DAERA) and Department of Agriculture, Food and the Marine (DAFM) / The Food Safety Authority of Ireland (FSAI).	Partially underpinned or linked	Although much of the cooperation here is informal and voluntary, there are also specific EU requirements for cooperation. Article 37 of Regulation EC 882/2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules, states that: "When a competent authority becomes aware of non-compliance, and if such non-compliance may have implications for another Member State or States, it shall pass such information to the other Member State(s) without prior request and without delay."	Cooperation is informal across a range of veterinary public health and trade issues.	N/A
85	Cooperation beyond NSMC (agriculture)	Regulation and enforcement of animal health and welfare and public health legislation through multi agency meetings	Regular Multi Agency meetings to discuss criminal activity breaching Animal Health and Welfare and Public Health legislation on both sides of the border.	Partially underpinned or linked	EU Regulation 1/2005 expects there to be cooperation between enforcement bodies.		N/A
86	Cooperation beyond NSMC (agriculture)	Landscape monitoring	The UK/Ireland Interagency Landscape Monitoring Group meets every two months and discusses and shares landscape monitoring links and best practice. Along with participants from DAERA in Northern Ireland, Northern Ireland Environment Agency (NIEA), Scottish Natural Heritage, Natural England and Natural Resources Wales, The Department of Arts Heritage and Gaeltacht from Ireland is also represented.	Partially underpinned or linked	The monitoring group itself and informal cooperation is not itself directly founded on a EU legal framework - but the European Landscape Convention (Florence, 20.X.2000) includes measures to identify and assess landscapes and encourages European Cooperation through Mutual Assistance and Exchange of Information.		N/A
87	Cooperation beyond NSMC (agriculture)	All-Ireland Marsh Fritillary Group	All-Ireland group with representatives from the Northern Ireland Environment Agency (NIEA), Butterfly Conservation, National Parks and Wildlife Service (Ireland) and private consultants. The group is focused on designing and implementing an all-Ireland Marsh Fritillary monitoring strategy to protect and enhance the species.	Partially underpinned or linked	Under the Habitats Directive the Marsh Fritillary Butterfly is a European Protected Species. This means that the Marsh Fritillary is required to be protected through the SAC (Special Area of Conservation - transboundary in nature) network and by other non-SAC measures. Due to the migration/movement patterns of the Marsh Fritillary it is treated in the same way as some bird species and is managed in a transboundary way. Therefore transboundary groups are required to coordinate reporting (required under Article 17 of the Habitats Directive) and management of the species.	The Marsh Fritillary is fully protected under the UK 1981 Wildlife and Countryside Act and the 1985 Northern Ireland Wildlife Order.	N/A

DRAFT: This information has been communicated in confidence and should not be released without prior written agreement by the UK Government.

**NORTH-SOUTH COOPERATION: SCOPING EXERCISE**

	<b>GFA underpinning</b>	<b>Area of North-South cooperation</b>	<b>Description</b>	<b>Indicative categorisation</b>	<b>EU legal/policy base</b>	<b>Separate UK legal base and wider obligations</b>	<b>CTA as core/partial facilitator</b>
88	Cooperation beyond NSMC (agriculture)	Cross-border development – academic partnerships – agriculture	A variety of informal partnerships: Interreg Atlantic Dairy-4-Future Project; Intertrade Ireland Fusion Graduate Programme; Enterprise Ireland Innovation Voucher Programme; Sensory Food Network Ireland. DAERA's College of Agriculture, Food and Rural Enterprise (CAFRE) is a member of each of these.	Partially underpinned or linked	INTERREG Funding only covers Atlantic Dairy-4-Future Project.	Informal partnerships	N/A
89	Cooperation beyond NSMC (agriculture)	Higher and further education in agriculture, food, equine and horticulture disciplines	DAERA in Northern Ireland provides a range of full and part-time higher and further education courses in the agriculture, food, equine and horticulture disciplines as well as industry short courses via the College of Agriculture, Food and Rural Enterprise (CAFRE). These are open to Irish nationals.	Not underpinned by or linked	The Common Travel Area is a crucial underpinning for cross-border education provision for UK and Irish nationals and is recognised in Protocol (No 20) on the application of certain aspects of Article 26 of the Treaty of the Functioning of the European Union to the United Kingdom and to Ireland.	Common Travel Area (the formalised legal status is provided for by the Ireland Act 1949, s 2(1) and the Immigration Act 1971, s 1(3)).	Yes
90	Cooperation beyond NSMC (agriculture)	Collaborative research funding with Ireland on agri-food	A main objective of the collaborative research fund is the commissioning of multi-partner research to address transnational issues affecting the sustainability of the agri-food sector.  A partnership agreement between the US Government, Irish Government and Northern Ireland Executive for the US-Ireland R&D Partnership, and between Ireland and Northern Ireland for the Department Agriculture, Food and Marine (Ireland) Competitive Research Call.	Not underpinned by or linked			N/A
91	Cooperation beyond NSMC (agriculture)	Farm Safety Group	A North-South Farm Safety Group was set up to allow officials to come together to manage the farm safety issue. The group comprises representatives from DAERA in Northern Ireland, the Department of Agriculture, Food and the Marine in Ireland, the Health and Safety Executive Northern Ireland (HSENI) and the Health and Safety Authority in Ireland.	Not underpinned by or linked		Informal arrangements and collaboration	N/A
92	Cooperation beyond NSMC (agriculture)	Engagement and information exchange at official level between DAERA (Northern Ireland) and DAFM (Ireland)	Informal cooperation and information exchange on a range of agri-food policy issues, including food strategy, food marketing/labelling and horse identification. On occasion these issues have been discussed at NSMC.  Sharing of best practice on the implementation of European Area-based Schemes.  DAERA field Divisional Veterinary Officer (DVO) and DAFM Veterinary Officers (VO) have informal operational meetings and discuss operational issues, such as trade and TB (e.g. to notify of TB cases on the border).  Engagement with University College Dublin (UCD) veterinary school to discuss planning for State Veterinary Service.	Partially underpinned or linked	Although the informal and administrative cooperation itself is not mandated by EU law, the nature of cooperation across this space is very closely linked to future legal frameworks that are dependent on the outcome of the UK exit negotiations.	Informal arrangements and collaboration	N/A



DRAFT: This information has been communicated in confidence and should not be released without prior written agreement by the UK Government.

