

# Outstanding Windsor Framework Issues

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## Windsor Framework

- This is a positive step forward in addressing concerns the Ulster Farmers' Union (UFU) has been raising in Belfast, London and Brussels about the Northern Ireland (NI) Protocol.
- The UFU welcomes the improvement in relationships between the UK and EU which has been to the benefit of all. However, issues remain.

## Veterinary Medicines

- This is an issue of the highest importance and without a permanent resolution will see 51% (over 1700 products) of the veterinary medicine portfolio discontinued into the NI marketplace, with consequences for the ROI. With dire consequences for farmers and their livestock but also for companion animals such as cats and dogs.
- NI cannot access vet meds without huge delays from the ROI and switching to EU sources will leave many drugs financially unviable for companies to supply the NI market.
- The entire NI Protocol process has proven that traditional trade routes need to be left as an option for NI businesses, trade simply cannot just change overnight or reorientate to the ROI. The UK and EU need intensive talks in the autumn to once and for all deal with this issue of the greatest importance.
- Pharmaceutical companies across the UK and ROI must be consulted and their fears around full implementation of what was agreed under the original NI Protocol listened to.
- The possibilities of making the current grace period extension permanent should be explored and the UK Government should reassure the EU by some means that it will strengthen or at the very least maintain standards shared with the EU to eliminate the fear of GB lowering standards leading to imports of veterinary medicine products not recognised by the EU.
- The Prime Minister has reassured the agri-food industry that a permanent solution on veterinary medicines will be found during the three-year extension to the derogation granted pre-January 2023.
- The UK government have stated that it *'is clear that a solution must guarantee the existing and long-established flows of trade between GB and NI on which so many people and businesses rely.'*
- The EU has indicated to industry that veterinary medicines are not up for discussion. UFU along with veterinary colleagues across the UK want to see an arrangement similar to that which was found for human medicines being implemented.

## Livestock Movements

- Disappointingly livestock movements from NI to GB continue to be a significant problem particularly for pedigree breeders.



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- Although the EU amended its 'delegated regulation' allowing for cattle and sheep to move outside the EU regulatory zone and return for up to 15 days - in practice the requirements for it to work have not been implemented.
- Livestock marts in GB are required to be APHA approved export centres, with all animals being of the same health status. Scottish Officially Tuberculosis Free (OTF) status for tuberculosis (TB) exempts them from having to be TB tested pre-GB sale or show, but English/Welsh breeders would have to TB tested pre-GB sale/show.
- This means if the NI animals aren't sold at an APHA approved centre they remain in GB for six months before travelling back to NI, making it financially unviable. A handful of sales have taken place with no great success.
- Issues around APHA interpretation of the rules are making things difficult and creating fear within livestock marts of who is responsible if something goes wrong?
- If the issue can't be resolved by the end of the year, the UK and EU will need to reopen discussions on this topic.

### Retagging Livestock GB-NI

- DEFRA/DAERA's mixed messaging has been unhelpful around the requirement for retagging of GB born livestock being imported from GB to NI, with each Divisional Veterinary Office (DVO) seeming to interpret/apply the rules differently.
- Currently animal identification (tags) is being removed from animals, who are then retagged with NI tags. This process has the potential to create reputational damage to industry and poses health and safety issues for farmers.
- DEFRA have stated that their lawyers are looking into it to investigate flexibility. This situation requires urgent clarity and undermines NI highly esteemed traceability systems.

### Trees

- Whilst agreement has been reached on some species of trees being able to be imported from GB to NI. The UFU want to see all species of trees that remain prohibited from GB such as Cherry, Hazel and Hawthorn being available for our members to plant in Northern Irish soil.

### Red Lane

- Agri intermediate goods or inputs such as grain for animal consumption will be in the red lane.
- The UFU await clarity as to the level of bureaucracy required, is this going to be the current level of checks or an increase. How red is the red lane?



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## Democratic Deficit

- The UFU accepts that some EU legislation must be adhered to in order to trade within the EU single market.
- However, future concerns NI agriculture could have must be listened to within the EU and how for example the UFU can voice its opposition to the full implementation of the EU Animal Health Law
- applying in NI which has the potential to halt movements of livestock throughout NI due to excessive levels of bTB.
- It remains unclear if or indeed how regulations such as deforestation free supply chains regulations (recently passed by the EU) or the industrial emissions directive could or would apply to NI.
- As the agri-food industry is largest sector in NI's economy, we are keen to promote the idea as presented through DEFRA briefings that there will be a stand-alone Agri-Food sub-group looking solely at issues which directly impact on the sector and not clumped together with other sectors or issues not directly related to agriculture.

## Divergence

- UK-EU divergence remains a constant and growing threat for the UFU, particularly East-West regulatory divergence. The UFU has seen little evidence of North-South regulatory divergence from the beginning of the NI Protocol.
- As GB moves in one direction and the EU in another, the great risk is that NI is left in 'no man's land', looking to supply both markets but being undercut by competing with producers producing to higher or lower standards compared to NI.
- Another recent example has been the passing of the Precision Breeding Bill in England and what this means for NI who fall under EU regulation for gene editing. The EU's proposals called New Genomic Techniques have stalled, this example will put pressure on the UK's internal market.
- **Availability of Plant Protection Products (PPPs)** is an ongoing issue for the UFU that will increase under divergence. Whilst the problem has been identified for the arable sector the vast majority of NI PPPs used are for grassland, affecting the vast majority of farmers. DEFRA are struggling to understand the complexities of this issue combined with DAERA staff resources also causing an issue. NI is under EU regulation and producing to those standards, but NI farmers are purchasing GB product which falls under UK authority. As MRLs change for each product either raised or lowered by GB or EU, NI is caught in the middle. This is going to require constant surveillance from DAERA/DEFRA/EU bodies to identify potential issues before they become a problem.
- It is essential for agriculture that divergence is identified before becoming a major issue, so that the sector can brace itself for change in circumstances where divergence is unavoidable and where compromise can be reached for example on the issue of organic egg production in NI, which without political intervention and UK-EU agreement would have saw an end to organic egg production in NI.



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- The UK, EU and NI Government and civil service should be monitoring divergence and highlighting potential issues well in advance of becoming a reality. Processes for monitoring divergence up until this point in time have not been anywhere near adequate.

### SPS/Veterinary Agreement

- Sir Kier Starmer has said that any future Labour government will opt for a UK wide SPS/Veterinary agreement with the EU. This has been confirmed by Shadow Secretary of State for NI Peter Kyle at a recent meeting with Ian Paisley MP and David Brown UFU President and in discussions between UFU and Shadow DEFRA Secretary of State Jim McMahon MP.
- This type of agreement would eliminate many of the challenges that still remain, and that UK-EU divergence will produce. Reducing and eliminating the need for any red lane between GB and NI.
- UFU maintain our call on the current UK government or any future government to seek an SPS/Veterinary agreement between the entire UK and EU.

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