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Negotiations on Ireland / Northern Ireland
Mapping of North-South cooperation & Implementation Bodies
Report and key findings of the exercise

The EU and the UK undertook a detailed mapping exercise in autumn 2017 aimed at recording the level of North-South cooperation on the island of Ireland and at assessing the role of Ireland's and the UK's common EU membership in this regard.

North-South cooperation is a central part of the Good Friday Agreement. There are six formal areas of cooperation (agriculture, education, environment, health, tourism and transport) and six North-South Implementation Bodies, as well as Tourism Ireland, which were established under the Good Friday Agreement. In addition, this formal cooperation has subsequently been complemented by cooperation in a number of other fields (including policing and justice, broadcasting and energy).

The Joint Report as agreed by the EU and UK negotiators on 8 December 2017 included a number of specific provisions in relation to North-South cooperation, with the UK confirming in paragraph 49 of the document that "the United Kingdom remains committed to protecting North-South cooperation". It was further noted in the same paragraph of the text that "any future arrangements must be compatible with these overarching requirements", i.e. the twin requirements of both protecting such cooperation and the guarantee to avoid a hard border.

In addition, in paragraph 47 of the report, the EU and UK both acknowledged that: "Cooperation between Ireland and Northern Ireland is a central part of the 1998 Agreement and is essential for achieving reconciliation and the normalisation of relationships on the island of Ireland. In this regard, both Parties recall the roles, functions and safeguards of the Northern Ireland Executive, the Northern Ireland Assembly, and the North-South Ministerial Council (including its cross-community provisions) as set out in the 1998 Agreement. The two Parties have carried out a mapping exercise, which shows that North-South cooperation relies to a significant extent on a common European Union legal and policy framework. Therefore, the United Kingdom's departure from the European Union gives rise to substantial challenges to the maintenance and development of North-South cooperation".

In recognition of these challenges, the findings of the mapping exercise fed into the subsequent preparation of the draft Protocol on Ireland/Northern Ireland to the Withdrawal Agreement endorsed by the European Council and the UK government on 25 November. The Protocol sets out an overall framework to avoid a hard border and protect North-South cooperation. It also recalls the Union's and the United Kingdom's intention to replace the backstop, in whole or in part, by a subsequent agreement.

Article 13 of the Protocol deals specifically with North-South cooperation. It recognises the link between avoiding a hard border and such cooperation and stipulates that: "Consistent with the arrangements set out in Articles 6(2) and Articles 7 to 12 of this Protocol, and in full respect of Union law, this Protocol shall be implemented and applied so as to maintain the necessary conditions for continued North-South cooperation, including in the areas of environment, health, agriculture, transport, education and tourism, as well as energy, telecommunications, broadcasting, inland fisheries, justice and security, higher education and sport. In full respect of Union law, the United Kingdom and Ireland may continue to make new arrangements building on the provisions of the 1998 Agreement in other areas of North-South cooperation on the island of Ireland".

Under this provision and in a manner consistent with and complementary to the implementation of the Protocol as a whole, Ireland and Northern Ireland may therefore jointly or individually adopt measures to ensure that North-South cooperation can continue once EU law ceases to apply in and to Northern Ireland after UK withdrawal in the areas not covered by Articles 6(2) and Articles 7 to 12 of the Protocol.

General context and overview

A series of detailed discussions took place between the UK and the EU, supported by Ireland, in late 2017 in order to map North-South cooperation on the island of Ireland (the mapping exercise). The objective of the mapping exercise was to assess the breadth and depth of this co-operation, as well as the role of EU membership in its operation and development, with a view to protecting and supporting North-South cooperation after the UK's withdrawal from the EU.

North-South cooperation is specific to the island of Ireland and comes under the remit of the Government of Ireland and the Northern Ireland Executive. The cooperation is provided for by Strand Two of the Belfast/Good Friday Agreement (the Agreement). Strand Two provides for the establishment of the North-South Ministerial Council (NSMC), which brings together the Government of Ireland and the Northern Ireland Executive on matters of mutual interest within the competences of the Administrations, North and South. The NSMC meets in a number of Sectoral formats at Ministerial level and in Plenary format, which represents a full meeting of the two Administrations on the island. All decisions taken by the NSMC are agreements of the Northern Ireland Executive and the Government of Ireland.

North-South cooperation is a central part of the Agreement, which provides for interlocking and interdependent political institutions dealing with the totality of relationships in Northern Ireland, North-South and East-West:

- a) Strand One of the Agreement provides for a legislative Assembly and power-sharing Executive in Northern Ireland and sets out the structure of the devolved institutions;
- b) Strand Two provides for a North-South Ministerial Council (NSMC) to bring together the Northern Ireland Executive and the Government of Ireland “to develop consultation, co-operation and action within the island of Ireland - including through implementation on an all-island and cross-border basis - on matters of mutual interest within the competence of the Administrations, North and South”;
- c) Strand Three addresses East-West relations, reflecting the connections between the UK and Ireland. The Agreement provides for a British-Irish Council “to promote the harmonious and mutually beneficial development of the totality of relationships among the peoples of these islands”. The Agreement also provides for a British-Irish Intergovernmental Conference to “promote bilateral cooperation at all levels on all matters of mutual interest within the competence of both Governments”.

An extensive range of North-South cooperation was reviewed as part of the mapping exercise, covering the twelve agreed areas of cooperation which are under the North-South Ministerial

Council¹ (NSMC) work programme, including the six North-South Implementation Bodies, Tourism Ireland Limited, and other areas of cooperation that have developed since the Agreement.