**NORTH-SOUTH COOPERATION: SCOPING EXERCISE**

	<b>GFA underpinning</b>	<b>Area of North-South cooperation</b>	<b>Description</b>	<b>Indicative categorisation</b>	<b>EU legal/policy base</b>	<b>Separate UK legal base and wider obligations</b>	<b>CTA as core/partial facilitator</b>
93	Cooperation beyond NSMC (fisheries)	Voisinage agreement	The Voisinage Agreement allows vessels from each jurisdiction reciprocal access to respective inshore (0-6 nautical miles) waters, subject only to the regulations in force in each jurisdiction. As a consequence of a Supreme Court judgement in Dublin in 2016 the Voisinage agreement was temporarily suspended by the Irish Government pending further legislation to restore the agreement. This remains the current position, with Northern Ireland vessels prohibited from fishing Ireland's inshore area. This temporary suspension has not been reciprocated in Northern Ireland, with Irish vessels still able to access fishing opportunities within NI's 0-6 nautical miles.	Not underpinned by or linked		A Voisinage Agreement was made between the British and Irish governments in the form of an exchange of letters between officials in the Dublin and Belfast Departments of Agriculture in 1965.	N/A
94	Cooperation beyond NSMC (policing)	Cross-border police cooperation	Direct cooperation between An Garda Síochána (AGS) and the Police Service of Northern Ireland (PSNI), including liaison, training, disaster planning, joint investigations and communications. There is also a Cross Border Joint Agency Task Force, established in November 2015, which includes the Irish Revenue Commissioners and Her Majesty's Revenue and Customs.	Partially underpinned or linked	Relevant EU legal frameworks including: Council Framework Decision 2002/465/JHA on joint investigation teams; Council Decision 2008/615/JHA on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime; Council Framework Decision of 13 June 2002 on the European arrest warrant and the surrender procedure between member states. Council Act of 29 May 2000 establishing in accordance with Article 34 of the Treaty on European Union the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union (the Convention also provides a legal base for Joint Investigation Teams). Council Framework Decision 2006/960/JHA of 18 December 2006 on simplifying the exchange of information and intelligence between law enforcement authorities of the Member States of the European Union.	Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland on police cooperation, done at Belfast on 29 April 2002. Under that treaty, Protocols are agreed between the Chief Constable of the PSNI and the Commissioner of AGS.	N/A
95	Cooperation beyond NSMC (policing)	Cross-border secondments and eligibility for posts in policing	Members of AGS are eligible to apply for senior posts in the PSNI and vice versa. Officers and personnel of AGS can be seconded to the PSNI for up to three years, with policing powers, and vice versa.	Not underpinned by or linked		Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland on police cooperation, done at Belfast on 29 April 2002. Under that treaty, Protocols are agreed between the Chief Constable of the PSNI and the Commissioner of AGS.  The Police Service of Northern Ireland (Secondment) (Garda Síochána) Regulations 2004; section 56, Police (Northern Ireland) Act 2000.	N/A

DRAFT: This information has been communicated in confidence and should not be released without prior written agreement by the UK Government.

**NORTH-SOUTH COOPERATION: SCOPING EXERCISE**

	<b>GFA underpinning</b>	<b>Area of North-South cooperation</b>	<b>Description</b>	<b>Indicative categorisation</b>	<b>EU legal/policy base</b>	<b>Separate UK legal base and wider obligations</b>	<b>CTA as core/partial facilitator</b>
96	Cooperation beyond NSMC (policing)	Fuel fraud	The Organised Crime Taskforce (see previous entry) includes a specific focus on fuel fraud - bringing together police, customs and other law enforcement agencies, along with Government Departments, the Policing Board and the local business community to combat organised crime.	Partially underpinned or linked	Fuel fraud cooperation is facilitated under the Convention on Mutual Assistance and cooperation between Customs Administrations of the European Union 1997 (Naples II). This is a treaty between all EU Member States that sets out the types of cooperation (both for civil and criminal matters) and how this is to be actioned operationally. A suite of IT systems also support the sharing of data across the EU. These comprise as the Anti-Fraud Information System (AFIS) (also referred to as the Customs Information System (CIS)) that was provided for in the European Council Regulation (EC) No 515/97.		N/A
97	Cooperation beyond NSMC (justice)	Cross-border cooperation on criminal justice matters	Annual meetings between Irish and Northern Ireland Ministers on criminal justice cooperation; a working group of officials from both administrations on criminal justice cooperation; protocols between criminal justice agencies in Ireland and Northern Ireland on criminal justice cooperation.	Not underpinned by or linked		Agreement between the Government of Ireland and the Government of the United Kingdom of Great Britain and Northern Ireland on cooperation on criminal justice matters, done at Dublin on 1 April 2010.	N/A
98	Cooperation beyond NSMC (justice and policing)	Tackling organised crime and drugs	The Organised Crime Task Force (OCTF) was established in Northern Ireland in 2000 to provide a multi-agency approach to tackling organised crime with sub groups to focus on specific areas of concern. The OCTF Drugs Group brings together representatives from law enforcement, and other relevant bodies engaged in the investigation, prosecution and conviction of offenders involved in the traffic and supply of controlled drugs in Northern Ireland. The group seeks to reduce the harm caused by organised crime gangs, to identify emerging trends and issues within the Northern Ireland drugs market and devise methods for addressing these, to promote intelligence sharing between the stakeholders and to reduce the demand for illicit drugs in Northern Ireland. The operational response is led by the PSNI, in conjunction with the National Crime Agency and Border Force, who work to clamp down on the illegal importation, production and dealing of drugs.	Not underpinned by or linked	The OCTF itself is not underpinned by EU law. The separate entry on justice and home affairs collaboration notes the importance of EU measures to facilitate cross-border action to tackle crime more broadly, which is relevant to the work of the OCTF.	The Taskforce is not in itself underpinned by statute.	N/A
99	Cooperation beyond NSMC (health)	Mutual recognition of professional qualifications for doctors and clinicians	Mutual recognition of these qualifications facilitates cross-border medical cooperation.	Directly underpinned by or linked	EU Directive 2005/36/EC on the mutual recognition of professional qualifications (MRPQ).  In relation to the Common Travel Area - Protocol (No 20) on the application of certain aspects of Article 26 of the Treaty of the Functioning of the European Union to the United Kingdom and to Ireland.	Common Travel Area (the formalised legal status is provided for by the Ireland Act 1949, s 2(1) and the Immigration Act 1971, s 1(3)).  Doctors and dentists were covered by an agreement between the UK and Ireland in 1927 (contained in the Schedule to the Medical and Dentists Acts Amendment Act 1927). That Act was repealed as regards to doctors by SI 1979/289 and as regards to dentists by SI 1987/2047 (see the corresponding Irish provision in SI 158/1979) in light of the broader EEC mutual recognition arrangements put in place.	Yes
100	Cooperation beyond NSMC (health)	Organs and tissues	Cross-border cooperation on organ and tissues transplants.	Directly underpinned by or linked	EU Directive 2010/45/EU on standards of quality and safety of human organs intended for transplantation.		N/A

