

# Northern Ireland Affairs Committee

## Oral evidence: [Brexit and the Northern Ireland protocol](#), HC 767

Wednesday 9 December 2020

Ordered by the House of Commons to be published on 9 December 2020.

[Watch the meeting](#)

Members present: Simon Hoare (Chair); Scott Benton; Gregory Campbell; Stephen Farry; Mary Kelly Foy; Mr Robert Goodwill; Claire Hanna; Ian Paisley; Stephanie Peacock.

Questions 306 - 370

### Witnesses

I: Dr Denis McMahon, Permanent Secretary, Department for Agriculture, Environment and Rural Affairs (Northern Ireland); Dr Robert Huey, Deputy Secretary, Veterinary Service and Animal Health Group, Department for Agriculture, Environment and Rural Affairs (Northern Ireland); Norman Fulton, Deputy Secretary, Food and Farming Group, Department for Agriculture, Environment and Rural Affairs (Northern Ireland); Mark Livingstone, Director, Operational Readiness, Department for Agriculture, Environment and Rural Affairs (Northern Ireland).

II: Tamara Finkelstein, Permanent Secretary, Department for Environment, Food and Rural Affairs; Emma Bourne, Director of Constitution and Borders, Department for Environment, Food and Rural Affairs; John Bourne, Director, Biosecurity and Food Projects, Department for Environment, Food and Rural Affairs.

## Examination of witnesses

Witnesses: Dr Denis McMahon, Dr Robert Huey, Norman Fulton and Mark Livingstone.

Q306 **Chair:** Good morning, colleagues, and good morning to our witnesses. This is a very timely meeting, following the welcome announcements yesterday. Given the short window that exists between now and the end of the year, I would like to note, on behalf of the Committee, how particularly grateful we are that our witnesses are with us today. You are all most welcome. Dr McMahon, you were going to make an opening statement and then we will turn to some questions. The floor is yours.

**Dr McMahon:** We are very grateful for the invite. It is always useful to talk to key people as we come up to this important date. On the data available to us, some 460 SPS-related freight units come into Northern Ireland daily. Around 440 of these, 95%, come through Belfast and Larne. The majority of these are unaccompanied. Some 200 freight units per day transport goods for direct consumption. These represent a particular challenge because they tend to have high numbers of mixed consignments and are for just-in-time deliveries.

There are four key elements to our plans that I thought it would be worth mentioning to help set the evidence in context. First, we plan to get the SPS—sanitary and phytosanitary—certification to be completed in GB in the form of export health certificates. In order to do that, we need to ensure that, subject to the outcome of the negotiations, there are appropriately qualified and trained staff in place to issue the certificates and that businesses in GB are prepared. I know Defra colleagues will be happy to take about that later on. We are doing a lot of work with Defra on business preparedness as well.

Documentary checks is second. This is checks of the certification, which will be carried out remotely and electronically by DAERA staff in Northern Ireland.

Thirdly, identity checks for SPS consignments are to be taken by DAERA- authorised staff at GB ports prior to embarkation. This is to help traffic flow. We currently have arrangements in place for Cairnryan and Birkenhead, and remaining ports to follow shortly.

Fourthly, a percentage of consignments will then undergo physical checks when they arrive in Northern Ireland. On the facilities for these, construction contracts were awarded on 7 October 2020. Work has continued at pace. Designs are completed and work is underway. Certificates for lawful use and development have been obtained from the relevant councils. A business case and budget is in place. The full facilities will be completed in 2021. In the meantime, we have contingency arrangements in place, including temporary facilities for 1 January 2021.



## HOUSE OF COMMONS

That was all I wanted to say by way of opening remarks. We will be very happy to take questions from Members.

Q307 **Chair:** Thank you very much for that. That has been very helpful. Can I pick up where you left off, with regards to the infrastructure? Where are the temporary facilities that you mentioned located? Are they existing facilities, or do they need to be extended, improved or whatever?

**Dr McMahon:** They are located in the ports and in the port areas. We have a number of different facilities for different types of products. We can talk about those in more detail if you wish. The idea is to have enough in place to be able to do full physical checks at the different ports.

There are four ports of key interest: Belfast, Larne, Warrenpoint and Londonderry. We are using all of those. The idea is to have facilities at all of those ports. Some of them are in existing facilities, where we are refurbishing them. Some of them are temporary facilities that we are putting in place. In each case, the idea is to take as many products as we can through. The problem is that we will not be able to have designation for every product at every port.