The exchanges mapped specific areas of cooperation identified by the EU and the UK in advance of the exercise but also included additional elements which were identified during the course of the discussions. The exercise included cooperation directly underpinned by EU legal and policy frameworks, as well as areas not underpinned or reliant on European Union law or policy, and reflecting a range of formal and informal cooperation that occurs between Northern Ireland and Ireland. North-South cooperation is wide-ranging across all the formal areas, through the Implementation Bodies and in the other areas of cooperation. North-South cooperation continues to evolve and develop across all areas and the areas of cooperation are both complementary and interdependent.

This report is comprised of short summary reports of the discussions held and a list of the North-South cooperation identified in the mapping exercise as agreed with the UK.

The short summaries of discussion are not comprehensive but indicative of the scope of current work. Similarly, the list of cooperation discussed includes umbrella categories of formal and broader cooperation that encompass multiple individual actions. The categories of cooperation included in the list are broad in scope recognising that any description of North-South cooperation, including the list, must be clearly understood as illustrative, and not exhaustive. In considering this report and the list of areas of cooperation discussed reference should also be made to the list of cross-cutting issues identified in the report.

Further areas of informal and local/community level cooperation have not been captured by this exercise. It was fully recognised that cooperation must be seen in the context of the commitments made in the Agreement.

Examination of all of the areas of cooperation in the mapping exercise was based on a factual analysis of the current position and, consequently, the exercise did not consider new or future areas of North-South cooperation. It was recognised that any development of new areas of cooperation would be a matter for the Government of Ireland and Northern Ireland Executive, or other bodies as appropriate, and in accordance where relevant with the procedures provided for in the Agreement.

For the purposes of the mapping exercise, North-South cooperation was understood to refer to:

- i. The six areas of cooperation agreed by the NSMC are currently agriculture, environment, transport, health, tourism, and education, in which common policies and approaches are agreed in the NSMC but implemented separately in each jurisdiction, in line with Strand Two of the Agreement, as well as Tourism Ireland Ltd. operating on an all-island basis. Each of these areas has a number of subcategories that significantly contribute to the total areas of cooperation.

¹ The North-South Ministerial Council, established with a Secretariat in Armagh staffed jointly between the civil services of Ireland and Northern Ireland, brings together Ministers, North and South, to oversee the implementation of joint work programmes in the areas of cooperation. The plenary meetings are chaired by the Taoiseach and the First and deputy First Ministers of Northern Ireland.

- ii. The work and operation of the other six agreed areas of co-operation under the NSMC - Inland Waterways; Food Safety; Trade and Business Development; Special EU Programmes; Language; and Aquaculture and Marine matters - in which co-operation is taken forward by means of six North-South Implementation Bodies operating on an all-island basis in line with Strand II of the Agreement. The North-South Implementation Bodies are the Loughs Agency (the Foyle, Carlingford and Irish Lights Commission), Waterways Ireland, the Special European Union Programmes Body, the Food Safety Promotion Board (safeFood), InterTradeIreland, and the Language Body.
- iii. North-South cooperation that takes place outside of the formal structures of the NSMC and which has developed in line with the principles of North-South cooperation laid down in the Agreement and which takes place in parallel to, rather than under the auspices of, the NSMC. These currently include energy; telecommunications and broadcasting; justice and security; higher and further education; arts, culture and sport; and inland fisheries.

There were a number of cross-cutting issues identified by the mapping exercise that impact upon the full implementation of North-South cooperation and will be impacted by the UK's exit from the EU. These include, but are not restricted to: data protection, including personal data, which may affect information sharing; public procurement; state aid rules; health and safety and employment frameworks; access to EU funding; the provision of and access to services; divergence in legislative and regulatory regimes; divergence in scientific opinion informing policy and legislation; and the mutual recognition of professional qualifications.

EU funding has been both supportive to and instrumental in the development of North-South cooperation, in many cases enabling projects and initiatives to get underway in contexts where it might not otherwise have been possible. Examples of some of the most relevant EU programmes include PEACE, INTERREG, Horizon 2020, Erasmus+, LIFE Programme, CEF and TEN-T, EASI. In addition, all six Implementation Bodies benefit from funding under PEACE and INTERREG.

Customs and regulatory issues specifically related to the border on the island of Ireland were not discussed directly as part of the mapping exercise. However, it was consistently recognised that virtually all areas of North-South cooperation are predicated on the avoidance of a hard border, including related customs or regulatory checks and controls. Similarly, it was acknowledged that the free movement of people underpins many areas of North-South cooperation as well as access to services on both sides of the border. The continuation of the Common Travel Area between Ireland and the UK is therefore vital in this regard.

The mapping exercise demonstrated the interconnectedness of the areas of cooperation and the work of the North-South Implementation Bodies. In many cases, areas of cooperation which rely heavily on the EU acquis are in turn connected to and support areas which are less reliant on the EU acquis. In numerous instances, projects or initiatives between North and South are realisable because they provide economies of scale that would not be possible were they to be pursued in parallel. This exercise also demonstrated clearly that many areas of North-South cooperation have either expressly relied upon or have been significantly enabled by the overarching EU legal and policy framework and the implicit assumption that both Ireland and the UK would remain EU Member States. North-South regulatory alignment supports the effective operation of all of the Implementation Bodies.

Formal areas of cooperation under the North-South Ministerial Council

North-South Cooperation on Agriculture

Agriculture is one of the formal areas of North-South cooperation under the North-South Ministerial Council. Here, the mapping exercise demonstrated that cooperation is heavily underpinned by the legislative and policy framework provided by the EU. The NSMC meets in the agriculture sector in order to consider decisions on common policies and approaches under the mandated areas of Common Agriculture Policy issues, Animal and Plant Health policy, and Research and Rural Development. There are also important ongoing North-South interactions on EU issues such as CAP implementation, market developments, farm safety and rural development.

