



Northern Ireland
Assembly

Committee for Agriculture, Environment and
Rural Affairs

OFFICIAL REPORT (Hansard)

Animals, Aquatic Animal Health and Seeds
(Amendment) (EU Exit) Regulations 2020:
Department of Agriculture, Environment
and Rural Affairs

15 October 2020

NORTHERN IRELAND ASSEMBLY

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Members present for all or part of the proceedings:

Mr Declan McAleer (Chairperson)
Mr Philip McGuigan (Deputy Chairperson)
Ms Clare Bailey
Mrs Rosemary Barton
Mr John Blair
Mr Maurice Bradley
Mr Harry Harvey
Mr William Irwin
Mr Patsy McGlone

Witnesses:

Ms Naomi Callaghan Department of Agriculture, Environment and Rural Affairs
Mr Tommy McNamara Department of Agriculture, Environment and Rural Affairs

The Chairperson (Mr McAleer): The Department has advised that the title, the Animal Health and Welfare (Amendment etc.) (EU Exit) Regulations 2020, has been changed to the Animals, Aquatic Animal Health and Seeds (Amendment) (EU Exit) Regulations 2020. I welcome, via StarLeaf, Naomi Callaghan, the acting director of animal health and welfare policy, and invite her to give us a three- to four-minute overview of the regulations, after which members will ask questions.

Ms Naomi Callaghan (Department of Agriculture, Environment and Rural Affairs): Thank you for the opportunity to speak to this exit SI. The Committee has been given a written briefing, but I will provide a short overview as requested.

The SI is drafted on a UK-wide basis because, for the most part, it amends earlier UK-wide EU exit SIs, which were made by DEFRA. Those SIs would have amended EU law as it applied across the UK, had it left the EU without an agreement. As we know, that did not happen and agreement was reached. This SI ensures that the statute book reflects that agreement.

For the most part, the SI addresses how EU law relating to animals or aquatic animal health will apply in Great Britain following the end of the transition period. In doing so, to a large extent, it essentially removes Northern Ireland from the amendments that were made by previous EU exit SIs. That is necessary because, under the withdrawal agreement, Northern Ireland must remain aligned with the EU rules that are specified in the Northern Ireland protocol.

To give you an example of the types of amendments that the SI makes, it replaces references to the UK in the previous EU exit SIs with references to GB. It also ensures that the functions of the

European Commission under the relevant EU laws are transferred to authorities in GB but not to authorities in Northern Ireland, as that would contravene the protocol, because the European Commission will have a continuing role here.

As I said, most of the provisions in the SI are GB-related, but it makes some technical provisions on seed marketing, competition rules governing equines and animal breeding that extend to Northern Ireland. On seed marketing, the SI amends a provision in an EU exit SI related to a seed marketing directive, which is not included in the Northern Ireland protocol. The amendments are required to maintain the effectiveness of the national regulatory framework that would otherwise be partially inoperable and unable to function after transition.

On the horse competition rules, the SI corrects an error in a previous EU exit SI. That exit SI brought a derogation into UK law that it was outside the powers conferred by the EU Withdrawal Act. The SI removes the offending provision and the relevant amendment applies to Northern Ireland because the EU legislation to which it relates is not listed as one to which Northern Ireland must align in the protocol.

The SI also makes some technical changes to EU laws on zootechnical breeding standards. Again, the relevant amendments apply to Northern Ireland because those EU laws are not listed in the annex to the Northern Ireland protocol. The Committee will wish to note that the SI is due to be laid in Westminster on 21 October.

In summary, the changes that the SI makes are technical and ensure that the relevant legislation can operate at the end of transition. The Department considers that the SI is the appropriate vehicle to carry these Northern Ireland amendments as it amends existing UK-wide legislation. That will ensure consistency of approach and make the most efficient use of resources, which we consider particularly important given the timings involved and the sheer volume of legislation that, as the Committee knows, will be brought forward between now and the end of the year. The Minister is minded to consent to the extension of the SI to Northern Ireland, and the Committee is asked to indicate whether it is content for the Minister to give that consent. We are happy to take any questions that the Committee would like to ask.

Mr Harvey: The list of varieties of seeds will be available in Northern Ireland but not in GB. What will be the implications for seed marketing when it gets to that stage?

Ms Callaghan: Is Tommy McNamara on the line? Tommy has lead responsibility for seeds.

Mr Tommy McNamara (Department of Agriculture, Environment and Rural Affairs): I am here.

Ms Callaghan: Tommy, perhaps you could answer that question for the Committee member?

Mr McNamara: Apologies, I had to join by phone; the video link was not working properly. This SI does not deal with varieties of seeds. Those are dealt with in one of the SIs that I did not get to talk about earlier: APH/20. If you plan to discuss APH/20, it might be best to revisit that question at that stage rather than in connection with this SI.

Mr Harvey: That is OK. That is fine. Thank you.

Mr McNamara: No problem.

The Chairperson (Mr McAleer): Thank you for that, Tommy, and thank you, Naomi.

Are members content to note the SI and use the agreed form of words that we agreed previously? The Committee wishes it to be clearly understood that, due to a lack of information on SI APH/11, the Animals, Aquatic Animal Health and Seeds (Amendment) (EU Exit) Regulations 2020, and the limited time that it has had to consider it, it has been unable to fully explore and understand its potential impacts and implications in this jurisdiction. This difficulty has been further compounded by the fact that it is being asked to do so in the context of legal uncertainties with the UK Internal Market Bill and the withdrawal agreement.

Members indicated assent.