DRAFT: This information has been communicated in confidence and should not be released without prior written agreement by the UK Government.

**NORTH-SOUTH COOPERATION: SCOPING EXERCISE**

	<b>GFA underpinning</b>	<b>Area of North-South cooperation</b>	<b>Description</b>	<b>Indicative categorisation</b>	<b>EU legal/policy base</b>	<b>Separate UK legal base and wider obligations</b>	<b>CTA as core/partial facilitator</b>
101	Cooperation beyond NSMC (health)	Public health – The Institute of Public Health in Ireland	The Institute of Public Health in Ireland was established in 1998 by the Departments of Health in both jurisdictions, specifically at the request of the respective Chief Medical Officers. Its remit is to support cooperation on public health North and South to promote collective action for health improvement – in the areas of research & information, policy advice & capacity building – with a particular focus on addressing health inequalities.	Not underpinned by or linked	The Institute itself is not underpinned by EU law, but see other entries relevant to cross-border cooperation on healthcare.	It is a "company limited" by guarantee under Republic of Ireland Company Law, receiving core financial support and co-sponsorship from both Departments.	N/A
102	Cooperation beyond NSMC (health)	Controlled Drugs Licensing Group	The Cross Border Controlled Drugs Licensing Group is an informal group consisting of representatives from the Department of Health and the Healthcare Products Regulatory Agency. The Group provides a forum to: promote better understanding of the respective national controlled drug licensing policies and of operational matters; share learning and best practice methodologies and drive improvements that support the safer management of controlled drugs licensing in each nation; share analysis of trends and associated risks pertinent to licensing of controlled drugs; and to provide a forum for contributing to the formulation of policy at a regional and national level and contribute to forward planning for the strategic agenda.	Not underpinned by or linked		United Nations 1961 Single Convention on Narcotic Drugs; United Nations 1971 Convention on Psychotropic Substances	N/A
103	Cooperation beyond NSMC (education)	Access to nursery, primary, post-primary and special schools	Irish nationals living in Ireland may apply to, and be admitted into a school in Northern Ireland. This is a reciprocal arrangement with Ireland, meaning that the Department of Education in Northern Ireland will fund local schools for Ireland-resident children enrolled in their schools, whilst the Department of Education and Skills in Dublin does likewise for Northern Ireland resident children attending schools in Ireland.	Not underpinned by or linked	Protocol (No 20) on the application of certain aspects of Article 26 of the Treaty of the Functioning of the European Union to the United Kingdom and to Ireland.	Reciprocal arrangement between Department of Education (NI) and Department of Education and Skills (Ireland).  Article 16 (4) (b) of The Education (Northern Ireland) Order 1997 specifies that the admissions criteria drawn up by Boards of Governors of grant-aided schools "shall provide for all children resident in Northern Ireland at the time of their proposed admission to the school (to) be selected for admission to the school before any child not so resident may be selected for admission". Article 9 (1) of the Education (Northern Ireland) Order 1997 states that "The [Education] Authority shall make arrangements for the parent of a child (a) to express (in order of preference) his preferences as to the school at which he wishes education to be provided for his child; and (b) to give reasons for his preferences".  Common Travel Area (the formalised legal status is provided for by the Ireland Act 1949, s 2(1) and the Immigration Act 1971, s 1(3)).	Yes

DRAFT: This information has been communicated in confidence and should not be released without prior written agreement by the UK Government.

