



Northern Ireland
Assembly

Committee for Agriculture, Environment and
Rural Affairs

OFFICIAL REPORT (Hansard)

Seed Marketing and Fertilisers (Amendment)
(EU Exit) Regulations (Northern Ireland)
2020: DAERA Briefing

3 December 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 Maurice Bradley
Mr Harry Harvey
Mr William Irwin

Witnesses:

Mr Tommy McNamara Department of Agriculture, Environment and Rural Affairs

The Chairperson (Mr McAleer): This statutory rule (SR) will be laid under the negative resolution procedure, and it is anticipated that it will come into operation at the end of the implementation period. The framework for the marketing of agriculture seed in the UK is provided for through a suite of EU marketing directives on cereal, beet, vegetables, oil and fibre plant seed, which are listed at annex 2 of the protocol. However, fodder seed was omitted from the protocol, meaning that EU law will cease to apply to fodder seed. That means that different marketing rules will apply to the various species of seed based on whether they are listed at annex 2 of the protocol.

The statutory rule amends the 2016 regulations to implement the protocol in respect of the seed of cereal, beet, vegetables, oil and fibre plants. It also provides for the marketing of fodder seed to continue under the UK regime. In addition, the amendments provide for fodder seed that has been certified in the UK to be marketed here under OECD trade rules.

The Department advises that a major concern regarding the marketing of seed at the end of the implementation period is the prohibition of the marketing of British-certified seed for those species listed at annex 2 of the protocol due to the fact that Britain will be deemed to be a third country for marketing purposes. Currently, the 2016 regulations permit only the marketing of seed from equivalent third countries, which, at present, does not include Britain. As such, the SR will not introduce additional restrictions. The restriction on marketing British-certified seed is a result of the UK leaving the EU, in conjunction with the operation of the protocol. The UK has applied to the EU for third-country equivalence for seeds, and the UK Government have requested that the application process be expedited.

I welcome back, on StarLeaf, Tommy McNamara, staff officer from the environmental farming branch, who was on a few moments ago. Tommy, you can give us an update on this, and then members will want to ask questions.

Mr Tommy McNamara (Department of Agriculture, Environment and Rural Affairs): Thank you, Chair. Good morning, members, once again. What you have read out is pretty much the position as it stands, Chair. I can update the Committee on the fact that we realise that this is problematic for Northern Ireland. The availability of cereal seeds, in particular, is very much an issue for food producers and seed producers in Northern Ireland. We have met industry representatives to advise them on the best way forward, and they have asked us about how seed will be best brought into Northern Ireland before 31 December. We were able to advise them as well that seed that will be on the market before 31 December can continue to be marketed to the end user afterwards. If seed from Great Britain is on the market as of 31 December, that can continue to be marketed and brought into Northern Ireland after the implementation period.

I can also inform you that Minister Poots wrote to Minister Eustice and to Minister McConalogue in the Department of Agriculture, Food and the Marine (DAFM) requesting them to expedite, as far as possible, the EU equivalence application with the EU. I understand from DEFRA colleagues that progress is being made on that. Although it is highly unlikely that the equivalence application will be determined by the end of December — there will be an air gap — they are seeing that progress is favourable and that things are moving forward. The Minister has also indicated his concerns to Lord Gardiner, the DEFRA undersecretary, to say that this is not very good for businesses in Northern Ireland and to put on as much pressure as possible to get this application sorted out.

I am happy to take any specific questions, Chair.

The Chairperson (Mr McAleer): We are extremely conscious of the impact on businesses. Can you elaborate on what the practical effects of this omission will be?

Mr McNamara: The omission or the inclusion?

The Chairperson (Mr McAleer): The omission of fodder seed from the protocol.

Mr McNamara: The fodder directive?

The Chairperson (Mr McAleer): Yes.

Mr McNamara: That is less of an issue, because the fodder seed directive being omitted means that we can access grass seed from GB. The UK as a whole is very reliant on imported grass seed, and Northern Ireland is very reliant on grass seed coming from Great Britain into Northern Ireland. The omission allows that to continue. As I said, the UK is only 50% self-sufficient in grass seed, so the decision was taken throughout the UK to allow all grass seed that is produced in the EU to be imported to the UK. The SR contains provision to allow grass seed from the EU to come into Northern Ireland under OECD rules. That will ensure that farmers will not want for grass seed; there will be an adequate supply. The main issue is that it will prohibit grass seed being marketed across the border into the South from the North. We are aware of that issue, but the EU rules that the South will apply will prohibit that; it will not be any legislation that we bring forward. We also consider it to be the lesser of two evils. Considerably less grass seed goes from North to South than comes into Northern Ireland from GB; if that were to be restricted, the impact would be more major.

The Chairperson (Mr McAleer): Fodder seed is being treated differently to, for example, vegetable, oil and other types of seed. Is that right?

Mr McNamara: Yes. The other seeds that are listed in the protocol — cereal, beet, vegetable, oil and fibre — will not be able to move from GB into Northern Ireland from 1 January. We will be able to source them from anywhere in the EU or equivalent third countries, but we will not be able to source them from GB.

The Chairperson (Mr McAleer): What is the Department's assessment of the impact that that will have on the agri-food sector?

Mr McNamara: If we do not get cereal seed from GB, there will be a deficit of about 1,500 metric tons. However, we will be able to source that seed from elsewhere in the EU, including the Republic of Ireland. Cereal seed producers will be able to access seed to produce seed directly from the Republic of Ireland. More of that is probably produced in the Republic of Ireland than we will ever need. It is difficult to quantify because manufacturers, producers and farmers etc have access to other markets.

The Chairperson (Mr McAleer): Will the seed that they will be able to access from other markets be equivalent to what would have been coming in from Britain? I think that you, William, said during a Committee meeting some weeks ago that potatoes that come in here are a drier variety and that a lot of them are used in chip shops throughout the North and the South of Ireland.

Mr McNamara: I do not deal with potatoes; I understand that there will be an SL1 next week that will cover potatoes. The seed has to satisfy certain conditions and be certified to certain standards. That will continue. For example, the seed that is required to produce more cereal seed has to be of a much higher standard than the seed that we use to produce food. Most EU countries produce only that higher standard of seed. As such, we are confident that the quality of seed will be as good as what is produced in GB.

The Chairperson (Mr McAleer): Clare, your virtual hand is up on the screen.

Ms Bailey: Thanks. This is, hopefully, a quick one. In order for the UK to be considered as a third country, and if the Minister has already written to Minister Eustice in Westminster, do we need a deal before the EU agrees to that or before that can happen?

Mr McNamara: No. It is not predicated on a deal. In fact, the equivalence is not specifically for Northern Ireland; it is for the whole of the UK. It is not predicated on a deal at all. Lots of countries have the equivalence but would not necessarily have trade deals; it is not a consideration.

The Chairperson (Mr McAleer): Thank you very much for that, Tommy. Are members happy enough that we move this on to the next stage?

Members indicated assent.

The Chairperson (Mr McAleer): Tommy, thank you for that briefing and for taking our questions.

Mr McNamara: Thank you very much, Chair.