



Northern Ireland
Assembly

Committee for Agriculture, Environment
and Rural Affairs

OFFICIAL REPORT (Hansard)

Common Frameworks on Animal Health and Welfare
and on Zootechnical Breeding:
Department of Agriculture, Environment
and Rural Affairs

10 December 2020

NORTHERN IRELAND ASSEMBLY

Committee for Agriculture, Environment and Rural Affairs

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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:

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|------------------------|--|
| Mr Christopher Andrews | Department of Agriculture, Environment and Rural Affairs |
| Mr Jim Blee | Department of Agriculture, Environment and Rural Affairs |
| Ms Naomi Callaghan | Department of Agriculture, Environment and Rural Affairs |
| Mr Neil Gartland | Department of Agriculture, Environment and Rural Affairs |

The Chairperson (Mr McAleer): I welcome, via StarLeaf, Neil Gartland, the director of the Department's animal health and welfare policy division; Jim Blee, the division's deputy director; Christopher Andrews from the division; and Naomi Callaghan, the division's deputy director (EU transition). I invite the officials to give us the overview and the briefing on the common framework for zootechnical breeding only, after which we will ask questions. The animal health and welfare briefing will be the next one.

Mr Neil Gartland (Department of Agriculture, Environment and Rural Affairs): Good morning, Chair and Committee members. This is my first appearance since recently taking up my role as director of animal health and welfare, and I look forward to working with you in the times ahead. In advance of the meeting, Committee members were provided with summary papers on the provisional zootechnical standards and animal health and welfare frameworks. I appreciate the opportunity this morning to provide the Committee with an oral overview of those frameworks. As you know, Chair, it has been agreed that we will provide an update on the zootechnical standards framework first before dealing with any questions that the Committee may have. We will then address the animal health and welfare framework. It may, however, help the Committee in respect of both frameworks if I begin by saying a little about the background to the UK common frameworks generally, how they were developed and how they are structured.

The UK common frameworks were developed following agreement by the four UK Administrations that, because of EU exit, it is necessary to establish common approaches in the areas governed by EU law that fall within devolved competence. The intention is that the common frameworks will assist in managing the risk of divergence across the UK in a range of specified policy areas. In October 2017, as the Committee may know, the Joint Ministerial Committee (EU Negotiations) (JMC (EN)) agreed principles to govern the development of the common frameworks. In summary, for the most part, those principles provided that the frameworks should enable the functioning of the UK internal market, acknowledging where policy differences exist; ensure compliance with international obligations; ensure that the UK can negotiate, enter into and implement new trade agreements and international treaties; and enable the management of common resources between the four Administrations.

The animal health and welfare and zootechnical standards frameworks are two of the 15 common frameworks under the Department's remit in which we have an interest. They were developed after a long period of deliberation and collaboration between officials from the four UK Administrations. Both have been classified as priority frameworks. They have been designed to support effective regulation and administration in respect of animal health, welfare and breeding standards respectively across the UK, to enable the functioning of the UK internal market and to ensure that regulatory burdens are kept to a minimum.

The arrangements that have been put in place by both frameworks respect the devolution settlements across England, Northern Ireland, Scotland and Wales. They recognise that, ultimately, it is for the Ministers in the UK Administrations to make key policy decisions, particularly in devolved areas. The frameworks also take account of the Northern Ireland protocol, which provides that Northern Ireland must remain aligned with EU laws as listed in annex 2 of the protocol.

The frameworks are structured so that they consist of outline agreements that set out, at a high level, the proposed policy approaches, the operational governance arrangements, and the decision-making processes required for effective future working in the UK. It is considered that all the frameworks are necessary to ensure joined-up working and speedy resolution of any disputes following the end of the transition period. Therefore, they provide a mechanism for the resolution of disputes where a common approach cannot be agreed through normal policy routes. The outline agreements are underpinned by non-legislative concordats, which provide the basis for managing and maintaining commonality of approach, minimum standards, the sharing of information, and governance arrangements. The concordats provide the finer detail on how governance structures will operate, programmes of work developed, resource allocation, dispute resolution mechanisms, and framework review.

In terms of progress achieved to date, the frameworks and the processes followed, the frameworks are being developed in a five-stage process. Phase 1 involved consideration of the principles agreed by the JMC. Following Executive approval of the principles in June 2020, phase 2 began focusing on developing the outline agreements. During phase 3, an in-depth gateway review took place on both frameworks, led by a joint UK Government and devolved Administration (DA) project board, with participation from the Department, DEFRA and the other devolved Administrations. It concentrated on alignment to the JMC principles and the constitutional implications of the draft frameworks rather than the technical policy elements in them. At the end of the process, the project board was satisfied that the frameworks had been developed to an appropriate standard in line with the JMC principles and with consistency of approach to frameworks in other policy areas.

Last week, the Secretary of State for Environment, Food and Rural Affairs wrote to the relevant DA Ministers, including our Minister, seeking their agreement to the provisional frameworks. The provisional frameworks on zootechnical standards and animal health and welfare have been approved by our Minister, and, although they are not cross-cutting in nature, he has informed his Executive colleagues of his decision to do so. The Northern Ireland Executive were previously provided with an update on all common frameworks at their meeting on 1 October and were further updated on 19 November.