The mandate for current discussions on the Common Agricultural Policy stems from a decision taken at the NSMC Agriculture Sector meeting of November 2007 that future meetings would consider and review common challenges and opportunities arising from the EU dimension of agriculture. (This decision reiterates what was already covered under the mandated areas of co-operation.)

Cooperation between Northern Ireland and Ireland in the area of agriculture has helped deliver joint policy objectives of high levels of animal and plant health, animal welfare, and food safety. In the area of animal health in particular, the All-Island Animal Health and Welfare Strategy facilitates cooperation across a range of areas, including veterinary medicines, Tuberculosis eradication efforts, Transmissible Spongiform Encephalopathies management, efforts to combat epizootic disease, and the exchange of data to facilitate the movement of bovine animals, all of which are underpinned by EU legislation.

Similarly, in relation to plant health, under the NSMC arrangements, a steering group oversees cooperation on areas of mutual interest across plant health and pesticides, which is currently underpinned by a number of EU Directives. A key principle of the group is to help identify and implement mutually beneficial actions to prevent the introduction, establishment and spread of harmful organisms into the single epidemiological unit of the island. Practical examples include the sharing of intelligence on illegal plant movements; the joint implementation of agreed strategies to eradicate and control plant diseases such as the All Ireland Chalara Control Strategy (ash dieback) and a Protocol for the cross-border movement of larch logs affected by *Phytophthora ramorum*; joint contingency approach; and introducing restrictions on the introduction of certain species of plants for planting at the same time (EU protected zones).

The island of Ireland is treated as a single epidemiological unit, with specific issues arising in terms of plant passporting, protected zones, as well as seed potatoes and wood packaging material. There is also ongoing contact and cooperation in the area of pesticides and forestry which are set against the backdrop of an EU legislative framework. Strong North-South cooperation has contributed to ensuring that the island of Ireland is free from certain plant pests/diseases which exist elsewhere in Europe, including Great Britain.

The equine sector is also structured on an all-island basis. The current Tripartite Agreement (which is also underpinned by EU legislation and involves Ireland, the UK and France) facilitates the movement

of horses on the island of Ireland. Cooperation also occurs through the registration of Northern Ireland thoroughbreds in the Irish Studbook.

The mapping exercise also noted the link between the extensive EU legislative basis for North South cooperation and the avoidance of a hard border. For example, conditions for placing agricultural products on the market, including on food quality, consumer information, external trade and standards for animal health, plant health, and products of animal and plant origin on the island of Ireland are currently underpinned by EU legislation, meaning border checks are not currently required on agri-food (or fish and aquaculture) products moving between the two jurisdictions. There is also a significant read-across to cooperation in the environment field, for example on the use of nitrates, and regulating competition.

It was acknowledged that cooperation across many of these areas is vital to the rural economy and linked to rural development on both sides of the border, with a read across to the areas of food, tourism, sport, transport and environmental issues.

North-South Cooperation on Environment

Environment is another formal area of cooperation under the NSMC. The Council meets in the environment sector in order to make decisions on common policies and approaches in areas such as environmental protection. Formal NSMC priorities include waste management, water quality management (an issue of particular significance in a cross-border context given that substantial areas in each jurisdiction lie within cross-border river basins) and cooperation on marine, bathing and shellfish waters. The important roles of Waterways Ireland and the Loughs Agency and their legal duty of compliance to EU legislation in these areas were acknowledged. There is a wide range of cooperation including tackling cross-border flood risk and informal knowledge exchange and joint programmes to raise awareness on wildfire prevention.

Northern Ireland and Ireland work very closely together on environmental protection, particularly given the scientific and practical context that the island of Ireland is a single biogeographical unit. Much of the current cooperation in this area has been guided by working together to implement EU policies and legislation in relation to nature and biodiversity, including the protection of habitats and species as well as invasive alien species control and management. Other international commitments, including the Bern Convention on the Conservation of European Wildlife and Natural Habitats, are also relevant in the context of North-South cooperation in this area.

Further cooperation, enabled in large part by EU frameworks, takes place in areas such as flood risk management, Strategic Environmental Assessments, Environmental Impact Assessments and Appropriate Assessments, maritime spatial planning, information-sharing between NI Water and Irish Water, mapping and geodetic data, wildfire initiatives, cooperation on the environmental impacts of fracking, air quality research, wildlife trade including, but not limited to, obligations under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and the handling of cross-border movements of fluorinated gases.

The mapping exercise demonstrated the link between environmental issues and commitments to avoid a hard border. These include questions on issues such as common labelling provisions,

hazardous chemicals, persistent organic pollutants, mercury, waste shipment, packaging and packaging waste, end-of-life vehicles and ship recycling, as well as a cluster of biodiversity issues including obligations under CITES and questions relating to invasive alien species control which are linked to SPS and agriculture issues.

The connections between this area of cooperation and other areas, including in particular food, tourism and agriculture, were noted.

North-South Cooperation on Transport

Transport is an area of formal cooperation under the NSMC. In general terms, transport is a key facilitator of cross-border economic and social activity. Current areas of NSMC cooperation include strategic transport planning, in particular in relation to the national road network on each side of the border, the rail network, cross-border bus services, sustainable transport management and the development of plans for specific cross-border projects. An objective of North-South co-operation is to align public transport in local regions, to ensure best service provision. Another objective is to ensure the road network programme is designed to address economic imbalances. Important in this regard are areas such as road and rail certification, licensing and safety. Road safety is also an important area and there is now North-South mutual recognition of disqualification from driving.

