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To: Cabinet - 21 March 2024

Subject: European Union Entry Exit System

Classification: Unrestricted

Past Pathway of report: N/A

Future Pathway of report: N/A

Electoral Division: Countywide impacts

Summary: This year will see the introduction of a new European Union Entry Exit System which will bring in new border controls for tourists and freight. This paper provides a summary of the Entry Exit System, the operational risks to Kent and the response to date from Kent County Council in preparing for EES implementation and proposed solutions and future actions.

Recommendation(s):
Cabinet is asked to make **comment on** and **note** the report.

1. Introduction

- 1.1 EES is a new electronic system that will collect and process data on the entry, exit, and refusal of third-country nationals crossing the external borders of the Schengen Area. EES will be used by border guards and enforcement authorities to track the movements of non-EU citizens and to prevent irregular migration and security threats.
- 1.2 EES is currently scheduled to be implemented in the Autumn of 2024, with October 6th being highlighted as a probable date. The Port of Dover and Eurotunnel have juxtaposed borders, meaning that at these two exit points all checks are carried out the UK side of the channel.
- 1.3 Prior to a first crossing, all UK nationals must register for the system, which includes providing biometric data such as a facial photograph and fingerprint identification. Under current plans, this registration must happen at the point of exit and must be supervised by officers from Police aux Frontières (PaF). Eurotunnel are developing a location within their site to be able to carry out registration, but Port of Dover has very limited space in the buffer zone between the Eastern Docks roundabout and the French Customs booths.

- 1.4 These checks will mean regular and routine lengthy delays for all tourist traffic. Such queues will create welfare concerns for passengers as well as having a significant effect on the local transport networks, businesses, public services, and communities, specifically in and around the towns of Dover and Folkestone.
- 1.5 The impact of EES on Kent is expected to be far greater than what was forecast for the exit from the EU. EU Exit planning was focussed on delays to freight whereas the impact of EES will be an impact on all travellers to the EU.
- 1.6 EES will also affect the travel experience of non-EU nationals travelling by rail. The absence of operations at Ebbsfleet and Ashford will add significant pressure upon St Pancras international station.

2. Impact on Kent Services and operational response

Kent Highways and Public Transport

- 2.1 The Short Straits is the most important entry and economically advantageous link to Europe for the UK economy, and it is imperative both locally and nationally that the impact of the introduction of EES is properly and fully mitigated in Kent.
- 2.2 From a transport perspective, there is need for additional infrastructure, increased facilities and equipment, plus further legislation to direct and hold UK bound traffic, so that the strategic and local road networks in Kent do not become fully congested and overwhelmed.
- 2.3 When there is disruption at either Eurotunnel or the Port of Dover, the Kent Resilience Forum (KRF) will deploy, initially the Traffic Access Protocol (TAP) and if necessary, Operation Brock. The purpose of both is to hold freight and create capacity across the highway networks and to manage the flow of HGVs toward Folkestone and Dover.
- 2.4 The consequence of using these traffic management facilities results in significant journey time delay, wide scale disruption and a far-reaching prolonged congestion across much of Kent's highway networks.
- 2.5 Additional border controls implemented following the UK leaving the EU have led to an increased use of TAP and whilst this has provided an effective mitigation for parts of Dover, this has meant that the residents of Aycliffe suffer when HGVs are stationary overnight, with both littering and noise pollution from vehicle horns and refrigeration units. National Highways have installed signage for 'No horns between 23:00 hours and 07:00 hours' and are considering options to move the front of the queue further back from the Aycliffe Roundabout. The additional burden for litter collection continues to fall on Dover District Council.
- 2.6 Operation Brock is a moveable concrete barrier that can be used to create a contraflow on the London bound M20 between junctions 9 and 8. Brock implementation is both expensive and resource heavy and requires up to two weeks' notice to secure resource availability. In emergency situations, Kent

Police can implement Brock Zero which is like an element of Operation Stack, does not provide a contraflow layout and results in widespread traffic dispersal and displacement onto the local highway network.