It is anticipated that, once collective ministerial agreement on the provisional frameworks has been obtained, they will be endorsed by the JMC. It is anticipated that there will be a further period of review and development of the frameworks in 2021 prior to their finalisation. The remaining phases of development, phases 4 and 5, will focus on legislative scrutiny and implementation. That is likely to include consideration of key cross-cutting issues such as any future trade agreements, the functioning of the UK internal market, and operationalisation of the Northern Ireland protocol. The Committee will be given an opportunity to formally scrutinise the frameworks in 2021, and the intention is to align that

with scrutiny across the other UK legislatures. There will, of course, be a post-implementation review of the frameworks in due course.

I will now provide the Committee with an overview of the zootechnical standards framework. In particular, zootechnical standards facilitate trade in pedigree breeding animals and their semen or ova. The framework recognises that, to support the functioning of the internal UK market while acknowledging the scope for divergence, common rules and a common approach are required in the following areas: the approval and recognition of breed societies based in the UK, using agreed actions and steps; the standards for controlling and regulating breed societies or bodies; the process for third-country approvals; and recognition of non-UK breed bodies for operation or extension of their breeding programmes in the UK.

The purpose of the zootechnical standards framework is to provide a structure for decision-making and cooperation in relation to those policy areas across the UK and set out the roles and responsibilities of the relevant parties within the framework. It also defines the roles of new or existing bodies that can provide independent expert advice to the four Administrations on zootechnical matters. As noted, like the other common frameworks, it provides a dispute-resolution process, should there be a need to resolve disagreements between the four UK Administrations. Finally, it deals with how its operation should be monitored and how it should be modified or updated, should a need be identified.

I will now speak to each aspect of the provisional framework in turn, and, hopefully, it will provide members with an understanding of how the framework will operate in practice. In the UK, responsibility for zootechnical policy, including farm animal breeding programmes and breeding organisations, is devolved. DEFRA and the DAs are each responsible for enforcing the existing rules in their respective territories, and that will continue following the end of the transition period. The provisional framework recognises that the four UK Administrations will continue to be responsible for making decisions that affect breeders and breeding organisations in their respective territories. It provides that there should be a joint consultation between all Administrations to ensure that a workable UK-wide regime is maintained and, in this regard, it puts the role of the existing zootech policy working group on a formal footing. This group comprises policy officials from all four Administrations, and it is intended that the group will oversee the functioning of the framework and provide a forum for the Department and the other Administrations to keep abreast of matters of mutual concern, including opportunities for collaboration, sharing of resources, and engagement with external stakeholders.

The provisional framework sets out arrangements for collaborative working between the Administrations; for example, it maintains regular meetings of this working group. More importantly, it provides that, where one Administration wishes to take a different policy approach from that in the other Administrations with regard to zootech and an agreed common approach cannot be found, an impact assessment must be produced to provide information to allow for informed policy-based decision-making.

Although the framework is an agreement between the four Administrations, it provides for some roles for external bodies. For example, it provides that, where there is a proposed divergence in policy in the UK, scientific advice should be sought from the Farm Animal Genetic Resources Committee (FAnGR). That committee is an existing UK-wide expert advisory body that gives advice to the four UK Administrations on the conservation and sustainable use of farmed animal genetic resources. It comprises senior officials from DEFRA and the DAs, representatives from the dairy, pig and sheep industries and active members of national associations involved with rare breeds and animal breeding.

The framework also permits the continued use of other expert panels by the four Administrations as additional sources of advice on zootech and wider genetic resource issues. Under the framework, each Administration retains the flexibility to select which sources of technical expertise they wish to utilise, including those from agricultural colleges and universities. FAnGR will, however, remain the source of expert advice.

It is important to stress that all four Administrations believe that the potential for diversions or disputes in respect of zootechnical standards is low. Nevertheless, if one party to the framework considers that a policy adopted by another is inconsistent with the aims of the framework, it can trigger the dispute-resolution process provided for by the framework. Under the provisional framework, any issues or concerns with the rules contained in it or their application must be raised via the working group. Officials in that group will seek to resolve any issues informally in the first instance. It is anticipated that expert opinion and advice, data reports and other sources to resolve any issues raised will be utilised.

If no resolution is reached, the framework provides for escalation to ministerial level. That is expected to be the last resort applied in only the most serious issues: those incapable of being immediately resolved by officials in the Administrations. Under the provisional framework, the working group that I referred to will monitor the functioning of the framework and assess any new needs on an annual basis. Requests from any Administration to amend an element of the framework will need to be brought to the working group in the first instance for consideration.

In terms of engagement on the zootechnical framework to date, a copy of the summary document, which the Committee has seen, has been shared with stakeholders from across the UK, including FAnGR and Northern Ireland-specific stakeholders, such as the Irish Moiled Cattle Society, the European Angus Forum and the Suffolk Sheep Society. All were contacted and asked for feedback on the scope of the framework and were given the opportunity to raise any concerns. Responses were received from most stakeholders through the DEFRA-led stakeholder engagement, and feedback was positive. FAnGR welcomed the proposals for continued collaborative working across the UK and to maintain a common approach on animal welfare and breeding where possible.

I hope that I have been able to provide the Committee with some insight into the zootechnical standards common framework and the progress made to date. With me today is Christopher Andrews, head of the animal identification and welfare policy branch. Chris will have a key role in the operational outworking of the framework. Also joining me are Jim Blee and Naomi Callaghan, deputy directors in animal health and welfare policy division. If you have any points that you wish to discuss on the framework, we would be happy to cover those now.

Mr Harvey: Thank you, Neil. You are very welcome. What are the arrangements for reviewing or changing the framework?