In terms of sustainable transport, cooperation around alignment, standards, spatial and adaptation planning is important as both jurisdictions begin to respond to the impacts of climate change. For example, greenways and electric vehicle charging points are facilitated by cooperation in these areas. Many sustainable transport management projects are supported by EU funding.

Transport issues impacted by the UK leaving the EU include the free circulation area, the Enterprise rail service, cross-border bus and road haulage services, the tourism sector (in particular bus operators and implications of aviation connectivity), and sustainable transport.

North-South Cooperation on Health

Health is a formal area of cooperation under the NSMC. There is substantial cooperation in the area, which enjoys broad cross-community support and has demonstrable mutual benefit. The current NSMC work programme includes accident and emergency planning, planning for major emergencies, co-operation on technology assessment, cancer research and health promotion. Child protection is also an area for regular discussion.

The mapping exercise made clear that the size, population and geography of the island of Ireland mean that economies of scale for certain specialised services only exist at an all-island level or, for certain regions, on the basis of North-South cooperation. This means that, in a number of fields, in the absence of North-South cooperation, patients and health services would be directly affected. North-South cooperation and EU frameworks also support the continuity of care and of supply of health products, such as medicines and medical devices.

An example of vital health services which patients access on a cross-border basis is the North-West Cancer Care Centre. Similarly General Practitioner (Doctors) out-of-hours services and the dispensing of prescriptions are provided on a cross-border basis, where the closest doctor or pharmacy may be in the other jurisdiction.

The mapping exercise also noted the link to the avoidance of a hard border. The time-sensitive nature of many healthcare services, and in particular emergency services, means that response times for certain life-saving interventions would be increased if there were any impediment to unrestricted movement at the border.

North-South cooperation in the area of health facilitated by regulatory and legislative alignment, for example the continuity of supply of health products such as medicines and medical devices, currently facilitated by EU Directives. Such availability has public health implications. Import/export controls for food (e.g. foods of non-animal origin) are also dependent on regulatory alignment. Existing co-ordination networks (including those for communicable diseases and public health emergency preparedness and response) and alert systems (including food alerts) are important for ensuring public and patient safety across the island of Ireland. Cross-cutting issues such as data sharing and EU public procurement rules are also of relevance in this area.

North-South Cooperation on Tourism

Tourism is a formal area of cooperation under the NSMC. The NSMC meets in the tourism sector in order to make decisions on common policies and approaches in the area of tourism. The NSMC work programme on tourism involves planning and delivering international tourism marketing programmes, including programmes in partnership with the tourism industry North and South; publication and dissemination in overseas markets of information of a balanced and comprehensive nature on the island of Ireland as a tourist destination, which reflects the diverse traditions, forms of cultural expression, and identities within the island of Ireland; market research, provision of information and other appropriate assistance to help the industry develop international marketing expertise; and cooperation with, consulting, and assisting other bodies or associations in carrying out such activities.

The NSMC also makes decisions on policies and actions to be implemented by Tourism Ireland Limited, a publicly owned limited company established to promote the island of Ireland (Northern Ireland and Ireland) globally overseas and to support Northern Ireland to realise its tourism potential. Tourism Ireland operates within the auspices of the NSMC and is funded jointly by the Department of Transport, Tourism and Sport in Ireland and the Department for the Economy in Northern Ireland.

The interrelated nature of tourism with other areas of cooperation was noted. Cross-border movement, as facilitated and underpinned by the absence of a hard border, is a vital enabler of cooperation in this area; this includes high value leisure equipment such as boats, as well as people and animals relating to sporting activities such as horses. Road transport and aviation are also important, with the vast majority of tourists to the island of Ireland entering via Dublin. The natural environment and food quality are important factors cited by visitors to the island of Ireland, and EU standards play an important role in both areas in supporting the tourism sector.

North-South Cooperation on Education

Education is a formal area of cooperation under the NSMC. Education is a fully devolved matter to Northern Ireland, and in general, the EU's competence in respect of education and vocational training is a supporting competence. Areas of work under the NSMC include education for children with special needs; educational under achievement; teacher qualifications; and school, youth and teacher exchanges. As in other areas such as health, considerations of scale mean that the provision of high-quality specialist services often requires an all-island approach, including access to assistive technology and other learning supports schemes as appropriate within either jurisdiction. For example, a specific area of cooperation for children with special educational needs is the Middletown Centre for Autism, which is a jointly funded North-South project including joint ownership of land and buildings. The Centre provides second tier autism services across both jurisdictions.

A key facilitator of cooperation is the recognition of professional and educational qualifications. The current cooperation structures include arrangements for the recognition of teaching qualifications on the island and for teacher mobility which are a fundamental element of the education systems on the island. It is also a key element of the education labour market on the island. EU funding has also been a significant driver for specific projects, particularly in the border region.

Current EU *acquis* of relevance to this area include those relating to the mutual recognition of professional qualifications, EU policies relating to vulnerable sectors of society, EU public procurement rules and EU state aid rules as relating to training and education are also relevant. As in all areas of North-South cooperation, the avoidance of a hard border and continuing free movement for people and goods is fundamental to the maintenance of and potential development of meaningful cooperation in this area.

Other areas of cooperation

North-South Cooperation on Energy

Although not a formal area of cooperation under the NSMC, significant levels of cooperation, including those based on domestic legislation, have developed in the area of energy policy since the Agreement underpinned by EU Internal Energy Market legislation².