The only other issue to mention is the fact that it will not give us the volume we would want to be able to deal with all the export health certificates when they come through. If we were using these in the long term, this would lead to delays. We would be happy to pick up on those points in more detail.

Q308 **Chair:** Are all the facilities within secured areas?

**Mark Livingstone:** Good morning, Chair. Good morning, panel. Yes, all the facilities are within the port boundaries and have specific security built into the assessment, with both the PSNI and the local port authorities. Yes, that is correct.

Q309 **Chair:** That is helpful. There was big news yesterday from the Chancellor of the Duchy of Lancaster, providing clarity at least on the direction of travel, i.e. it is the protocol rather than the UK Internal Market Bill.

What are you now expecting to happen in terms of you being briefed on the detail of that and the political vision for its implementation? Have you already been alerted as to the timetable for that? Have you also had any indication of, or might you be advocating for, a grace period, i.e. while something technically comes into force you have an element of time, given that we are so closely abutted to Christmas and the Christmas break? I presume you are all having turkey sandwiches at your desk on Christmas day.

**Dr McMahon:** There are a couple of points in there. The first thing is we had a very short timescale to do this. That is necessary because we are in the middle of a negotiation. There are a lot of operational arrangements to put in place. We had seven months from the formal start of this



particular project to 1 January. We started with a red-amber assessment of our delivery capability and moved down from there. We have actually moved back a bit by putting in place the contingency arrangements. We would be hopeful that any flexibility that could be given to us would be helpful.

Like any operational arrangements in any area of Government, it is useful to have a lead-in period that allows you to build up to full capacity. Inevitably, whatever we think, and even if we had had years to do this, there would be a period of time when we would need to test the arrangements and see how they worked.

Q310 **Chair:** You were talking about your red/amber/green assessment there. Could I invite you to consider it in a percentage term? If Michael Gove was to appear at your desk now and say, "In percentage terms, how ready are you for the get-go on 1 January?" where are you?

**Dr McMahon:** Personally speaking, I would be between 80% and 100% sure that we could stand arrangements up, but they would not be pretty and they would not necessarily do everything we would want them to do. Would we have the main elements in place? We will have buildings in place where we need them. We will have the people in place, albeit not as many as we would want to have. We will have the basic IT in place, through TRACES NT, which is the main system. There are other systems that work alongside that. The main ingredients would be in place.

The single biggest challenge for us now, and it continues regardless of what happens coming out of the announcements, is making all those pieces fit together into a coherent system. That is the challenge and that is about getting everybody working together as a team. That would be the basis of my assessment. Because we have not done this, I would be happy for any of my colleagues to contradict me, as they quite often do whenever I get it wrong, which happens now and again.

Q311 **Chair:** People should feel free to chip in. Can I revert to two bits of the helpful answers you gave there? Your lowest figure was 80%. That is of itself, I would suggest, encouraging. Can you give the Committee a little flavour with regards to the staffing figures? You mentioned you do not have enough staff. Could you give us some indication as to the numbers you have versus the numbers you need? If it was green light 1 January, no grace period, you described that it "would not be pretty". Could you flesh out the unprettiness for the Committee?

**Dr McMahon:** I am going to hand that over to Dr Huey, who is going to talk about the staffing. He is going to be in direct charge of the operations.

**Dr Huey:** We are planning 24/7 at Larne and Belfast, as you would expect. Warrenpoint and Foyle are lower throughput, so they will not require shifts. It will be during working hours or with other arrangements. In Belfast and Larne, I am talking about 25 veterinarians to act as official



## HOUSE OF COMMONS

veterinarians. We have 19 or so at the moment. That does not concern me, really, because within my structure I deliver, as well as being a policy lead, so I have staff doing other things, which I will repurpose if necessary whenever we stand up. On port inspectors, I have technical officers that I can redeploy. We are looking for 75 and most of those are either in place or will be in place soon. On the staffing, I am concerned to get them in place, trained and authorised, but that can all be done in time.

There is a lumpy piece of this. Once we realised we were not going to have our brand-new shiny facilities in place in Larne and Warrenpoint, around September time, we directed ourselves towards putting contingency plans in place and to repurpose and build new premises, as the Permanent Secretary has said. They are not all in one place and there are not as many unloading bays as I would like. My Minister's direction to me was that he wanted there to be as little friction or delay for goods entering Northern Ireland as could be achieved.

