



Northern Ireland
Assembly

Windsor Framework Democratic Scrutiny Committee

OFFICIAL REPORT (Hansard)

Regulation (EU) 2024/1143 of the European Parliament and of the Council of 11 April 2024 on geographical indications for wine, spirit drinks and agricultural products as well as traditional specialities guaranteed and optional quality terms for agricultural products:
Department of Agriculture, Environment and Rural Affairs

9 May 2024

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Members present for all or part of the proceedings:

Mr Philip McGuigan (Chairperson)
Mr David Brooks (Deputy Chairperson)
Dr Steve Aiken
Mr Jonathan Buckley
Ms Joanne Bunting
Ms Emma Sheerin
Mr Eóin Tennyson

Witnesses:

Ms Alison Chambers	Department of Agriculture, Environment and Rural Affairs
Ms Samantha Stewart	Department of Agriculture, Environment and Rural Affairs

The Chairperson (Mr McGuigan): Good morning and welcome to Alison Chambers, DAERA's director of sustainable agri-food development, and Samantha Stewart from DAERA's agri-food development division. I hand over to you to present on the regulation.

Ms Alison Chambers (Department of Agriculture, Environment and Rural Affairs): Thank you very much, Chair. By way of a general overview, food, drink and agricultural product names with a geographical connection can be registered and protected as intellectual property. That protection is called a "geographical indication" (GI), which covers protected geographical indications (PGIs), protected designations of origin (PDOs) and spirit drink GIs. Product names that follow a geographic tradition in their preparation can also be protected as traditional speciality guaranteed (TSG). GI protection guarantees a product's qualities, characteristics or reputation as well as its authenticity and origin. It protects the product name from misuse or imitation and is a way of recognising the unique skills and knowledge of our food and drink producers and of promoting Northern Ireland produce.

The Department for Environment, Food and Rural Affairs (DEFRA) is the competent authority for GIs in Northern Ireland. Following EU exit, the UK created its own UK GI scheme. All GIs produced in the UK that were registered before exit day would continue to be recognised under the EU scheme and were carried across to the new UK scheme. Northern Ireland producers can apply to either or both of the EU scheme or the UK scheme as they choose, either simultaneously or sequentially. As the Committee will be aware, Northern Ireland currently has four GIs: Lough Neagh pollan has PDO status, and Lough Neagh eels, new season Comber potatoes and Armagh Bramley apples have PGI status. There are also four all-Ireland GIs: Irish cream liqueur, Irish poitín, Irish whiskey and — the most recently granted PGI — Irish grass-fed beef, which is under the EU scheme only.

The application for a GI is an opportunity for a producer to register a product that is unique because of its geographical location and to set the product apart from similar products on the market. For example, a study carried out by the European Commission in 2017 found that the sale value of PGI meat products was, on average, 1.2 times that of comparable standard products without a GI label.

Applications for both the EU and UK GI schemes are reserved and are the responsibility of the Secretary of State for Environment, Food and Rural Affairs. However, DAERA acts as the point of contact between DEFRA and Northern Ireland GI stakeholders, including applicants, operators for existing GIs, control bodies and enforcement bodies, and coordinates advice and support on DEFRA's behalf. Control bodies are responsible for ensuring that the producer conforms to the technical specifications of the GI via initial verification and occasional audits in order to be reassured of continued adherence. In Northern Ireland, the enforcement bodies are the district councils.

During the legislative process, DEFRA sought comment from DAERA in 2022 while preparing an explanatory memorandum (EM). DAERA officials provided technical comments, with the caveat that, in the absence of a Minister, the views put forward reflected only those of the officials. The EM was provided to you in the initial impact assessment and considered at your meeting last week.