Electricity

The all-island Single Electricity Market (SEM), a single, trans-border electricity market between Northern Ireland and Ireland in place since 2007, is underpinned by EU Internal Energy Market

² EU energy policy and legislation aim for closer integration of energy markets across Europe but there is no requirement in EU law for markets in separate Member States to merge as has been achieved on the island of Ireland for electricity.

legislation, including the Electricity Directive, Electricity Regulation, the Agency for the Cooperation of Energy Regulators (ACER) Regulation and associated EC Regulations, supported by domestic legislation.

Effective operation of the SEM is based on EU rules governing technical operation of, and trading in, electricity systems and markets. Other vital elements include EU state aid rules, EU rules on data sharing and management, and EU market surveillance rules. In addition, EU policy frameworks in the areas of environment and climate change (e.g. the EU Emissions Trading System/industrial emissions) are also necessary for the effective functioning of the SEM.

The SEM electricity trading rules were redesigned over the last number of years to fully align them with EU electricity market legislation. The updated market arrangements went live in October 2018.

The SEM provides cost effectiveness at a wholesale level, improving market liquidity, and ensures reliable, sustainable and efficient market services for consumers. The SEM, by facilitating seamless cross-border trade in electricity, increases the security of electricity supply particularly for Northern Ireland.

Gas

Gas markets in Ireland and Northern Ireland are currently governed by EU internal gas market legislation, as well as domestic legislation. The gas markets in Ireland and Northern Ireland are supplied by gas transported across two interconnector pipelines between Britain and Ireland. These are part of the Irish gas transmission network and are owned by the Irish gas transmission system operator. There is a spur to Northern Ireland, owned by a mutual company established in Northern Ireland, from one of interconnector pipelines from Scotland to Ireland. This spur leaves the interconnector pipeline in Scotland, i.e from within the UK. There is also an interconnecting pipeline running from Ireland to Northern Ireland which is currently unused but available in the event of disruption to the spur to Northern Ireland from the main Scotland Ireland pipeline. There are voluntary arrangements in place between Ireland and Northern Ireland transmission systems operators for cooperation in the event of an emergency.

Oil stocks

Oil resilience planning, including storage of emergency stock, is another example of cooperation in the energy sector that highlights the interconnectedness and inter-dependency of energy sector relationships between Northern Ireland and Ireland.

North-South Cooperation on Telecommunications and Broadcasting

North-South cooperation in the areas of telecommunications and broadcasting, although not a formal area of cooperation under the NSMC, in the context of Irish language broadcasting directly fulfils obligations under the Good Friday Agreement. More generally, these areas of cooperation are key facilitators of day-to-day life on the island and form part of a broader economic and social context.

In the context of commitments in relation to linguistic diversity in the Agreement, the UK Government committed “where appropriate and where people so desire it ... [to] explore urgently with the relevant British authorities, and in cooperation with the Irish broadcasting authorities, the scope for achieving more widespread availability of [Irish language television] in Northern Ireland”. This is currently facilitated by the Audiovisual Media Services Directive. The provision of RTÉ and TG4 broadcasting services on the Northern Irish DTT platform is provided for by a Memorandum of Understanding (MOU), which was signed by the Irish and UK authorities on 1 February 2010. At present, the Audio-Visual Media Services Directive (AVMSD) governs country of origin provisions and minimum standards for content, enabling regulation by one EU Member State regulator.

In practice, telecommunications – and particularly mobile roaming – facilitates North-South cooperation. EU rules are of direct relevance in a number of areas, including in that of mobile roaming, where the EU’s “Roam like At Home” regime has brought certainty to consumers. This gives certainty to people living or working in border areas of the island of Ireland who can inadvertently roam between UK and Irish mobile phone operators. In addition, tens of thousands of people commute across the border every day to work or study and therefore use the networks of the other country’s mobile operators. The national regulatory authorities have also worked closely together on numerous other regulatory matters where there is a shared cross-border interest including radio interference resolution, and spectrum auction coordination.

Currently, there is close cooperation on an all-island basis to manage how and when spectrum is allocated and used. The Commission plays a coordinating role for EU member states in the clearing of bandwidth under International Telecommunications Union (ITU) rules. It is expected that, in the future, the EU will have its own internal rules for spectrum coordination under the new European Electronic Communications Code (COM 2016 590) which is expected to take effect in late 2020, both cross-border within the EU, and cross-border externally with third countries. Some of the telecommunications networks are comprised of infrastructure which rests on both sides of the border.

Cooperation between Ireland and Northern Ireland on subsea cable projects, particularly Project Kelvin, which is significant for connectivity in the North-West of the island, encompassing parts of Ireland and Northern Ireland, and funded through INTERREG IV, was also identified as important in bringing improved resilience in terms of connectivity and reducing business costs.

North-South Cooperation on Justice and Security

The mapping exercise highlighted the significant level of North-South cooperation that currently exists in relation to policing and security issues and which reflects the historical and political context. The exercise also made clear that some of the current cooperation is partially underpinned or linked to the EU measures.

Much of the cooperation in this area is driven by common purpose in dealing with cross-border organised crime and security threats, with an ongoing series of cooperation measures, including on police cooperation, criminal judicial cooperation and on victims of crime. These currently benefit from a common EU environment and in certain instances EU specific legal instruments. The European

Arrest Warrant, providing for a swift surrender of a person without a political decision-making element, is a significant example.

Another key EU policy area of relevance is data protection as it enables operational police cooperation, including combatting the threats posed by terrorist groups, organised crime gangs, and cross-border illicit activity. At present, North-South cooperation takes place in areas such as mutual legal assistance between police services and prosecuting authorities on the island and is currently partially underpinned by or linked to EU law, including the EU Mutual Assistance Convention. Based on concepts of common law, the cooperation in the area of law enforcement takes place to a large extent via informal communication channels.