- 2.7 Brock has the benefit of holding freight safely away from the Port of Dover and Eurotunnel when there are delays crossing the Short Straits. However, its use means the capacity of the M20 is severely restricted and this impacts the local road network and local communities. KCC, alongside other stakeholders, are working with the Department for Transport to look at long term options to permanently remove Brock. This includes, but is not limited to, the use of on road technology and further off-road facilities and infrastructure.
- 2.8 New registration requirements at the Port of Dover and the limited space in the buffer zone between the Eastern Docks roundabout and the French customs booths is expected to increase times to process both tourist traffic entering the port and outbound freight, 85% of which is from the Schengen areas. Such delays present a risk of widespread congestion across both the national and local highway networks.
- 2.9 Remote registration is technologically possible, but it is not currently available. While the EU is developing a universal 'back-end' digital platform for managing this data, the customer 'front-end' has been left to the various local countries and commercial organisations. Intelligence suggests that this will not be available by the introduction of EES in October 2024 and it is considered that remote registration will not be available for some time.

Trading Standards

- 2.10 Since the signing of the Maastricht Treaty in 1992, EU goods have flowed through the channel ports in both directions without the need for any kind of border controls or checks. There have, therefore, been no checks, or infrastructure to carry them out, on goods at Dover for over thirty years and, because it opened after that date, there have never been checks at the Channel Tunnel.
- 2.11 The EU introduced checks on goods flowing from the UK at the end of the transition period on 1st January 2021, applying the EU's normal third country customs and regulatory regime to UK goods.
- 2.12 As a result, the UK has developed a new 'Borders Target Operating Model' (BTOM) which will harmonise controls in relation to the safety and security of incoming goods from all trading partners, including the EU. The introduction of the BTOM has been delayed several times but we will start to see its impact from the end of January 2024.
- 2.13 There are three specific areas of interest for Kent Trading Standards.
 - Imports of consumer goods
 - Animal health
 - Imported feeds

- 2.14 These impose a statutory duty upon the County Council, which Trading Standards discharge, to enforce the legislation imposing controls on these areas of trade which will require some element of physical checking at a Border Control Post (BCP). The designated BCP for both Dover and the Channel Tunnel is at Sevington, Ashford. This means that goods vehicles requiring checks to be carried out will be directed to Sevington from both ports.
- 2.15 At present the volume of checks to be carried out remains unclear. Because of the previous free flow of goods, there is no accurate data available. It is known that the UK imports approximately 46% of the food it consumes and that 28% of the food consumed in the UK comes from EU countries. Around a quarter of UK food imports pass through the Short Straits ports of Dover and the Channel Tunnel.
- 2.16 It should be also noted that the final part of the BTOM implementation timeline is that, from 31st October there is a new requirement for safety and security declarations for imports from the EU. This is likely to generate more requirements to check, for example, the safety of consumer goods by Trading Standards.
- 2.17 This date falls at around the same time as the EES implementation date. While this change is for incoming goods and the EES change is for outgoing people, the road space, particularly around Sevington, is likely to be shared, seriously exacerbating disruption and, potentially, placing unsustainable stress and delay on UK wide supply chains.

Impact on Kent communities, public services, and businesses

- 2.18 EES is anticipated to increase queuing times at Kent's borders, creating congestion on the local highway network. These queues will create welfare concerns for passengers as well as having a significant effect on the provision of public services, delivery of business operations and the impact will be felt within many Kent communities.
- 2.19 Delays could affect the provision of critical health, education, sanitary and emergency/safety services, with similar impacts expected upon the ability to access employment, community services/support, and retail/business facilities.
- 2.20 While Eurotunnel has more space to manage the flow of tourist traffic, lengthy delays at the Port of Dover is likely to see queues extending along the A20 and M20. This will subsequently impact Eurotunnel, blocking access for staff and customers.
- 2.21 In the summer of 2022, delays on the approaches to the Port of Dover and to Eurotunnel in Kent caused long delays with tourists stuck in queues for over 15 hours. The impact of EES on tourist traffic crossing the short straits is expected to be greater and to persevere for a longer duration. Operation Brock could become a longstanding installation rather than only being deployed at peak times.