There will now be delay, because we do not have enough bays in order to ensure every lorry that comes off a roll-on/roll-off ferry can immediately go to the bay, get checks as required and then move on. They may have to wait until the lorry in front of them is done, or maybe even two or three lorries in front of them are done. There will be delay. It will be bumpy. It will not be as frictionless, which was the phrase that was always used, as I would wish it to be, but that is where we are at. What we can solve by people, to get around infrastructure problems, we will.

The one thing that usually holds up these sorts of projects is the IT. In this case, the IT is actually one of the things that is going really well. It is well on the way to delivery, with our own specific systems to work in with Government and EU systems. That is good news. The bits are all there. Will they work together? I would like more time in order to practise and do more exercises. Will it be absolutely beautiful on day one? Because day one is a bank holiday, hopefully there will not be very many lorries coming in. As for day four or five, we will have to work our way through that.

Q312 **Chair:** My take is that all of that is reasonably encouraging. You seem to have things in hand. From what you are saying, a grace period would be helpful. I can see Dr McMahon nodding at that proposition. Dr Huey smiles in relief at the prospect of procuring one.

**Dr Huey:** Yes, precisely.

Q313 **Chair:** How long would you need that to be in order for your staff to be fully trained, accredited, et cetera, and for the system to be stress tested so that users of it could have confidence in submitting themselves to it? What sort of grace period would you be looking for?

**Dr McMahon:** Our view is that we are going to do everything we can with the time we have. It is just the nature of negotiations. If you are



taking a step back from this, had we had the time to do this, if you compare it to the sort of work it has taken in Dublin, which is a different model, it has taken them about three years to get to where they have got to. There is probably no simple figure. The more the better, in one sense.

To reassure you, I sent out a signal this morning that, while we await the detail around this, we are working on the basis of, "Let us have the system set up on day one as best we can. Let us test and stress-test it". If it goes wrong, we can learn from that. In a sense, the more time we can get, the better. As officials, you would expect us to always want to do as much as we can to manage down every risk.

Q314 **Chair:** Is my takeaway from that that it is capable of being deployed from day one? If that is to be the case, you would use that period to bed things in and stress-test and therefore, allied to that, you would be looking for a light touch when it came to enforcement, in order not to compound operational deficiencies during the stress-testing. Is that the right conclusion to arrive at?

**Dr McMahon:** That is a reasonable assessment of where we are. One of the key elements of this will be developing an approach to compliance. Dr Huey can talk about that in more detail if he needs to. To some extent, we have been waiting on the outcome of the negotiations to be able to start to finalise that.

We have to comply with the law and this is domestic law. That is what is driving us, in terms of this particular programme in Northern Ireland, so long as we can comply with the law, but do it in as pragmatic a way as possible, and clearly in line with our Ministers' and, frankly, a wide range of people's opinion, which is that we should minimise the friction. We have to try to get all these pieces to work together in a way that complies with the law but does it in a pragmatic way and benefits the people of Northern Ireland as best we can.

Q315 **Mr Goodwill:** I have a quick supplementary. We have heard how, as much as possible, checks will be done electronically or before disembarkation. In terms of chilled or frozen products, do you have facilities at the ports in Northern Ireland to examine products without compromising their safety and cold-chain delivery?

**Dr McMahon:** Yes, and Dr Huey might want to add some more detail to that for you.

**Dr Huey:** At all facilities where required, we have ambient, chilled and frozen storage facilities. Some of these are temporary. Some of these would look to you very much like a 40-foot container stuck on the side of a building, but that is sufficient for the needs.

All these facilities, while I carry out the designations, have to be approved by the European Union. Inspectors are with us weekly in order to advise. I have to thank the Commission for that publicly, for the help and advice it has given us. An auditor comes up every week, looks at our



facilities and gives us advice to make sure we do not waste time by making a mistake. The facilities are all there and fit for purpose.

**Mr Goodwill:** Thank you. That is very reassuring.

Q316 **Chair:** For Northern Irish consumers, in terms of food safety and standards and confidence in what they are going to buy, cook and eat, that remains the same with these temporary facilities. You have no worry on that score at all.