**NORTH-SOUTH COOPERATION: SCOPING EXERCISE**

	<b>GFA underpinning</b>	<b>Area of North-South cooperation</b>	<b>Description</b>	<b>Indicative categorisation</b>	<b>EU legal/policy base</b>	<b>Separate UK legal base and wider obligations</b>	<b>CTA as core/partial facilitator</b>
104	Cooperation beyond NSMC (trade promotion)	INVEST Northern Ireland and Enterprise Ireland cooperation	Enterprise Ireland and Invest Northern Ireland liaise frequently and formally in matters of mutual concern and continue to explore areas for fruitful cooperation, including trade and investment promotion, and enterprise and business development.	Partially underpinned or linked	Cooperation between INVEST Northern Ireland and Enterprise Ireland is not mandated or facilitated by EU law, however the area of cooperation - trade and investment - is clearly very closely linked to the outcome of the UK exit negotiations.	Invest Northern Ireland and Enterprise Ireland have signed a MoU to address high level goals.  The statutory basis for Invest Northern Ireland is the Industrial Development (Northern Ireland) Order 1982 - amended by the Industrial Development Act (Northern Ireland) 2002	N/A
105	Cooperation beyond NSMC (housing)	National Traveller Accommodation Consultative Committee (NTACC)	The National Traveller Accommodation Consultative Committee (NTACC) is a statutory committee concerned with Traveller accommodation in Ireland and advises the Irish Minister for Housing, Planning, Community & Local Government on general matters relating to Traveller accommodation. The Northern Ireland Housing Executive (NIHE) is represented on NTACC. Irish Travellers travel between Northern Ireland and Ireland, so membership of the NTACC has provided an opportunity for the Housing Executives to discuss topics pertinent to the development of Traveller accommodation and sharing best practice regarding the provision and management of Traveller Accommodation.	Not underpinned by or linked	In relation to the Common Travel Area - Protocol (No 20) on the application of certain aspects of Article 26 of the Treaty of the Functioning of the European Union to the United Kingdom and to Ireland.	The (NTACC) is a statutory committee established under Ireland's Housing (Traveller Accommodation) Act 1998, under which the Irish Minister appoints members including a Northern Ireland representative.  Common Travel Area (the formalised legal status is provided for by the Ireland Act 1949, s 2(1) and the Immigration Act 1971, s 1(3)).	Yes
106	Cooperation beyond NSMC (public services)	Public Service reform	The Executive Office leads Northern Ireland Civil Service (NICS) involvement in the cross-border 'Goal Programme'. The programme has a number of strands focused on public service reform: the Northern Ireland-led strands include support to the Department for Education for the development of a new children and young people strategy; to Department of Finance to support the development of the Innovation Lab; and to The Executive Office in the development of the leadership skills and qualities needed at the top of the NICS to develop and deliver an outcomes-based Programme for Government.	Not underpinned by or linked		Informal arrangements and collaboration	N/A
107	Cooperation beyond NSMC (public services)	All Island Public Procurement Steering Group	The Group includes the Central Procurement Directorate (Northern Ireland), Invest Northern Ireland, Strategic Investment Board and the Office of Government Procurement, Enterprise Ireland and InterTradeIreland and is responsible for coordinating events to facilitate training and advice to SMEs to compete for public sector contracts.	Partially underpinned or linked	The Group and initiative is it not itself facilitated or mandated by EU law. However, procurement policy is part of a common EU framework.  Directive 2014/24/EU on Public Procurement, Directive 2014/25/EU on Utilities Procurement and Directive 2014/23/EU on Concessions.		N/A
108	Cooperation beyond NSMC (public services)	All Ireland free travel scheme for senior citizens	An agreement between the Northern Ireland Executive and the Irish Government which enables senior citizens to be eligible for free travel on public transport throughout the island of Ireland.	Not underpinned by or linked	In relation to the Common Travel Area - Protocol (No 20) on the application of certain aspects of Article 26 of the Treaty of the Functioning of the European Union to the United Kingdom and to Ireland.	Voluntary agreement between the Northern Ireland Assembly and the Irish Government.  Common Travel Area (the formalised legal status is provided for by the Ireland Act 1949, s 2(1) and the Immigration Act 1971, s 1(3)).	Yes



DRAFT: This information has been communicated in confidence and should not be released without prior written agreement by the UK Government.

**NORTH-SOUTH COOPERATION: SCOPING EXERCISE**

	<b>GFA underpinning</b>	<b>Area of North-South cooperation</b>	<b>Description</b>	<b>Indicative categorisation</b>	<b>EU legal/policy base</b>	<b>Separate UK legal base and wider obligations</b>	<b>CTA as core/partial facilitator</b>
109	Cooperation beyond NSMC (public services)	Obstacles to Cross Border Mobility (Border People Project)	A project established by the Centre for Cross Border Studies to provide a resource to deal with queries arising as a result of people crossing the border for various purposes (work, recreation, education, retirement etc).	Partially underpinned or linked	The project was initially funded in 2007 by the EU PEACE Programme and then developed with EU INTERREG funding. It is currently funded by the Department of Foreign Affairs and Trade's Reconciliation Fund (Ireland).  In relation to the Common Travel Area - Protocol (No 20) on the application of certain aspects of Article 26 of the Treaty of the Functioning of the European Union to the United Kingdom and to Ireland.	Common Travel Area (the formalised legal status is provided for by the Ireland Act 1949, s2(1) and the Immigration Act 1971, s1(3)).	Yes
110	Cooperation beyond NSMC (public services)	Cross-border Working Group on Fire Services	A working group to develop cooperation and joint working on the Fire Service within the island of Ireland.	Not underpinned by or linked		Informal arrangements and collaboration	N/A
111	Cooperation beyond NSMC (local councils)	All-Island Local Authority Programme	Joint funding by Department for Communities (Northern Ireland) and Ireland to support the delivery by cooperation Ireland of the All Island Local Authority Programme. The Programme has provided leadership and practical cooperation between local government in Northern Ireland and Ireland, through joint projects, seminars and the production of research publications as well as the facilitation of networking within local government in both jurisdictions.	Not underpinned by or linked		Informal arrangements and collaboration	N/A
112	Cooperation beyond NSMC (local councils)	Local authority led cross-border engagement	Formal and informal engagement between local City & District Councils in Northern Ireland and County Councils in Ireland, both at a political Councillor level and an official/operational level. They provide strategic support on key cross-border regional development issues which relate to sustainability, competitiveness, and social cohesion.	Not underpinned by or linked		Informal arrangements and collaboration	N/A
113	Cooperation beyond NSMC (Fresh Start Agreement)	North West Gateway Initiative / North West Development Fund	The Initiative aims to promote a cross cutting, cross jurisdictional approach to addressing various issues in the North West Region on a cross-border basis. The objective is to derive greater synergy through the effective coordination of existing public expenditure in this area.  Following on from the North West Gateway Initiative, a North West Development Fund of €5m is to be established – this was agreed as part of the Fresh Start Agreement.	Not underpinned by or linked	The North West Development Fund is being used to build capacity in the region and is not directly underpinned by EU funding. However, it should be noted that the broader aims of the initiative could be taken forward via groups securing EU funding from various programmes.	The two local councils Londonderry/Derry City and Strabane District Council (Northern Ireland) and Donegal County Council (Ireland) in the region are working together under a partnership agreement to progress this work.  It is not directly underpinned in law, but did form part of the Fresh Start Agreement. The Fresh Start Agreement in 2015 comprised a series of actions agreed by the Northern Ireland Executive, the UK and Irish Governments.	N/A
114	Cooperation beyond NSMC (arts)	Arts Council of Northern Ireland and Arts Council / An Chomhairle Ealaíon North-South Touring and Dissemination Scheme	This scheme is designed to support the touring and dissemination of work in certain arts disciplines for tours starting between January and June each year, and is open to applicants who are resident in the Republic of Ireland or Northern Ireland.  The decision by both arts councils to combine resources and work together to create a simpler, joined-up approach was taken in May 2013.	Not underpinned by or linked	We are not aware of any funding from EU sources directly underpinning this initiative.	Informal cooperation with a co-funding arrangement.	N/A