- 2.22 Operation Brock has a far reaching and negative impact on businesses in Kent. A business survey undertaken in 2022 received 333 responses from Kent companies. 76% of firms reported that Operation Brock had a negative effect on their business, 1 in 6 indicated plans to relocate away from Kent and Medway because of Operation Brock and 70% of businesses reported that their revenue and income had been impacted negatively.
- 2.23 Additionally, businesses in the visitor economy sector report that potential customers avoid travelling during times when Operation Brock is in force leading to lost revenues. Brock causes reputational damage for the county with regular negative media coverage and travel delays reducing visitor numbers to Kent. This significantly impacts leisure and hospitality businesses and attendance at local attractions.
- 2.24 The increased complexity of inbound border controls is also likely to discourage international visitors to Kent from nearby European markets (France, Belgium, and the Netherlands) which had historically contributed to the Kent economy. Local tourism businesses and the wider local economy will feel the impact of a reduction of international visitors and associated spend.
- 2.25 EES will affect the travel experience of non-EU nationals travelling by rail. This carries further importance as the existing stations at Ashford International and Ebbsfleet International remain unserved by international services since 2020 due to the Covid pandemic, with the risks of EES now cited by Eurostar International as a further factor weighing against the prospect of future services.
- 2.26 Kent County Council strongly urges that these critical facilities are permanently reopened as a matter of urgency to help mitigate the potential impact of the introduction of the EES, in particular at St Pancras.

3 Planning for EES

- 3.1 Planning for the implementation of the EES is underway; working with Department for Transport, several task and finish groups have been set up to:
- *Understand border demand,*
 - *Maximise traffic fluidity,*
 - *Keep everyone safe,*
 - *Mitigate the impact on communities and businesses, and*
 - *Educate and inform.*

These groups will be meeting regularly throughout 2024 and will be overseen by a multi-stakeholder Steering Group which feeds into Central Government. KCC is feeding into these groups to support the planning as appropriate.

- 3.2 To ensure all government officials in direct contact with the European Commission and different branches of the French administration have a full understanding of Kent's issues, KCC officers have regular contact with the British embassy in Paris and UK mission to the European Union. The KCC

Leader has also engaged the UK ambassador to France on the issue. The Cabinet Member for Economic Development has also arranged briefings for the Straits Committee from the Port of Dover and Getlink.

- 3.3 The Leader of Kent County Council attended the parliamentary European Scrutiny Committee chaired by Sir William Cash MP on 31st January, and outlined the impacts on Kent and government interventions needed to mitigate negative impacts.
- 3.4 Multi agency infrastructure as part of the Kent and Medway Resilience Forum led by KCC will be ramping up over the next 6 months. This will support the assessment of EES implementation on partner services and Kent's communities and services. This will inform the risk assessments and plans that are put in place in response to the border changes and it is essential that Government are aware of the wider consequences that border disruption may have across Kent.
- 3.5 Preparations in relation to KCC's own planning and preparedness is increasing across KCC services utilising the cross-directorate resilience planning groups to assess KCC impacts and plans across all its services, providers, and supply chains.

4 Next Steps and Actions

- 4.1 The introduction of EES is expected in October 2024. The impact in Kent is expected to be significant on Kent's residents, public services, businesses, and transport users as well as upon the wider UK economy.
- 4.2 Multi-agency and KCC planning will be increasing leading up to the implementation of the new border checks in October 2024. The impact on service delivery is currently being assessed; however, without government intervention should there be traffic disruption as set out in this paper the disruption to essential services will be hugely significant and will prevail for a prolonged and consistent period.
- 4.3 Government support, investment, and leverage is needed to ensure that a comprehensive and properly resourced response remains available to mitigate the impact of these new controls.
- 4.4 Against this backdrop KCC requires that everything is done to:
 - Improve journey times across Kent's borders, reducing congestion and its impacts in Kent and to maintain critical international supply chains and tourism with strengthened infrastructure, resources, legislation, and intelligence.
 - Ensure everyone travelling through and across the county are prepared, kept safe, and are fully informed so they can reliably reach their destinations as quickly as possible.
 - Protect all communities by strengthening trading standards and local port health authorities' ability to target and enforce so only safe products cross the UK border.

- Support local communities, businesses, public services, and residents by enhancing and improving the local transport networks, local services and community infrastructure to keep Kent moving, working, and connected.
- Be clear with local and national stakeholders and work closely with EU and neighbouring countries to educate, inform, and encourage the sensible and sustainable introduction of the new controls at the right time.

5 Recommendation(s)

5.1 Cabinet is asked to make comment on and note the report.
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6. Background Documents

6.1 None

7. Contact details

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