**Dr Huey:** Those issues you talk about are not compromised and they will not be. They cannot be.

**Chair:** That is really encouraging. Thank you.

Q317 **Ian Paisley:** I should declare that I am an honorary member of the British Veterinary Association, I am a former chairman of the Northern Ireland agriculture committee and Dr McMahon used to be my Deputy Permanent Secretary when I was a Minister in the Northern Ireland Government, so I should put that on the record. Dr McMahon, how many additional inspections will need to be carried out on agri-goods that come into Northern Ireland?

**Dr McMahon:** One hundred per cent. of the goods will be checked in terms of certification and ID, which just means making sure what is in the freight container matches the documentation. I think you are touching on physical checks there. Dr Huey can give you a bit more detail on this, but that varies on the type of product, according to the official controls regulation. Dr Huey might want to add to that by giving you a sense of the range of checks and percentage checks, and then we can talk you through that.

**Dr Huey:** The percentage physical checks are contained in this thing, which is the official controls regulation, which sits there on my desk all the time. In an annex to that, it lays out the frequency of the physical checks. For some high-risk products, such as live animals coming in, the high risk in this case is the risk to the animal health of the island of Ireland, the single market, the public health or the plant health.

For high-risk products, there is 100%. Every live animal, livestock, horses, et cetera, coming into Northern Ireland will require physical checks. That includes unloading and checks carried out as according to the regulations. For the next group of products, which includes fresh meat, minced meat and some other products, 30% of the consignments have to be examined physically, then down to 15%, and then, for some low risk, 1% or below.

I received a flexibility from the Commission. The CVO UK, Professor Middlemiss, and I went out to talk to the Commission about this. One of the things they explained to us is that the frequencies laid out in the legislation can be increased or decreased according to local risk assessment. A risk assessment was carried out, with the assistance of



## HOUSE OF COMMONS

Defra, and that indicated, as we would expect, that the risk was very low for retail goods. That makes sense.

It allows us to reduce the frequency of checks for those goods, for supermarket goods in particular, to close to zero, or perhaps even zero. That is a huge help to us, since about half the consignments that come into Northern Ireland every day are for retail sales direct to the consumer. That is the key that makes us confident that we can deliver—the fact that half of the consignments that come into Northern Ireland are for retail and will not require physical checks because of the flexibility within the regulations. That is what we are looking to do. We are looking to see the flexibilities that are within the law. The Commission has been helpful with trying to identify those and using those to their maximum.

**Q318 Ian Paisley:** For example, for Asda, Iceland or these other companies that will bring frozen goods into Northern Ireland, 100% for retail in Northern Ireland, the likelihood is that, from an operational point of view, none of those issues would ever be touched. They would just whizz through and see no obstruction whatsoever.

**Dr Huey:** As things stand this morning—it might be different after lunchtime—they require certification documents and an identity check, but they do not require physical checks. Those are the sort of relaxations we are hoping for in the announcement in the House.

**Q319 Ian Paisley:** Is there a cost per vehicle for those certificates and identity checks, or is there a cost per item or a cost per product?

**Dr Huey:** There is a cost per consignment. Each consignment, which is a technical phrase that I will explain a little bit, requires its own certificate. If you have a retail container that has mixed goods, as you would expect, the dairy will need its own certification, the meat will need its own certification, composite goods will need their own certification and plants will need their own certification. If you have a model where that freight unit is then being delivered to different sites, each site for the same product will need its own certificate.

You could end up with dozens of certificates per freight unit because it is full of different consignments. That relates to the number of checks, because the checks are per consignment, not per freight unit. When you asked me numbers earlier on, it is very difficult to give you numbers, because until this happens we are working very much on guesstimated numbers. That is all we can do.

We have numbers for planning purposes, but, until we see how logistic chains and the various traders react to the changes, we have little idea of how many consignments are coming at us. That is why the Permanent Secretary's estimation of our readiness is 80% to 100%. He is bringing it down to 80% because we do not know. The unknown is how many consignments will actually arrive and need checks.

**Q320 Chair:** Sorry to intervene. This may be helpful in the questioning and the



## HOUSE OF COMMONS

answers. One of our Clerks has forwarded to me what seems to be a fairly authoritative piece by Lisa O'Carroll, posted this morning at just about 8.30 in the *Guardian*, saying that it will be disclosed in the House today that Sainsbury's, Marks & Spencer, Asda and other trusted traders will be given a waiver for a number of months before checks kick in, and that will be confirmed in the CDL statement this afternoon. That looks to be pretty authoritative. There are quotes from officials on both sides of the channel. I suppose we have to take it as a health warning until it is said at the Dispatch Box, but that might be helpful. Would that affect your 80%?