In the area of civil judicial cooperation, there are a number of EU instruments which are relevant, including in the area of family law, which facilitate payment of maintenance, recognition of divorces, access custody decisions by enabling the mutual recognition and enforcement of civil judgements across borders. EU legislation also makes it easier for businesses to operate across the border because it makes it easier and cheaper for a court judgment obtained in Ireland to be enforced in Northern Ireland, and vice versa. Mutual recognition of legal qualifications, currently based on EU rules, is important for supporting North-South cooperation in this area.

North-South Cooperation on Higher and Further Education

Currently students have the option of education in the other jurisdiction, an issue of particular relevance to those from more disadvantaged backgrounds and / or living in the border region. Although not a formal area of cooperation under the NSMC, there are significant numbers of Ireland-resident students enrolled in both higher and further education courses in Northern Ireland, particularly in the North-West region, while many staff in further and higher education institutes in Northern Ireland live across the border in Ireland, again particularly in the North-West region.

North-South research cooperation is a key all-island objective in the context of EU funded programmes such as Horizon 2020 and in the strategies of higher education institutions on both sides of the border. This is a significant area of partnership-building between institutions on the island.

Mutual recognition of academic and professional qualifications, currently based on EU rules, is a central support to North-South cooperation in further and higher education, as is the ongoing cross-border movement of people.

North-South Cooperation on Sport, Arts and Culture

Cooperation in sport, arts and culture on the island, has played a positive role in peace and reconciliation.

The sporting landscape on the island of Ireland is complex, in that sport is predominantly structured and delivered on a North-South and/or East-West basis. For example, for representation at elite athlete level, pathways have been developed which outline the options available to a Northern Ireland athlete for progression in their chosen sport. This is to recognise the position outlined in the

Agreement that Northern Ireland-born citizens can identify as either British, Irish, or both. There is a further complexity to this position as sporting bodies' affiliation arrangements can be to European or international federations which have differing rules of national identification.

Extensive cooperation exists between sporting bodies on both sides of the border while a number of sports governing bodies are all-island in nature and are jointly funded North and South. Specific issues which arise relate to the free movement of people, the free movement of goods, including high-value equipment, and the movement of animals (including horses). Other areas of relevance include the mutual recognition of qualifications, child protection, and road safety policies. Read-across to cooperation in health promotion is also significant because of the all-island nature of sport.

The mapping exercise also drew attention to local, cultural cooperation between national museums, libraries, Arts Councils, and North-South projects supported by NI Screen and Fís Éireann. There is ongoing informal cooperation between museums in Northern Ireland and museums in Ireland, including loaning items between the museums, exhibitions jointly organised, touring exhibitions, and exchange of knowledge and close collaborative working; EU regulations facilitating arrangements for licencing, movement and return of objects over a particular value are relevant here.

The Northern Ireland Libraries Authority has a statutory duty to provide a public library service to persons living, working, or studying in Northern Ireland, which can include those living in Ireland and visiting Northern Ireland; EU data protection rules therefore arise. The Northern Ireland Libraries Authority works with a number of individual local authority library services in Ireland on initiatives to promote reading, learning and heritage. The Arts Council of Northern Ireland and the Arts Council of Ireland (An Chomhairle Ealaíon) have a framework for managing North-South cooperation and a North-South Strategy, which enable them to make a wider impact where appropriate, such as supporting co-commissions, touring and the joint funding of organisations. This cooperation and cooperation between the agencies supporting the film industry involves mobility both of people and equipment.

North-South Cooperation on Inland Fisheries

There is close North-South cooperation in relation to inland fisheries, both through the formal NSMC structures and the Foyle, Carlingford and Irish Lights Commission (The Loughs Agency), and informally between Government Departments and Agencies in Northern Ireland and Ireland, including through the North-South Fisheries Liaison Group. The focus of the group is to identify and deal with areas of common interest, with the primary aim of moving towards a more common approach to the management, conservation, protection, development and promotion of inland fisheries between the two jurisdictions. Areas of cooperation include, but are not limited to, the co-ordination of fisheries science, the promotion and development of angling and the management of eel and salmon stocks in cross-border catchments.

Relevant EU *acquis* has supported cooperation in this area in particular in relation to the management of salmon stocks and the protection of eel stocks, as well as in the area of fish health and aquaculture. There is also a significant read-across to cooperation in the environment field. The mapping exercise further highlighted the link between the EU legislative basis for North-South

cooperation and the avoidance of a hard border regarding fisheries and aquaculture in general, i.e. beyond inland fisheries.

North-South Implementation Bodies

Strand Two of the Good Friday Agreement provided for the establishment of six North-South Implementation Bodies which operate on an all-island basis and take forward a number of the areas for cooperation. All operate under the overall policy direction of the North South Ministerial Council (NSMC). The North-South Implementation Bodies are funded jointly by the Northern Ireland Executive and the Government of Ireland. EU membership has been the context in which these bodies have operated since their establishment.

The mapping exercise recalled the function of the bodies. It examined where EU policies and law provide an essential or enabling framework for the Bodies, how divergence might affect their functioning. It also noted that the remit of a number of the Bodies relates directly or indirectly to areas of EU competence. As part of the exercise, the potential for significant additional administrative and operational burdens was also noted.

While each Body was examined individually, the exercise also looked at their operation as a cohesive whole, and, in that context, identified a number of significant cross-cutting risks of relevance to either several or all of the Bodies as well as issues which arise in relation to individual Bodies. Similar to as was noted for the areas of cooperation, cross-cutting issues that arise and which were identified include the handling of data, public procurement, state aid rules, health and safety and employment frameworks, the provision of and access to services and the mutual recognition of professional qualifications as well as access to EU funding.