DRAFT: This information has been communicated in confidence and should not be released without prior written agreement by the UK Government.

**NORTH-SOUTH COOPERATION: SCOPING EXERCISE**

	<b>GFA underpinning</b>	<b>Area of North-South cooperation</b>	<b>Description</b>	<b>Indicative categorisation</b>	<b>EU legal/policy base</b>	<b>Separate UK legal base and wider obligations</b>	<b>CTA as core/partial facilitator</b>
115	Cooperation beyond NSMC (arts)	Libraries Northern Ireland North/South activities	Cooperation includes general service provision, information sharing, access to resources, training, and children's initiatives.	Not underpinned by or linked	In relation to the Common Travel Area - Protocol (No 20) on the application of certain aspects of Article 26 of the Treaty of the Functioning of the European Union to the United Kingdom and to Ireland.	Libraries Act (Northern Ireland) 2008 requires Libraries Northern Ireland to provide a service to people who live, work or study in Northern Ireland - in practice there is a substantial amount of cross-border use.  Common Travel Area (the formalised legal status is provided for by the Ireland Act 1949, s 2(1) and the Immigration Act 1971, s 1(3)).	Yes
116	Cooperation beyond NSMC (arts)	National Museums Northern Ireland North-South collaboration	Ongoing collaboration between National Museums Northern Ireland and the National Museum of Ireland on exhibitions and programming.	Partially underpinned or linked	Cultural objects that are more than fifty years old need a licence to be exported under the Export of Objects of Cultural Interest (Control) Order 2003 (UK legislation); in addition, if cultural objects are being exported to a third country outside the EU, a licence is needed under Council regulation 116/09.		N/A
117	Cooperation beyond NSMC (sport)	Sport	Current North-South cooperation covers: Rugby World Cup 2023 Bid; Special Olympics Funding; Outdoor Recreation; Sport Northern Ireland cooperation with Irish authorities.	Partially underpinned or linked	The Common Travel Area is an important enabler for all-Ireland approaches to sport, and is recognised in Protocol (No 20) on the application of certain aspects of Article 26 of the Treaty of the Functioning of the European Union to the United Kingdom and to Ireland.	Common Travel Area (the formalised legal status is provided for by the Ireland Act 1949, s 2(1) and the Immigration Act 1971, s 1(3)).  Informal inter-governmental arrangements.	Yes
118	Cooperation beyond NSMC (legacy issues)	Independent Commission for the Location of Victims' Remains	Established by treaty between the UK and Ireland to obtain information, in confidence, which may lead to the location of the remains of victims of paramilitary violence ("the Disappeared") who were murdered and buried in secret arising from the conflict in Northern Ireland.	Not underpinned by or linked		Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland establishing the Independent Commission for Location of Victims' Remains, done at Dublin on 27 April 1999.  Northern Ireland (Location of Victims' Remains) Act 1999 and secondary legislation made under that Act.	N/A
119	Cooperation beyond NSMC (legacy issues)	Independent Reporting Commission	Established by treaty between the UK and Ireland to monitor progress on tackling paramilitary activity in Northern Ireland. Must carry out its functions with a view to promoting progress towards ending paramilitary activity connected with Northern Ireland, and supporting long term peace and stability in society and stable and inclusive devolved Government in Northern Ireland.	Not underpinned by or linked		Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland establishing the Independent Reporting Commission.  Northern Ireland (Stormont Agreement and Implementation Plan) Act 2016 and regulations made under that Act.	N/A
120	Cooperation beyond NSMC (human rights)	Joint Committee of Representatives of the Northern Ireland Human Rights Commission and the 'Irish Human Rights and Equality Commission' (formerly the Irish Human Rights Commission).	A forum, comprised of representatives of the two statutory Human Rights Commissions, for consideration of human rights issues in the island of Ireland.	Not underpinned by or linked		Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland, done at Belfast on 10 April 1998.	N/A
121	Cooperation beyond NSMC (statistics)	Statistics – Cooperation between the Central Statistics Office Ireland and the Northern Ireland Statistics and Research Agency	Cooperation on a variety of official statistics matters. These include the Census of population and matters relating to economic statistics.	Partially underpinned or linked	Informal arrangements although working together on the Census and tourism statistics is facilitated by EU directives.	Informal arrangements and collaboration	N/A
122	Cooperation beyond NSMC (other)	Non-commercial movement of Pets	A number of conditions must be met for the movement of pets between Member States, including an accompanying pet passport. For the non-commercial movement of pets from non-EU countries into the EU, further conditions must be met including an animal health certificate and declaration.	Directly underpinned by or linked	Regulation (EU) No 576/2013 on the non-commercial movement of pet animals. Commission Implementing Regulation (EU) No 577/2013.		N/A

DRAFT: This information has been communicated in confidence and should not be released without prior written agreement by the UK Government.