Mr Gartland: The working group on zootechnical standards will consider any review mechanism brought forward by any of the Administrations. That could be on the basis of legislative change in the Administrations themselves. A policy change by any of the Administrations may require a review of the framework, and the working group will then consider that. Although the frameworks have been only provisionally agreed, they will be reviewed in 2021 prior to their finalisation to take into account any deal reached on the future relationship. There are a number of mechanisms for review. Phase 5 is a review of the entire framework and how it will be implemented and how it is taken forward. Chris, do you want to come in on that?

Mr Christopher Andrews (Department of Agriculture, Environment and Rural Affairs): I think that that deals with most things, Neil. When it is implemented, there is a facility through the working group across all four devolved Administrations to review the application and implementation of the framework.

Mr Harvey: What is the timeline for the development of the framework, including Committee scrutiny?

Mr Gartland: The original proposal was that phase 4, which involves scrutiny by the Committee, would have been completed by the end of this year, but that has not been possible because of COVID-19 and a number of restrictions associated with it. The timescale for doing that is now early in the new year. In fact, we are scheduled to be with you in February to go through the documents in detail in order for you to provide feedback and input before it is finally signed off by JMC. All legislatures will have an opportunity at that time to input in to the provisional frameworks and for us to take on board comments following phase 3, which is just coming to a close now.

The Chairperson (Mr McAleer): The notes that we received made the point that an agreed four-nation approach would facilitate trade in pedigree animals. I am curious as to what extent DAERA was involved in developing the framework. As we have a lot of island-wide trade in pedigrees and agriculture in general, has there been any role for the Department of Agriculture, Food and the Marine (DAFM), Teagasc or any of the other groups in the South? Is there any situation whereby the framework could come into conflict with the protocol or any island-wide movement of pedigrees?

Mr Gartland: Thank you very much, Chair. On the first point, since the very start of this process, DAERA officials have been involved intensively in engagement with UK colleagues on the development of the frameworks at every stage. That is not just our officials; at phase 3, that included our stakeholders. Northern Ireland has fully contributed and inputted to the frameworks as they are currently drafted and what we will be presenting to you in February.

As noted, the frameworks take full account of the Northern Ireland protocol. They fully understand the position that Northern Ireland will be in with regard to that and that we must abide by the EU regulations as laid out in annex 2. One of the key priorities of the JMC, when endorsing the framework process at the very start, was to make sure that international agreements were respected and in no way negatively impacted by the frameworks.

The Department has regular engagement with DAFM in various forms. I do not think that any official engagement has been brought forward on this particular topic. I cannot see any reason why it would impact on our relationship with DAFM. However, we discuss it at some of the forums and groups that we have regularly with our DAFM colleagues, as we come to our conclusion and see what a final framework would look like.

Jim, do you want to come in with anything more on that?

Mr Jim Blee (Department of Agriculture, Environment and Rural Affairs): To follow up on Neil's point, the frameworks are really continuations of existing arrangements. The animals disease policy group is one such forum where we will continue to work these arrangements through. The Chief Veterinary Officer and a policy officer always go to those forums with cognisance of the integrated supply chain across the island of Ireland and across these islands. We always ensure that, in any policy change that is made, there is cognisance of any impact that it may have on the supply chain across these islands.

The Chairperson (Mr McAleer): Thank you for that, Jim and Neil.

Mr McGlone: Thanks very much indeed for your briefing. I realise that it is very hard with all the stuff that is going. I do not envy you your task, because our asking you questions is like trying to nail jelly to the wall.

There will be some degree of hypothesis here, if you can bear with me. With these common frameworks, there is, at least, adherence to and compliance with EU standards for the North. However, there is the potential for them, ultimately, to run into different standards in different areas and regions. I will take it to the next step. We hear so much about a border down the Irish Sea and all that and compliance with and adherence to standards. How would it affect, or at least have potential implications for, compliance and ensuring that proper standards are adhered to if there were some marginal, or indeed not marginal, divergence in other regions from standards that may be applicable here or at least determined to be applicable here?

Mr Gartland: Thank you very much. The frameworks are the forum for discussion on potential divergence if that were ever to happen. They are to understand why other areas would diverge or other Administrations may take forward proposals to go down a certain route that is different from us or different from what we could do under the protocol. They are to understand the implications of what that divergence would mean for each jurisdiction and each of the Administrations' policy areas.

The frameworks note that it is for individual Ministers to make the final call. This framework is not legislatively enforced; it is a policy area for discussion and engagement. If other Administrations decided to diverge, the processes would be utilised in terms of the official working groups and through to ministerial level if required. Expert advice would be sought as the frameworks try to ensure that decisions on divergence are underpinned by expert advice from the various groups that I mentioned. That would not impact on our ability to move forward with what we intend to do under the protocol, or what our Minister wishes to do on policy making. Does that answer the questions?

Mr McGlone: Not particularly. Perhaps I did not articulate the question adequately. If the North decides, for any reason, to diverge in, say, animal health and welfare, for example, so long as it better the EU's standards — we have all realised that with the protocol — and that divergence is different from Scotland or Wales, how does that affect compliance? In other words, if they have a slightly different standard, what is the mechanism for ensuring that that does not add further red tape to what Brexit has brought about?

What mechanisms, cross-regional, intra-Ireland or EU, could Ministers or Departments use to ensure that you do not have additional stumbling blocks, checks or further difficulties with adherence and compliance? *[Inaudible]* regions. Does that have to be brought before a forum, first of all, for Ministers to discuss it, based on, as you say, expert advice? What are the outworkings of that to make sure that you do not create further problems?