The Loughs Agency (The Foyle, Carlingford and Irish Lights Commission)³

The Loughs Agency has responsibility for the promotion and development of Lough Foyle and Carlingford Lough for commercial and recreational purposes in respect of marine, fishery and aquaculture matters. Work plans for the Loughs Agency include strategic priorities to:

- Provide effective scientific data, research, monitoring and advice
- Develop and implement effective legislation that will deliver business needs
- Develop, promote and sustain the natural resources of the catchment areas under its statutory remit
- Provide a high quality North-South public service fit for the future

Any management of aquaculture activity by the Loughs Agency has to take cognisance of EU legislation. It manages the wild shellfish fisheries in the loughs and has particular role in the protection of wild Atlantic salmon stocks (a protected species under the EU Habitats Directive). The mapping identified issues around rules of origin for seafood sourced in the two loughs, market

³ The Commissioners of Irish Lights (CIL) is an all island body responsible for aids to navigation (lighthouses buoys and beacons) around the island of Ireland. While not a formal North-South Implementation Body, the CIL will also be affected by similar cross-cutting issues to those affecting the implementation bodies, including public procurement, data protection and access to EU funding.

access, water basin management, EU funding for scientific research and development works, and for local community level cooperation.

Waterways Ireland

Waterways Ireland is involved in the management, maintenance, development and restoration of the inland navigable waterway system throughout the island, principally for recreational purposes. The current work plan outlines a number of targets related to, inter alia, the development of world-class waterway corridors, reinvigorating local rural and urban economies, protecting and enhancing the environment and heritage.

The spectrum of EU environment acquis (e.g. in relation to water quality, habitats and birds and invasive species) provides Waterways Ireland with the framework on which to conduct much of its work across the island. Its specific role as a designated body to undertake water sampling on the canals and its role in rural regeneration and border region development was found to be of particular note.

Special EU Programmes Body

The Special EU Programmes Body (SEUPB) is responsible for managing the two EU-funded cross-border programmes, PEACE and INTERREG covering Northern Ireland, the border region of Ireland and (in the case of INTERREG) Western Scotland. It is the designated Managing Authority, Certifying Authority and Joint Secretariat for the two programmes under the EU's Structural Funds regulations. The SEUPB also has a role in promoting regional involvement in other EU-funded transnational and interregional programmes.

The existence of the SEUPB as an implementation body under the Agreement is dependent on it being the Managing Authority for the PEACE and INTERREG programmes. Over the last quarter of a century the programmes have served as important drivers of development in a cross-border context and supported the ongoing process of peace building and reconciliation.

The SEUPB applies EU Structural Funds regulations and all EU funding is subject to compliance with relevant EU law.

SafeFood

The Food Safety Promotion Board (safeFood) promotes awareness and knowledge of food safety, supports North-South scientific cooperation and provides linkages between institutions working in the field of food safety. It does this on an all-island basis. Its ability to devise and manage common North-South programmes, including public food safety promotion campaigns, is enabled by common food legislation and regulatory regimes. Public procurement rules are also an important issue for safeFood. As a cross-border body, it tenders for research and consultancy on an all-island basis.

InterTradelreland

InterTradelreland works in close collaboration with the Northern Ireland Department for the Economy, the Government of Ireland's Department of Business, Enterprise and Innovation, and with the enterprise development agencies, North and South. It has a focus on promoting North-South trade and business co-operation by building enterprise capability, competitiveness and developing networks. InterTradelreland aims to add value to the work being carried out by the existing trade and business development agencies.

Specific issues arise for the core functions of InterTradelreland, including for its advisory role for EU programmes (esp. INTERREG and Horizon 2020), its work in support of cross-border supply chains and supporting SMEs to trade cross-border, for which it also draws on EU funding. Further issues arise regarding state aid obligations under EU law.

Language Body

The Language Body is a single body composed of two agencies - Foras na Gaeilge, with the principal responsibility of promoting the Irish language on an all-island basis, and Tha Boord o Ulstér-Scotch, with responsibility for promoting Ulster-Scots language and culture, both within Northern Ireland and throughout the island.

The role of the Language Body in delivering on the identity and equality commitments in the Agreement was noted in the mapping of their work. It was recognised that the Body contributes to the development of a skills pool which in turn is important for the delivery of cross-border educational services, telecommunications and broadcasting commitments, and delivery of language skills.

Listing of North-South cooperation discussed in the mapping exercise

North South Implementation Bodies
Special EU Programmes Body
Foyle, Carlingford and Irish Lights Commission/Loughs Agency
Food Safety Promotion Board (SafeFood)
Waterways Ireland
North-South Language Body
Trade and Business Development Body - InterTradeIreland
North South Implementation Bodies – Cross-cutting operational Issues

Agriculture
Discussion on CAP issues
Safe use and disposal of animal by-products/ TSE management / rendering capacity
Cooperation on disease eradication programmes e.g. Tuberculosis (TB), Aujeszky's disease
Animal Health including Epizootic diseases
Equines
Plant Health and quarantine pests
Forest management and development
Rural development
Dairy international trade working group
Invasive Alien Species
Farm Safety
Agricultural Education
Movement of companion and farm animals
Cooperation on products of animal origin
Exchange of Information on veterinary medicines
Informal cooperation on agri-food policy issues
Pesticides

Timber
Veterinary public health and trade meetings
Co-operation on the safety of the animal feed chain