Following publication of the replacement Act on 23 April 2024, DEFRA began updating the explanatory memorandum in light of the finalised regulation. That was shared with DAERA on 3 May, with a request for comment the same day. A number of factual comments were made in response. DEFRA also advised that the final version of the document might differ slightly from that which had been shared. We understand that an amended EM on the GI file is being prepared by colleagues in DEFRA, with input from the Cabinet Office. We also understood that it was unlikely that that would have completed internal Westminster clearance before today's session and in time for you to see it, but we have impressed on our DEFRA colleagues the urgent need to get that information to you as soon as possible.

The Chairperson (Mr McGuigan): Thank you very much. I appreciate the final comment. Information is key, and, for us, timely information is key.

We all understand that intellectual property is a reserved policy matter, but you said in your evidence that DAERA is the point of contact between DEFRA and groups here and that councils are the enforcement bodies. With regard to all that and the element of implementation oversight that you have, have you identified any concerning impacts of implementation?

Ms Chambers: We have requested that DEFRA conducts an impact analysis study for us as part of the information that it will provide.

The Chairperson (Mr McGuigan): OK. Would that be included in the EM, or is it over and above the EM?

Ms Chambers: That would be over and above the EM. It would sit alongside it.

The Chairperson (Mr McGuigan): OK. Is it your view that the EM could be ready in a matter of days? You have urged DEFRA to ensure that we see that as soon as possible. Is that right?

Ms Chambers: It is our hope that you will see it as soon as possible. We had hoped that you would have seen it before now. DEFRA colleagues are following a process and going through the Cabinet Office, but we have impressed on them the need to get the information to you as soon as possible.

The Chairperson (Mr McGuigan): You have provided updated information to DEFRA for its EM. What are the comments about the specific impact here that, you hope, DEFRA will include in its EM?

Ms Chambers: The EM from 2022 that you received highlighted that no substantive policy comments or concerns were received, although the Northern Ireland Executive provided input, particularly on the impact of the proposal on the regulatory scheme in place in Northern Ireland. As it is a matter for DEFRA, it is up to DEFRA how it wants to present that information, but we went back with a number of comments. We can share our response at that time:

"Officials from the Northern Ireland Department for Agriculture, Environment and Rural Affairs have an interest in the proposal as it falls within the scope of the protocol on Ireland/ Northern Ireland.

As the proposal does not fall under devolved competence, responsibility for implementing the measure rests with the UK Government. However, our policy officials are liaising with their UKG policy counterparts to determine what action is required and what possible impacts the proposal may have in Northern Ireland. Input has been provided at official level and does not represent the views of NI Executive Ministers".

In 2022, we asked DEFRA to look at a financial analysis and impact analysis as part of that. We have, more or less, reflected the same comments this time.

The Chairperson (Mr McGuigan): OK. Will DEFRA engage with the bodies that have GIs to assess the impact?

Ms Chambers: We suggested to DEFRA in 2022 that it should engage directly with Northern Ireland stakeholders.

The Chairperson (Mr McGuigan): OK. Fair enough. Thank you.

Mr Brooks: Does the Department have any views or concerns about how the changes might impact the GB supply chain or the promotion of existing GIs?

Ms Samantha Stewart (Department of Agriculture, Environment and Rural Affairs): We have asked DEFRA to conduct a full impact assessment on that.

Mr Brooks: OK.

Dr Aiken: You said that the EM is now in the Cabinet Office rather than at DEFRA.

Ms Stewart: That is our understanding.

Dr Aiken: OK. Chair, I have a salient point. None of us can make a decision until we have read the EM. Remember that the Cabinet Office owes us one for its fubar, to put it mildly, in not giving us the information from the previous applicability motion in time. It would be useful to communicate directly with the Cabinet Office to get the EM released to the Committee.

The Chairperson (Mr McGuigan): The Clerk was literally just telling me that she is meeting the Cabinet Office this afternoon.

Dr Aiken: Oh, brilliant. Thanks.

The Committee Clerk: I will chase that up.

The Chairperson (Mr McGuigan): We can make that point. Thank you very much for attending today.

Ms Chambers: Thank you.