Mr Gartland: I will bring Jim, as he has been working on the detail of the different levels for the past number of years. If there was divergence, it would be brought through those groups, and, if it could not be resolved by officials, it would be brought for discussion at the inter-ministerial group (IMG) using the expert advice that I outlined earlier.

I am happy for you to come in, Jim, if you have additional information.

Mr Blee: Yes, and thank you for the question. If we take it back a step, there is a commitment in the frameworks and the concordats on baseline standards. Those standards will be adhered to post transition. Those will be the ones that will be retained in EU law across the UK.

I take your point on potential changes and divergence. As Neil outlined, that would be taken through the process of frameworks and concordats and to assess the impact of divergence, and that includes, as you say, difficulties with adherence and compliance.

I think what you are probably touching on are trade issues, and because international trade is a reserved matter, that would be one of the key concerns of any potential divergence. As we know, there are many moves across these islands, and those issues and their impact would be addressed and potential mitigations developed.

As Neil said, the concordats are not legally enforceable. They are agreements between Administrations to maintain baseline standards to acknowledge that there is potential for divergence, to mitigate that divergence where possible, and to ensure that all the principles of the JMC are met. That includes maintaining the internal market and international obligations, such as trade, but also international obligations to the World Health Organization in relation to *[Inaudible]* reporting, surveillance and control. I do not know whether that helps.

(The Acting Chairperson [Mr Harvey] in the Chair)

Mr McGlone: Sorry, Chair, but I want to tease this out, as further issues are being raised as we talk. For example, if the EU raises the bar on animal health and welfare, we would have to comply to ensure that we were OK under the protocol. If Wales raises that bar but Scotland or England do not, what are the outworkings of that further down the line? What would the effect be, or what further difficulties might that present? I want to make sure that any further blockages or difficulties are ironed out before it comes to that. What mechanisms would be in place for that situation?

Mr Gartland: Naomi, could you come in on that?

Ms Naomi Callaghan (Department of Agriculture, Environment and Rural Affairs): It is just to reiterate what you said, Neil. The mechanism would be the mechanism laid down in the actual framework itself. That would be triggered. Officials would try to resolve the matter and, if they could not do so, it would be referred to the policy working group. If it could not be resolved there, officials would seek expert views on the impact and try to identify the impact of the divergence on Northern Ireland and the other jurisdictions. Ultimately, if it still could not be resolved and it was considered that it had adverse repercussions for one part of the UK, it would be referred to Ministers to try to resolve it. I suppose that it could maybe be described as an internal governance document, so, as I think both Neil and Jim said, it does not have any teeth in the sense that it cannot be enforced in a court of law. The detail of the exact repercussions would be bottomed out during all of the negotiations and discussions that are provided for in the framework.

Mr Blee: I suppose —.

Mr McGlone: Thanks, Chair. Sorry, Jim, did I cut across you?

Mr Blee: No, it is OK. It is fine.

Mr McGlone: OK. Thanks, Chair.

Mrs Barton: You spoke about the animal breeding process. How will it affect animal breeding between Northern Ireland and Southern Ireland?

Mr Gartland: I will bring in Chris, who is our expert in that area.

Mr Andrews: We are still operating under EU retained law, so our societies in the North will retain their recognition. They will have to go through a process with the Commission to get third-country listed status. Once they get third-country listed status, they will be able to trade on favourable terms, similar to what they had before, with societies in the South and all EU domiciled societies. The only significant change *[Inaudible]* the now formal requirement to issue a zootech certificate that allows the animals to be entered into the corresponding breed books of the societies domiciled in those areas. That is one small change. I say that it is a formal requirement because a lot of the societies issue pedigree certificates as a matter of course anyway, and this just makes that a formal requirement.

Mrs Barton: OK. Thank you. What is the Department's assessment of how likely it is that a common approach can be agreed?

Mr Andrews: Sorry. For clarification, are you talking about a common approach across the island?

Mrs Barton: A common approach between Northern Ireland, Scotland, England and Wales.

Mr Andrews: We operate a common approach now. There are very few elements in the Northern Ireland protocol regarding breeding. The only element of regulation that is in the Northern Ireland protocol refers to certificates for the movement of horses and certificates for the movement of pure-bred livestock to allow them to be entered into breeding books. We will all be operating under the same *[Inaudible]* joint meetings. We all apply this across the UK to all our societies. We keep each other *[Inaudible]* issues as they develop in our particular areas. We *[Inaudible]* these in exactly the same fashion. *[Inaudible]* for our societies, for example. We have three here in Northern Ireland. Two of those societies have the presence of breeders domiciled in GB, so it is very important that we continue to treat all societies equally, transparently and consistently across the UK.

Mrs Barton: If there were divergence, what would the implications be, particularly in relation to the Northern Ireland protocol?

Mr Andrews: There is not really massive scope for divergence as a result of the protocol arrangements. As I say, the protocol arrangements relate to the requirement for zootech certificates to be issued for animals which are going to the EU or entering Northern Ireland. Divergence because of the protocol should be fairly minimal. There is and always has been the prospect of divergence in the way we *[Inaudible]* individual societies across the UK, but, again, that is why we are formalising the processes through a framework to make sure that there is consistency of approach. *[Inaudible]* everybody *[Inaudible]* each society and breeders equally, the prospect of divergence comes up on the horizon *[Inaudible]* to deal with that formally and come to a consistent and coherent approach across all the parts of the UK if there is an issue with divergence.