Environment
Environmental protection research and reporting
Water quality management in a cross-border context
Waste management in a cross-border context
Work Programme agreed by Ministers September 2016: sustainable development; waste/water management; cooperation and exchange of information on marine/bathing/shellfish waters and water/sewerage services; circular economy; and tackling environmental crime
Nature/biodiversity, including habitats and birds
All-island pollinator plan
All-island marsh fritillary group
Flood risk management
Lough Erne water level agreement
Strategic environmental assessments; environmental impact assessments; appropriate assessments
Northern Ireland Water/ Irish Water knowledge sharing
Mapping data
Geodetic network
Radiation
Wildfire initiatives
All-island fracking
All-island air quality research: Residential Solid Fuel and Air Pollution.
River basin management
Wildlife Trade including CITES
Fluorinated gases

Transport

Strategic Transport Planning: national road network
Strategic Transport Planning: rail network
Cross-border bus services
Sustainable transport
Alternative fuels infrastructure, including electric vehicle charge point network
Coordination of transport aspects of EU cross-border programmes, including those funded through INTERREG and/or TEN-T
Strategic Transport Planning: cross-border projects
Road and rail safety
Road and rail safety reporting and information systems, including mutual recognition of driving disqualifications, penalty points
Rail standards, certification and licensing
Road and rail safety : Cooperation between the railway inspectorates North and South
Road haulage operator, licensing and qualifications
Operation of cross-border taxis
All Ireland free travel scheme for senior citizens
Recognition of driving licences and disqualifications
Motor insurance
Vehicle registration
Ferries
Blue badges

Health
Cross-border service provision, including hospital services such as primary percutaneous coronary intervention services in Altnagelvin, Derry
North West Cancer Centre
All-island congenital heart disease network
Cooperation and Working Together (CAWT)
Workstreams on child protection
Health protection and promotion (including addressing alcohol misuse, tobacco

control, ECDC, and public health alerts)
Major emergencies and emergency services cooperation, including Cross-Border Emergency Management Group
Organs for transplantation
Blood
Tissues and cells
Continuity of supply of medicines and medical devices (including radiopharmaceuticals)
The Institute of Public Health in Ireland
Controlled drugs licensing group
All Ireland Institute of Hospice and Palliative Care (AIHPC)
Human Milk Bank
Cross-border GP out of hours service
Mutual recognition of prescriptions
Clinical trials and Joint Health research
Serious cross-border threats to health (health security)
Disease surveillance and ERNs pertaining to the diagnosis and management of rare diseases
ENT Cooperation
Disability Services (aids, appliances, training, cross-border residential placements)

Tourism
Tourism Ireland Limited
Hosting major cross-border events

Education
Education for children with special needs, including Middletown Centre for Autism
Educational underachievement
School, youth, and teaching exchanges
Cross-border movement and cooperation for pupils and school staff
Cooperation between the Inspectorates

Psychological services
North-South Teacher Qualifications working group (NSTQWG)
School planning and development
North-South Education and Training Standards Committee for Youth Work (NSETS)
North-South youth exchanges, including the Causeway programme
Recognition of school-based/State-accredited examinations

Energy
Wholesale Electricity Market (Single Electricity Market)
Gas security of supply
Oil resilience planning

Higher and Further Education
Cross-border provision of apprenticeships
Cross-border movement of students
Staff mobility
Skills provision and FE/HE link to the local economy
Cross-border partnerships between Higher and Further Education Institutions, including SFI investigators programme and SFI partnerships
Research and development, including through Horizon2020
Higher and further education in agriculture, equine, and horticulture disciplines

Telecommunications and Broadcasting
Irish language broadcasting
Mobile roaming
Spectrum
Subsea cables

Sport, arts and culture
Sport governance

Major events
Horse racing
Greyhound and pigeon racing
Motorsport road safety promotion
Health promotion
National museums
Libraries
Development and Promotion of the Arts (in Northern Ireland, Ireland and abroad)
NI Screen

Justice and Security
Intergovernmental agreement on criminal justice cooperation, including public protection project advisory group; victims and survivors services project advisory group; forensic science project advisory group; youth justice project advisory group; and criminal justice and social diversity project advisory group
Mutual legal assistance in criminal matters
Intergovernmental agreement on police cooperation, including protocols for police cooperation and cross-border secondments and eligibility for posts in policing
Northern Ireland Related Terrorism threat
Multi-agency cooperation on fuel fraud
Multi-agency cooperation on organised crime and drugs
Extradition/Surrender, including European Arrest Warrant
Access to shared law enforcement information systems
Criminal asset seizure
Transfer of prisoners
Civil judicial cooperation
Other aspects of criminal justice cooperation
Joint Investigation Teams

Other Areas

Inland Fisheries
Fisheries liaison group
Salmon stocks
Eel stocks on the Erne
Fish health and aquaculture
Voisinage Agreement
Social Security/Social Welfare
EURES Cross-Border Partnership
Benefit fraud cross-border cooperation
Urban and Rural Development
Spatial Planning
Enterprise Development
Enterprise Ireland, InterTradeIreland, INI and other enterprise development agencies cooperation to promote enterprise development and job creation through enhanced innovation, competitiveness and trade
Housing
National Traveller Accommodation Consultative Committee
Public Services
Public Service Reform
All Island Public Procurement Steering Group
Obstacles to cross-border mobility (Border People Project)
Local Councils
All-Island Local Authority Forum
Local authority led cross-border engagement
Fresh Start Agreement
North West Gateway Initiative / North West Development Fund
North-South Senior Officials Group on implementation of Section E infrastructure
Statistics
Cooperation between the CSO and the NI Statistics and Research Agency