

The European Affairs Sub-Committee on the Protocol on Ireland/ Northern Ireland call for evidence on the Windsor Framework

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Questions

1. What is your overall assessment of the Windsor Framework? How far does it go to resolve the problems that have arisen with the Protocol? Does it leave any issues unresolved?

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 very much welcome the improvement in relationships between the UK and EU which has been to the benefit of all.

Access to the single market has been maintained for NI agriculture products. This is vital and very important that the benefits are recognised by the entire agricultural community.

The ban on seed potatoes being imported from Great Britain (GB) to NI has been lifted for farmers only (spring 2024 before this can be utilised), allowing the potential for NI farmers being the 'gate way to Europe' for seed potato sales of GB varieties to the EU. NI farmers will be able to plant a GB seed potato and harvest a NI crop.

Whilst the UFU welcome the progress that has been made, other issues still remain and need clarity.

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?

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

DAERA's mixed messaging around retagging of livestock coming from GB to NI, with each Divisional Veterinary Office (DVO) seeming to interpret/apply the rules differently. DEFRA have stated that their lawyers are looking into it to investigate flexibilities. This situation requires urgent clarity.

EU state aid rules will affect everyday life for NI farmers, from payments for state aid payments for extreme weather events and implications for the replacement of CAP in NI. Going forward NI farmers must have a level playing field with farmers in the ROI, if we are operating under the same state aid scheme.

10. Do the proposals on plants, seeds, machinery and trees resolve the problems encountered under the Protocol?

The UFU await legislative detail around what has been proposed. As stated by DEFRA seeds and plants for planting in NI soil will be in the green lane, as well as machinery being imported from GB to NI through a special plant label. 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.

13. In the context of the Framework, how would you assess the current situation with regard to veterinary medicines? What steps need to be taken to agree a long-term solution before the expiry of the grace period at the end of 2025?

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 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 UFU along with veterinary colleagues across the UK want to see an arrangement similar to that which was found for human medicines being implemented.

14. What is the significance of the Windsor Framework for regulatory divergence a) East-West, between Northern Ireland and Great Britain and b) North-South, on the island of Ireland? What is your assessment of the mechanisms to manage divergence, including the new Special Goods Body and the role of the Office of the Internal Market? Should a record be kept of such divergence, and if so, by who?

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. 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 UK and EU agreement would have saw an end to organic egg production in NI. 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.

UFU maintain our call on the current UK government or any future government to seek an SPS/Veterinary agreement between the UK and EU. This type of agreement would eliminate many of the challenges that still remain and that UK-EU divergence will produce.

15. In the context of the Government's reference to the removal of 1,700 pages of EU law, what is your assessment of the Windsor Framework's impact on the scale of the application of EU law to Northern Ireland? What are the political, constitutional and economic implications of this?

The UFU accept 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.

16. What is your assessment of the proposed Stormont Brake and the conditions for its use, including that an EU act "would have a significant impact specific to everyday life of communities in Northern Ireland in a way that is liable to persist"? To what extent will this address the democratic deficit under the Protocol? What practical, political and legal factors need to be borne in mind in terms of its use and operation, including the Government's commitment to bring forward legislation to give effect to the Stormont Brake, and the EU's ability to take "appropriate remedial measures" in response to a UK veto?

Briefings the UFU have received from the NIO and UK Government have stated the Stormont Brake is only for very extreme circumstances. The UFU would hope that agri-food related issues are sorted well in advance of the Stormont Brake even being considered.

17. How would you assess the Framework's enhanced mechanisms for UK-EU cooperation, including the Special Body on Goods, the Enhanced Coordination Mechanism on VAT and excise, sub-groups to the Joint Consultative Working Group?

UFU welcome the proposals on the sub-groups to the Joint Consultative Working Group. 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.

18. What is your assessment of the Commission's proposals for enhanced engagement with Northern Ireland stakeholders, including dedicated annual presentations, information sessions, workshops, and mechanisms for engagement with public consultations and impact assessments?

This is an important step forward on the path to better NI-EU engagement. However, concerns remain at the informality of this engagement and lack of structure proposed. As we have seen over the period of devolved government in NI and particular lack of, the

business community have stepped up to represents interests, meaning that the community must be a part of a more formalised engagement process.

19. What steps should be taken by the EU to inform and consult Northern Ireland Executive Ministers and Assembly members on forthcoming legislative proposals applying to Northern Ireland?

Ministers and MLAs should be informed and consulted at every opportunity possible at both Committee and Executive level at Stormont. The EU Commission should make best use of the NI Executive office in Brussels as its first point of contact. Whilst the onus is on the EU to engage, NI's diplomatic effort in Brussels must increase. Resources and an increased staff presence of NI Government officials must be made available, as well as an increased NI team within the UK Mission to the EU (UKMis).