Mrs Barton: OK. Thank you.

The Acting Chairperson (Mr Harvey): There was a bit of a break-up there, Rosemary. Hopefully, you got enough out of it. We will move to StarLeaf and Philip. Are you OK to go?

Mr McGuigan: Thanks, Harry. I had a number of points, but other members have already asked my questions and they have been answered. I am happy enough.

The Acting Chairperson (Mr Harvey): Fair enough. Thank you very much. Maurice?

Mr M Bradley: I have a couple of quick points, if you can hear me all right. If the Brexit negotiations continue, will the eventual outcome have any impact on the work that has already been completed on the framework? What implications will there be for a framework on trading between Northern Ireland and the Republic of Ireland? You indicated that you have a projected time frame. Are you hopeful of being on schedule and remaining on schedule, or are there any potential hiccups coming down the road? We have talked about the importance of all-island trade, but equally important is all-islands trade. Can you give me your thoughts on that, please?

Mr Gartland: Thanks very much. There were a number of points there.

No, on the current negotiations. The frameworks take account of the fact that negotiations are ongoing. When a final agreement is, hopefully, achieved, we will look at that in detail and see how it crosses over into the work that the common frameworks have remit over. We do not envisage any

substantial changes being made to the frameworks on that basis. As I said, the frameworks are policy discussions and, almost, advisory forums to escalate disputes, to give information about what we are planning to do in a policy arena and bring it to the attention of Ministers if there is divergence that we find difficult but cannot resolve at an official level.

On the timescales, as I said, we have put in a provisional meeting with you in February. We aim to discuss the detail of the provisional frameworks following stakeholder feedback. That is still on course. As I outlined in my presentation, the two frameworks under discussion today are two of 15. They were put forward as priority frameworks because of the importance that each can have for trade. As a result, they have been prioritised for engagement with stakeholders and the legislatures early in the new year. When we come to you, hopefully in February, there will be parallel processes in Scotland, Wales and England.

I think that North/South trade was the second question that you raised. I have gone from the first question to the third and back again. The frameworks are there to assist with divergence and provide a mechanism for understanding and dealing with any divergence within the UK. As you will be aware, the Northern Ireland protocol and the requirements that Northern Ireland has to take forward in relation to it will keep trade going North/South on the island. The framework will not have any implications for that, necessarily.

I think that there was a third or fourth question about inter-island trade between GB and Ireland and Northern Ireland.

Mr M Bradley: Yes, it was about the implications for all-islands trade. Considering the importance of the GB market to Northern Ireland and the Republic of Ireland, will there be any implications or complications for all-islands trade?

Mr Gartland: Some of the purpose of the frameworks is to make sure that there are no negative impacts on trade between GB and Ireland and, particularly, in the UK, which the frameworks focus on. Given the particular circumstances of Northern Ireland under the protocol, what would affect us negatively would also affect down South negatively in some areas, given the annex 2 legislation. As a result, the purpose of the common frameworks is really to ensure that the internal market of the UK continues to operate, but they also take account of the UK's ability, through that joint approach, to sign trade deals. One of those will be with the EU, obviously, through Ireland, aligned to international agreements, which are, of course, the withdrawal agreement and the Northern Ireland protocol. The frameworks only will be used to support the free flow of trade and engagement on policy areas and to discuss areas of potential divergence and how that will cause difficulties, internally in the UK and for Northern Ireland, with the prospect that the resolution would positively provide an outcome both for the UK internal market and for trade both ways.

Mr M Bradley: Thank you very much, Neil. Welcome on board. I am looking forward to working with you in the future.

Mr Gartland: Thank you very much. I am looking forward to working with you all too.

The Acting Chairperson (Mr Harvey): Good job. Thank you, Maurice. Staying on StarLeaf, are you there, Clare?

Ms Bailey: Thank you very much, new Chair. Neil, congratulations on your appointment.

I just have wee quick ones. Have there been any sticking points to date in trying to get agreement between all of the various parties involved?

Mr Gartland: I will hand over to Chris on this particular framework, because he has been involved in the process over the past two or three years.

Mr Andrews: The zotech framework has been a very smooth process, and it has definitely been a collaborative effort. It has been led by DEFRA, but there has been considerable input from us and also from Scottish and Welsh colleagues. I can genuinely *[Inaudible]* particular issues or points that Northern Ireland raised were *[Inaudible]* reference to the Northern Ireland protocol. There is an explicit reference to the protocol in the framework, and I have to say that I found it to be a really good, joined-

up process. *[Inaudible]* concerns or issues or comments *[Inaudible]* any text have always been incorporated into the document.

(The Chairperson [Mr McAleer] in the Chair)

Mr Blee: Do you want me to pick up on the animal health and welfare one now?

Mr Gartland: Go ahead, Jim, if Clare is happy with that.

Ms Bailey: Yes, sure.

Mr Blee: It is very similar to what Chris said. Just to reiterate those points, we have had a very useful process with our colleagues from across the devolved Administrations, led by a very good DEFRA team. I have remarked on that on a number of occasions, and, as Chris said, any issues that came up, from either Scotland, England, Wales or ourselves, were talked through and resolved in a collaborative manner. There have been no issues from our perspective in relation to developing these frameworks at a policy level, and we see no issues in going forward at ministerial level.

Ms Bailey: That is great to hear. Thank you very much for picking up on those.