**NORTH-SOUTH COOPERATION: SCOPING EXERCISE**

	<b>GFA underpinning</b>	<b>Area of North-South cooperation</b>	<b>Description</b>	<b>Indicative categorisation</b>	<b>EU legal/policy base</b>	<b>Separate UK legal base and wider obligations</b>	<b>CTA as core/partial facilitator</b>
123	Avoiding a hard border	Customs	There are currently no customs barriers as the UK and Ireland are both in the EU Customs Union. All movements in free circulation across the border are intra-EU movements. Additionally the UK and Ireland also both follow the Union Customs Code (UCC) which serves as a framework regulation and sets out all of the details of the rules and procedures for customs throughout the EU.	Directly underpinned by or linked	Union Customs Code		N/A
124	Avoiding a hard border	Transit of goods	For goods arriving in the EU from a non EU country, Transit is a customs procedure that allows goods to move to, from, through or between countries that have signed a transit convention while customs duties or other charges are suspended until the goods reach the country of its final destination. This is important as a proportion of Ireland's (IE) trade with the EU is transported by road across Great Britain (GB). IE regards GB as a land bridge to EU markets. There is also a proportion of Northern Ireland's (NI) sales of goods with GB which is transported via IE (from Dublin to Holyhead).	Partially underpinned or linked	Common Transit Convention	Common Transit Convention.  The UK is also a signatory of the UN Customs Convention on the International Transport of Goods under Cover of TIR Carnets (TIR Convention), independent of its the European Union membership.	N/A
125	Avoiding a hard border	Data sharing and operational cooperation on customs matters	The Naples II treaty allows for data sharing and operational cooperation agreement between the UK and Ireland (and across the EU) for the purposes of: i) mutual assistance and cooperation of customs activity, ii) disclosing and investigating administrative breaches, and; iii) investigating criminal offences. This is essential to 'real time' cooperation between the two customs authorities to co-ordinate requests for mutual assistance on customs matters.	Directly underpinned by or linked	Data sharing and operational cooperation are facilitated under the Convention on Mutual Assistance and cooperation between Customs Administrations of the European Union 1997 (Naples II). This is a treaty between all EU Member States that sets out the types of cooperation (both for civil and criminal matters) and how this is to be actioned operationally. A suite of IT systems also support the sharing of data across the EU. These comprise as the Anti-Fraud Information System (AFIS) (also referred to as the Customs Information System (CIS)) that was provided for in the European Council Regulation (EC) No 515/97.		N/A
126	Avoiding a hard border	Relief from safety and security summary declarations	Carriers (or their representatives) must lodge Entry Summary Declarations (ENS) at the first port of entry into the customs territory of the EU (this is also a World Customs Organisation requirement). Carriers must do this at a prescribed time (1-24 hours) before loading or arrival (depending on the mode of transport), even if the eventual destination of the cargo is outside of the EU. This allows consignments to be risk assessed at an early stage and even stopped before consignments arrive at an EU port. An Exit Summary Declaration (EXS) is also required before goods leave the customs territory of the EU. Intra-EU movements of goods are not subject to these requirements: safety and security declarations are not currently needed between IE and the UK, so goods can be transported without any need for pre-notification.	Directly underpinned by or linked	Import Control System (ICS) and Export Control System (ECS), and mandatory Safety and Security Declarations (under regulations 648/2005 and 1875/2006). Additionally, the EU has legislated for the implementation of pre-loading data for air cargo (PLACI).	The WCO adopted the 'SAFE Framework of Standards' in 2005 to establish a minimum threshold of what must be done to secure and facilitate legitimate global trade.  UN Customs Convention on the International Transport of Goods under Cover of TIR Carnets (TIR Convention).	N/A

DRAFT: This information has been communicated in confidence and should not be released without prior written agreement by the UK Government.

**NORTH-SOUTH COOPERATION: SCOPING EXERCISE**

	<b>GFA underpinning</b>	<b>Area of North-South cooperation</b>	<b>Description</b>	<b>Indicative categorisation</b>	<b>EU legal/policy base</b>	<b>Separate UK legal base and wider obligations</b>	<b>CTA as core/partial facilitator</b>
127	Avoiding a hard border	Mutual recognition of AEOs	The Authorised Economic Operator (AEO) programme is a trusted trader status introduced by the WCO and forms part of the development of the WCO SAFE Framework of Standards. There are two types of Authorised Economic Operator (AEO) scheme in the EU. AEO(S) relates to safety and security so that accredited traders are subjected to fewer physical checks. AEO(C) relates to customs simplification – providing easier access to facilitations, and benefits related to guarantee reductions/waivers for companies whose systems and procedures are such that the fiscal risks are reduced. A business can hold either or both types of AEO status. As both IE and UK are EU members they follow the EU programme.	Directly underpinned by or linked	From 1 May 2016, the basic law is set out in Regulation (EU) No 952/2013 laying down the Union Customs Code (UCC); and its Implementing ((EU) 2015/2447) and Delegated ((EU) 2015/2446) Regulations.  Mutual Recognition of AEOs is a key part of the framework. This involves two customs administrations agreeing to recognise the AEO authorisation issued under the other programme and provide reciprocal benefits to AEOs of the other programme. The EU has Mutual Recognition of AEO programmes with Norway, Switzerland, Japan, Andorra, the US and China. The legal basis for the current UK AEO programmes (and equivalence with Ireland) is in EU legislation.		N/A
128	Avoiding a hard border	Market surveillance for goods	Checks to ensure the affixing of the CE and conformity markings, the availability of the EU declaration of conformity, technical documentation and laboratory checks to verify compliance with the essential requirements. Goods that are checked are most consumer goods including cosmetics and toys. Checks are risk based, using information shared across Europe (ICSMS and Rapex).	Directly underpinned by or linked	Regulation (EC) 765/2008 sets out the requirements for accreditation and market surveillance relating to the marketing of products. Decision 768/2008/EC on a common framework for the marketing of products contains provisions on market surveillance, obligations of businesses, traceability and safeguard mechanisms. Directive 2001/95/EC (the General Product Safety Directive) contains additional market surveillance provisions, notably for non-harmonised consumer products.		N/A
129	Avoiding a hard border	VAT - Information sharing	Currently, in relation to cross-border movement of goods to and from the EU, we use information sharing as a significant part of our ability to deal with fraud and compliance issues across Member States. For the rest of world, non-EU customs procedures apply. In the absence of information sharing, a number of compliance risks (and significant revenue risks) would be generated without a hard border at NI. Without an agreement we can continue to use the OECD Convention on Mutual Administrative Assistance in Tax matters to share information, though it will be easier to continue under current arrangements.	Directly underpinned by or linked	Regulation 904/2010 – (administrative cooperation) – underpins our cooperation with other MS on civil matters related to VAT fraud.	VAT Act 1994 and associated regulations.	N/A
130	Avoiding a hard border	Excise fraud	The UK and IE exchange information to be used for civil interventions for;  -establishing the assessment base, -for collection or administrative control of excise duties, -the monitoring of movements of excise goods, -risk analysis and enquiries.  Where the intervention is of a criminal nature then the Council regulation is not to be used. In these cases we are reliant on the Convention drawn up on the basis of Article K.3 of the Treaty on European Union, on mutual assistance and cooperation between customs administrations (Naples II).	Partially underpinned or linked	Council Regulation (EC) 389/2012 of 2 May 2012 on administrative cooperation in the field of excise duties.	Our information sharing powers and restrictions thereon are governed by CRCA 2005 and EU information and cooperation protocols.	N/A