My last quick one is going back to dispute resolution. I am picking up that what is being proposed for all of the common frameworks is exactly the same — the same structure and the same escalation process. Neil, you referred to a speedy resolution. The one thing that I have not really touched on with any of the frameworks is whether a time frame has been set or talked about for when a resolution is needed or if we do need to go into a dispute somewhere down the line. Is anybody talking about a timeline on that?

Mr Gartland: I will let Chris come in on whether there is any defined timeline. I am not aware of that at the minute, Clare, but one of the things with speedy resolution is that all of these frameworks envisage that it will be resolved at officials level first. Officials working on the detail of these areas are meeting at the groups that I mentioned — for example, the zotech policy working group. That engagement has been going on for years. When Jim comes to animal health and welfare, we will discuss a number of groups that there are for that. They have been working together for years, so they can get together quite quickly to try to find a resolution and to use additional expert advice required to find a resolution. If not, they will escalate it to Senior Civil Service level and then onto ministerial level. Obviously, that will take a bit more time to get resolved, but the reason why the speedy resolution has been put into those frameworks at official level first, then senior official level, is to try to get those areas not on the ministerial agenda agreed by officials, first and foremost, to keep things moving.

Chris, I do not know whether any defined time period is specifically outlined in the frameworks. I am not aware of that, but maybe you can elaborate.

Mr Andrews: To clarify, there is not *[Inaudible]* timeline, and the process is broadly as Neil has outlined. I think that it is important *[Inaudible]* or a time-bound period of time to resolve disputes, because some disputes could be simple and some could be complex. In our particular area *[Inaudible]* breeding, as Neil has said, we have the opportunity to *[Inaudible]* would need to be sufficient time for *[Inaudible]* and considered right across *[Inaudible.]* The dispute resolution process *[Inaudible]* a variable length of time, depending on how complex or big the dispute may be and whether or not there is a need to bring in the expert committees and other experts that the process allows.

Mr Irwin: Come 1 January, can you envisage any issues for people wanting to import live animals from England, Scotland or Wales?

Mr Gartland: In terms of the end of the transition period, the Department is working apace to provide advice and guidance to industry on potential requirements for imports from GB to NI. Those are being worked through at the moment. A large amount of communication is ongoing to prepare industry for that and for any potential changes, depending on the area that we are looking at. Moving forward, those frameworks will provide a forum to discuss and examine any divergence as a result of a policy change by any of the Administrations, whether it is because of a change in the legislation outlined in the protocol that Northern Ireland had to adhere to or whatever it may be. The point of the frameworks is that difficulties that may arise can be discussed at official level, an attempt can be made to find mitigations, and, if there is disagreement between Administrations on any particular policy or

divergence as a result of policy decisions by the Administrations or by default of the protocol, then that will be raised to ministerial level.

Mr Irwin: As things stand, there should not be an issue for those who want to import; is that what you are saying?

Mr Gartland: No, no. Sorry —.

Mr Irwin: Unless some of the regions make changes to their position, there should not be an issue for people to import after 1 January. This might not be within your remit, but I see that, for by livestock, there are animals and seeds involved. There is an issue with seed potatoes from Scotland. We are told that they will not be allowed to be imported. I am hopeful that that will change, but I am not sure what the situation will be in relation to that.

Mr Gartland: Seeds are not specifically my area, but in terms of the regulations that Northern Ireland will abide by under the protocol, and given that we will be in a regulatory SPS regime aligned with the EU on that, industry will need to prepare for a number of changes. The Department has been communicating widely on that, but I am happy to come back to you with additional information from the relevant part of the Department on any particular area such as that.

The Chairperson (Mr McAleer): We will move on now to the briefing on the animal health and welfare common framework. I again invite the officials to begin the briefing on that. Afterwards, members will wish to ask questions.

Mr Gartland: This framework aims to put in place, where possible, shared ways of working to drive common approaches in animal health and welfare policy across the UK following the end of the transition period. It has been developed by working groups comprising officials from the four UK Administrations, who have been reporting to the four Chief Veterinary Officers (CVOs). The policy areas within the scope of the framework include traded animals and related products, disease control and animal welfare, animal identification and traceability, registration and licensing of holdings, aquatic animal health and veterinary medicines. Like other frameworks, it does not mandate harmonisation, but it does recognise the benefits of a consistent approach being taken where it is possible and proportionate. In particular, the framework recognises that diseases do not respect borders and that a coordinated approach for the prevention and control of disease is appropriate. It also notes that any changes to animal welfare legislation should be considered on a four-Administration basis to ensure that the highest possible standards continue to apply. In that regard, there is a commitment within the animal health and welfare framework not to diverge below the baseline standards following the end of the transition period in a manner harmful to biosecurity, welfare or the internal market. It is recognised that each Administration retains the right to increase these standards. However, it has been agreed within the frameworks that any decisions of this nature will be notified to the other UK Administrations so that the impact of any divergence can be identified and addressed.

As with the zootechnical framework, the provisional animal health and welfare framework acknowledges the autonomy that the different UK Administrations have to take decisions within their devolved competency. However, it does set out the commitment of those Administrations to engage with each other at the earliest opportunity when considering policy changes and to share evidence openly. The development of animal health and welfare policy across the UK already benefits from long-standing collaboration through the existing cross-government decision-making and discussion for a — for example, the four Chief Veterinary Officers group, the animal disease policy group and TB liaison group, and the veterinary risk group and disease emergency response committee. The provisional framework provides that these groups will continue to be used to cooperate on policies of joint interest. The framework contains a notification process, which is triggered should any Administration wish to change its animal health and welfare policies. It provides that, before any divergence, attempts must be made to see if a common approach that accommodates the desired outcome of the individual Administration and minimises divergence can be reached.

As with the zootechnical framework, the framework provides for assessments to take place of the impact of any divergence in approach to matters such as the functioning of the internal market. The framework recognises that, in considering issues that arise, due regard should be given to research, expert and professional advice, and other evidence that is available to inform policy development, including the potential for external research and for advice from the Farm Animal Welfare Committee, which advises Department for Environment, Food and Rural Affairs and the devolved Administrations on the welfare of farmed animals. Where a common approach cannot be agreed through normal policy

routes, and where divergence is not considered acceptable by one or more Administrations, the framework provides that a dispute resolution mechanism can be activated, with matters which cannot be resolved by officials being escalated to ministerial level. It is expected that this will be needed only in a very small number of cases. Again, like the zootechnical standards framework, a key component of the animal health and welfare framework is the provision that it makes to provide for it to be monitored.

The summary document on the animal health and welfare framework, which the Committee has had sight of, was shared with a wide range of stakeholders from across the UK on 22 November. These include Northern Ireland-specific groups such as the Ulster Farmers' Union, the North of Ireland Veterinary Association, the Northern Ireland Meat Exporters Association and Dairy UK. I hope that this gives you some insight into the animal health and welfare common frameworks and the progress that has been made to date. As previously introduced, I have Jim, Naomi and Chris along with me today, and they have all been involved in the development of this framework. We are happy to take any the questions that the Committee may have. Thank you very much.

The Chairperson (Mr McAleer): Thank you very much for that, Neil. I note that, as in the previous briefing, you made reference to the fact that this is trying to establish a common approach. From an east-west perspective, one of the biggest issues that we as MLAs have been dealing with recently is the fact that there are upwards of 9,000 sheep that are stranded in Scotland, and they cannot make their way back here due to the fact that they are not scrapie monitored. Will the likes of this framework have any implications for addressing an issue such as that, or what are the specific reasons behind that?

Mr Gartland: The issue that you refer to, Chair, around the requirement to be scrapie monitored is a requirement under the export health certificates, which are required by the EU for the export of those sheep into Northern Ireland post-transition. The UK will not be in a position to independently apply any derogation to that, but this group will hopefully highlight for policy officials, at an early stage, any areas where there could potentially be divergences which could cause issues or difficulties, and work together to seek ways to resolve that, if possible and where proportionate. These frameworks, the groups that have been formalised within them and the process that we have put in place within this would only, in my mind, move to assist difficult issues like that with regard to open engagement and discussions on the potential mitigations and potential ways forward, using the experience from across all four Administrations.

The Chairperson (Mr McAleer): Why could the UK not apply for a derogation, especially given the fact that this framework is aimed at establishing some sort of a commonality?

Mr Gartland: The UK could. What I was saying is that we cannot independently apply a derogation to EU rules, as the UK in itself. Sorry, Chair. That is what I meant; that is what I was referring to.

The Chairperson (Mr McAleer): But could the British Government apply for a derogation to enable that to happen?

Mr Gartland: Yes, the UK can apply to the Commission for a derogation, I believe, if possible. However, that is a matter for reserved policy. It is a matter for Westminster, in engagement with devolved Ministers.

The Chairperson (Mr McAleer): I suppose that the other question I am going to ask is similar to the last time as well. One of the strategies that we have across the island of Ireland is the all-island animal health and welfare strategy. We export 800 million litres of milk to the South every year, and there is a lot of cross-border trade going on. Indeed, we are in the process of arguing the case for all of the island of Ireland to be part of the bid for the protected geographical indication (PGI) status for Irish grass-fed beef. What are the implications for the all-island animal health and welfare strategy?

Mr Gartland: Can I bring in Jim or Naomi on that one, please?

Mr Blee: I think Naomi has dropped out. I can pick up.

These are two distinct issues, Chair. The common framework, as Neil has described, is a process to try to ensure that there is a common approach across the UK, whereas the all-Ireland animal strategy makes links between North and South. As previously said in an answer, these processes through the

common frameworks are not new. They are just formalising current processes that we adopt. For example, the Chief Veterinary Officer attends the animal disease policy group —.

The Chairperson (Mr McAleer): You have cut out there, Jim. Your sound is intermittent.

Mr Blee: Can you hear me OK now?

The Chairperson (Mr McAleer): We can hear OK now, yes.

Mr Blee: I was trying to clarify that, from a previous answer in relation to the common frameworks, the groups that will be utilised are existing groups — for example, the animal disease policy group, which the Chief Veterinary Officer and policy colleagues such as myself attend on a very regular basis. We always have a cognisance that any decisions taken across the UK might have an impact on the integrated supply chain across the island of Ireland. We will always ensure that those impacts are taken into consideration when decisions are being made or changes in policy are being adopted.

Mr Harvey: Thank you, gentlemen. I am wondering whether the Department anticipates any issues around trade, given that, on the international stage, the UK trades as a whole on animal health and welfare and is considered a single entity.

Mr Gartland: Jim, can you answer that on animal welfare?

Mr Blee: That is the very purpose, or one of the key purposes, of this framework. You are quite right; from the perspective of international trade, the UK trades as one entity. Therefore, it was recognised very early in the process that one of the JMC principles should be impacts on international trade. Part of the essence of this framework is to ensure that, no matter where any potential divergences may emerge and in which jurisdiction or jurisdictions, the impact on the UK's ability to trade internationally is considered and assessed appropriately to ensure that there is no negative impact.