DRAFT: This information has been communicated in confidence and should not be released without prior written agreement by the UK Government.

**NORTH-SOUTH COOPERATION: SCOPING EXERCISE**

	<b>GFA underpinning</b>	<b>Area of North-South cooperation</b>	<b>Description</b>	<b>Indicative categorisation</b>	<b>EU legal/policy base</b>	<b>Separate UK legal base and wider obligations</b>	<b>CTA as core/partial facilitator</b>
131	Avoiding a hard border	Checks on Intellectual Property Rights	EU Regulation goes further than TRIPS and covers all IPR infringements (beyond counterfeited and pirated goods). EU policy objective is to support a level-playing field and IPR protection for EU businesses. This is a physical based activity where Border Force are requested to detain goods by the rights holder (via an 'Application for Action') until the issue is resolved between rights holder and holder of the goods.	Directly underpinned by or linked	EU Regulation 608/2013 (customs enforcement of IPRs) sets out the conditions and procedures for action by customs authorities where goods suspected of infringing an IPR are, or should have been, subject to customs supervision or customs control within the customs territory of the EU (covers all IPR infringement).  There are three all-Ireland labels in place for Irish whiskey, Irish cream liqueurs and poitín; these are legally protected by Geographical Indicators.	The UK is also bound by TRIPS, which sets minimum requirements for the regulation of intellectual property by WTO members. In relation to the three all-Ireland GIs, there is a Memorandum of Understanding (MoU) to allow for cooperation between three Irish State agencies to operate the verification system; and consultation with Her Majesty's Revenue and Customs (HMRC) in the UK.	N/A
132	Avoiding a hard border	Checks on live animals	There are currently no requirements to check live animals at the Northern Ireland-Ireland border. 'Third country' checks provide for an official veterinarian to visually check animals for signs of disease and to ensure welfare requirements are being met, and to review accompanying documents to confirm identity and that all import conditions have been met. These checks have to be carried out at an official designated Border Inspection Post.	Directly underpinned by or linked	Council Directive 91/496/EEC laying down the principles governing the organization of veterinary checks on animals entering the Community from third countries and amending Directives 89/662/EEC, 90/425/EEC and 90/675/EEC Council Directives 96/93/EC, 88/407/EEC, 89/556/EEC, 90/429/EEC, 2009/158/EC, 92/65/EEC, 90/425/EEC, 92/118/EEC, 97/78/EC, 2006/88/EC; Commission decision 2004/407/EC. Council Regulations (EC) Nos 2406/96, 999/2001, 2065/2001, 1069/2009, 2160/2003, 878/2004, 852/2004, 853/2004, 854/2004, 882/2004, 2073/2005, 2075/2005.		N/A
133	Avoiding a hard border	Checks on products of animal origin, including fish products and bivalve molluscs, for human consumption (POAO)	Documentary, identity and physical checks related to food safety standards and the prevention of animal diseases from entering the country. The proportion of physical checks is risk based dependent on the country of origin and species. There are currently no checks at the border between Northern Ireland and Ireland.	Directly underpinned by or linked	Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules. Council Directive 97/78/EC and Commission decision 94/360/EC. Council Directives 96/93/EC, 88/407/EEC, 89/556/EEC, 90/429/EEC, 2009/158/EC, 92/65/EEC, 90/425/EEC, 92/118/EEC, 97/78/EC, 2006/88/EC Commission decision 2004/407/EC Council Regulations (EC) Nos 2406/96, 999/2001, 2065/2001, 1069/2009, 2160/2003, 878/2004, 852/2004, 853/2004, 854/2004, 882/2004, 2073/2005, 2075/2005		N/A

**NORTH-SOUTH COOPERATION: SCOPING EXERCISE**

	<b>GFA underpinning</b>	<b>Area of North-South cooperation</b>	<b>Description</b>	<b>Indicative categorisation</b>	<b>EU legal/policy base</b>	<b>Separate UK legal base and wider obligations</b>	<b>CTA as core/partial facilitator</b>
134	Avoiding a hard border	Checks on food not of animal origin (FNAO)	Physical and documentary checks relating to food safety. EU 'third country' regulations require FNAO classified as high risk to undergo documentary and risk-based physical checks. These checks have to take place at a Designated Point of Entry (DPE), with the rules and requirements set out in EU law. There are currently no checks at the Northern Ireland-Ireland border.  In relation to North-South cooperation, intelligence on transboundary trade in food products may be exchanged as part of North South Plant Health Sub Groups work streams to assess if there is any potential threat from the spread of new and or emerging pathogens affecting FNAO.	Directly underpinned by or linked	EU Regulation 882/2004 on official controls for feed and food law sets out the approach that competent authorities of member states must adopt for official controls.  EU Regulation 669/2009 and several other EU regulations/decisions set out specific safeguard measure for high risk FNAO: Regulation 884/2014, Regulation 885/2014, Regulation 2016/166, Regulation 2015/175, Decision 2010/381/EU and Decision 2013/287/EU.  Council Directives 96/93/EC, 88/407/EEC, 89/556/EEC, 90/429/EEC, 2009/158/EC, 92/65/EEC, 90/425/EEC, 92/118/EEC, 97/78/EC, 2006/88/EC Commission decision 2004/407/EC Council Regulations (EC) Nos 2406/96, 999/2001, 2065/2001, 1069/2009, 2160/2003, 878/2004, 852/2004, 853/2004, 854/2004, 882/2004, 2073/2005, 2075/2005		N/A
135	Avoiding a hard border	Road haulage	There are no requirements for permit checks at borders for hauliers travelling within the European Union, including between Northern Ireland and Ireland. A limited number of European Conference of Ministers of Transport (ECMT) permits are issued to non-EU countries.	Directly underpinned by or linked	If an operator holds a "community licence" it may carry out international haulage operations within the EU as per EU Regulation (EC) No 1072/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international road haulage market.  In relation to the Common Travel Area - Protocol (No 20) on the application of certain aspects of Article 26 of the Treaty of the Functioning of the European Union to the United Kingdom and to Ireland.	Exchange of Letters between the UK and Ireland concerning 'the granting of Common Exemptions under European Regulation No. 561/2006 and the corresponding Exemption under Council Regulation 3821/85 [now replaced by Regulation (EU) 165/2014] in respect of Vehicles operating cross-border Journeys between the Two Countries'.  Common Travel Area (the formalised legal status is provided for by the Ireland Act 1949, s 2(1) and the Immigration Act 1971, s 1(3)).	Yes
136	Avoiding a hard border	Movement of medicines, devices and other healthcare goods	Northern Ireland and Ireland is currently treated as a single entity by pharma and medical device companies/wholesale dealers for the purpose of the movement of medicine, devices and other healthcare goods.	Directly underpinned by or linked	Regulation (EU) 2017/745 on medical devices replaces the Medical Devices Directive (93/42/EEC) and Active Implantable Medical Devices Directive (90/385/EEC) and has a transition period of three years from May 2017-May 2020. In Vitro Diagnostic Medical Devices Regulation 2017/746.		N/A
137	Avoiding a hard border	Import licensing controls	To enforce EU decisions to impose trade sanctions on third countries.	Directly underpinned by or linked	Article 215 of the Treaty on the Functioning of the European Union (TFEU) provides a legal basis for the interruption or reduction, in part or completely, of the Union's economic and financial relations with one or more third countries, where such restrictive measures are necessary to achieve the objectives of the Common Foreign and Security Policy (CFSP).	Export Control Act 2002 for sanctions measures relating to export/brokering/technical assistance for goods/technology that has a 'relevant consequence'. Import, Export and Customs Powers (Defence) Act 1939 for sanctions measures relating to the import of goods.	N/A

DRAFT: This information has been communicated in confidence and should not be released without prior written agreement by the UK Government.

**NORTH-SOUTH COOPERATION: SCOPING EXERCISE**

	<b>GFA underpinning</b>	<b>Area of North-South cooperation</b>	<b>Description</b>	<b>Indicative categorisation</b>	<b>EU legal/policy base</b>	<b>Separate UK legal base and wider obligations</b>	<b>CTA as core/partial facilitator</b>
138	Avoiding a hard border	Export licensing controls (dual use goods, military goods)	Checks are to enforce strategic export controls: that is, controls on exports of military goods; dual-use goods (i.e. those usable for both civilian and military purposes, including in connection with weapons of mass destruction (WMD)); goods controlled under UN and EU sanctions; and goods controlled because of their potential use in capital punishment and torture.	Partially underpinned or linked	EU Council common position 2008/944/CFSP defining common rules governing control of exports of military technology and equipment.  Council regulation (EC) 1236/2005 concerning trade in certain goods which could be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment; directive 2009/43/EC simplifying terms and conditions of transfers of defence-related products within the Community; and the re-cast Council regulation (EC) 428/2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items	Export Control Act 2002; Export Control Order 2008  UN International Arms Trade Treaty 2013	N/A
139	Avoiding a hard border	Check on civil explosives	Security provisions to ensure that there are controls on civil explosives being transported into a MS in the EU. Movement of civil explosives (apart from within the same site) must have approval from recipient competent authority.	Directly underpinned by or linked	Civil Explosives Directive 2014/28/ EU (Article 11) which has been transposed into domestic legislation through Regulation 8 of the Explosives Regulations 2014 and the equivalent regulations in Northern Ireland.		N/A
140	Avoiding a hard border	Firearms, Offensive Weapons	Legitimate licenced firearms can move between firearm dealers in Northern Ireland and Ireland, and vice versa.	Directly underpinned by or linked	EU Firearms Directive 91/477/EC as amended.		N/A
141	Avoiding a hard border	International obligations on the carriage of dangerous goods (cross-modal) checks	Checks are primarily outbound as they are about ensuring any dangerous goods are correctly stored and labelled for transport, and that drivers are aware of what they are carrying and necessary precautions. The UK Maritime and Coastguard agency undertake targeted intelligence-led checks on the compliance with relevant international conventions. These are usually undertaken alongside other customs checks, however MCA inspectors can undertake them independently.	Not underpinned by or linked		Based on international requirements. UK will continue to be signatories of the relevant treaties post Exit (ADR – Road, RID – Rail, ICAO technical instructions and IMO Dangerous Goods Code).	N/A
142	Avoiding a hard border	Cultural goods	To stop national treasures from leaving the country and prevent illicit trafficking and looting. It also helps ensure the correct amount of duty is paid (or tax relief applied correctly) for items that can be high value.	Partially underpinned or linked	Union Customs Code (UCC)  2017/0158 (COD) Proposal for a regulation of the European Parliament and of the Council on the import of cultural goods.	UK Export Licensing for cultural goods.	N/A