Mr Blair: I have asked previously in the Chamber and in the Committee about possible progress towards a common veterinary area with regard to EU boundaries and relationships. I want to revisit that now because I realise that we are somewhat short of that. How will the proposed frameworks fit with the future EU relationships? How have they been affected, if at all, by the events of the past couple of days, with changes to agreements and arrangements going forward?

Mr Gartland: One of the key things is that the frameworks have been developed on the basis of the principles that were outlined by the JMC in 2016. One of those key aspects is to make sure that all four Administrations can meet international commitments and agreements. As a result of that, they have been developed independently — in a sense, because of EU exit — of the ongoing negotiations. Regardless of the outcome of those negotiations, the frameworks will, hopefully, still move forward and be put in place for that basic policy divergence amongst the four Administrations. The frameworks will take account of the future relationship, and obviously, if there is further divergence on the basis of whatever deal is reached — I do not know; that is outside my remit — the frameworks will still be in existence to do that. The basic detail of the framework and the processes that have been provisionally agreed will not be impacted by that at all.

Mr Blair: OK. With the evolving issues in the negotiations that are taking place between the UK Government and the EU, am I right to assume that all of these matters will be under constant review?

Mr Gartland: Once the frameworks are in place and established in the new year, they will consider anything that could be regarded as a potential area for policy divergence across the remit of the 15 areas that they cover. That is their purpose: to provide the forums to do that.

Mrs Barton: It is proposed that the animal health and welfare framework will include a commitment not to diverge from the baseline standards in a manner that is harmful to biosecurity, welfare or the internal market across the relevant policies. Can you give me a bit more information on those basic standards?

Mr Gartland: Thank you, Rosemary; I will bring Jim in.

Mr Blee: This could be a very long answer, Rosemary, but I will try to keep it as short as possible. Where the agreements in the frameworks and associated concordats refer to baseline standards, it is those standards that will be in force, following the end of transition, in retained EU law. As you will be aware, EU law has been transposed into domestic legislation, and those are the standards that are referred to as baseline standards. The commitment is that those baseline standards will be maintained *[Inaudible.]*

Mrs Barton: I am sorry; can you repeat that? You froze there.

Mr Blee: Can you hear me OK now?

The Chairperson (Mr McAleer): Yes, Jim.

Mr Blee: Apologies. The baseline standards, as referred to in the documents, refer to retained EU law that will be transposed or become effective following the end of transition. From 1 January 2021, the four UK Administrations will have in law those standards that we currently adhere to under the EU framework. The commitment in the frameworks and concordats by the four Administrations is not to go below those standards. The assurance that is provided in the concordats is as such. I hope that that answers the question.

The Chairperson (Mr McAleer): Clare? Can you hear us, Clare?

Ms Bailey: Yes, Chair, thanks. It was mentioned in the brief that the frameworks should recognise the fact that disease does not respect borders and that there should be a coordinated and consistent approach across the four regions to maintaining the highest possible standards. However, given where we are at the moment with COVID, the mink situation and previous diseases and stuff, what discussions have there been around all of that? Have there been any sticking points with that? I am picking up on the word "should" recognise, rather than "does". Has anything happened there?

Mr Blee: I will take this, Neil.

Mr Gartland: Yes.

Mr Blee: It is a good question to raise. It is a good example of why these frameworks and concordats are not really anything new. They are a continuation of the good practice and long-standing arrangements across the four jurisdictions and with our colleagues in ROI. At the start of the pandemic, we quickly repurposed the animal disease policy group into an animal policy group. We have met as often as three times a week on a virtual basis with all four jurisdictions, considering all issues of COVID impacts, from TB testing to food supply and the potential for SARS-CoV-2 to be detected in animals. That work has continued, albeit that the frequency has stabilised to once a fortnight now. Those issues around COVID add-ons are being discussed on an ongoing basis.

Clare, maybe I have missed a part of the question?

Ms Bailey: I was just wondering if there have been any sticking points with that or any plans to further develop that one, because of the word "should" recognise rather than "will" or something more solid or definitive.

Mr Blee: That "should" should be a "could" or "does" recognise. Another example of disease not recognising borders is the ongoing avian influenza outbreak across England. Eight sites have been affected by high path avian influenza, which is a concern, of course, to our devolved colleagues but also for Northern Ireland. We have been discussing, twice a day, the response to that and the impact on Northern Ireland and ensuring that our stakeholders and industry are best prepared to prevent an incursion in Northern Ireland.

Ms Bailey: Come 1 January, do you think that things will be very smooth with this, or are you predicting any bumps in the road?

Mr Blee: In relation to the implementation of the framework and ongoing collaboration?

Ms Bailey: Yes.

Mr Blee: From the very start of this process, particularly in the animal health and welfare world and the zootechnic world, we have long-standing relationships and well-established groups. Again, go back to the start of the pandemic, when we quickly organised ourselves into a group with excellent governance structures to ensure the impact of COVID on the animal health and welfare world was minimised. I think that the continuation of those processes will be straightforward. The implementation of this framework will formalise those and provide a dispute mechanism now that the UK has exited the EU and is outside the EU legislative framework.

Ms Bailey: Thank you.

The Chairperson (Mr McAleer): I thank the officials for presenting this morning; it was extremely helpful. If there are any issues in the Clerk's memo that we have not explored today, we will forward them to the Department for a response. Thanks very much for attending this morning.