**Dr McMahon:** That would be a big help.

**Dr Huey:** That is why I smiled earlier on. That will be a great help.

Q321 **Chair:** You have resisted the temptation to turn cartwheels, Dr Huey.

**Dr Huey:** I will believe it when CDL says it at the Dispatch Box.

Q322 **Ian Paisley:** I am trying to get a practical grip around these certificates. These certificates could cost somewhere south of £100 per certificate, say somewhere between £60 and £100. If there are 10 items on a lorry, the maths is simple: that is £1,000. More than likely, there could be maybe 20 or 30 items or different products on one of these big container lorries, so that is about £3,000 per lorry on certification, which has to be paid for. Who picks up the tab for that?

**Dr Huey:** The figures you are mentioning are in the right ballpark. The provision of certificates is a commercial item in GB. The model is that the majority of the certificates are provided by the private veterinary sector and they will be subject to market forces. Your figures are not unrealistic. To answer your question directly, the exporter picks up the bill. What then happens is open to political decisions.

Q323 **Ian Paisley:** The issue, which is an in-principle issue, is that, if there is zero risk posed by these goods and if there are now waivers that are going to be put in place, the waivers are beneficial if that waives those certificates.

If there is low to zero risk posed by these goods to the European single market—that is what these certificates are for; they are not for our market but to protect the European single market—why would those bills have to be paid by Northern Ireland, by consumers or exporters? Those bills should be picked up by the market we are trying to protect, the European single market, and by that organisation.

**Dr Huey:** As an official, I cannot comment on that. I have to dodge that one.

**Norman Fulton:** Perhaps I could come in here on this particular point. The one thing we have not yet had sight of is a proposed movement assistance scheme. We know that Defra is working on that. That would be designed to mitigate at least some of the costs associated with these



## HOUSE OF COMMONS

types of movement, so that would be a help. As I say, we do not have detail on that yet.

**Q324 Ian Paisley:** Can I ask a very specific question about veterinary numbers? As you know, I am a member of the BVA. It issued a statement and a very detailed report last week that the UK does not appear to have “necessary veterinary capacity to facilitate trade exports and imports” of goods on our border. Dr Huey, you have indicated that you are content with what you are going to be able to put in place at the present time. It will be bumpy and lumpy, as you have described it, but you are content. Is the BVA being too cautious here?

**Dr Huey:** It is representing the view across the whole of the United Kingdom. Knowing that this was coming and planning for it, we have had three recruitment campaigns in the last 15 months and I have launched another one, which tells you I am still not confident that I have enough staff.

What I have said before is unfortunately true: that I will have to prioritise my work. You will all be aware that we are in the middle of an avian influenza epidemic at the moment and that bovine TB continues to be a huge challenge for all of us, including in Northern Ireland. The staff I have are there, but they are finite. Do I want more? Yes, but, for the purpose of ensuring these checks are done as they need to be done, that is a priority. It is a priority for all of us, so that is what I have to put my staff to.

Let us not make any mistake: epizootic disease, avian influenza, is the main priority of all chief veterinary officers. If we do not have health status for our animals in the UK, we cannot sell anything anywhere.

**Q325 Ian Paisley:** Dr McMahon, have you any concerns for the safety of officials who have to monitor or carry out any inspections or monitoring of these processes if those inspectors come from outside of the United Kingdom, if they are EU officials, for example?

**Dr McMahon:** There are two levels here. We talked a bit about the identity checks happening in GB ports. I do not think that is what you are getting at. It is probably where we would be hiring contractors. I would not be concerned. We would expect them to comply with normal health and safety arrangements.

**Q326 Ian Paisley:** I am more about EU officials and if there is a threat to them. Are you worried about any threat to their safety if there is anger expressed at the decision to have a border check within the United Kingdom territory?

**Dr McMahon:** More generally, we are working closely with colleagues across a range of other agencies and organisations anyway. For example, we are working with Border Force. We are obviously working with PSNI and colleagues from other Government Departments. We will take whatever sensible health and safety measures we can take, as you would



## HOUSE OF COMMONS

expect us to do, because that is part of operating in a safe and effective way.

The main thing for us is to try to get the message out that there is a legal requirement here and we are complying with that legal requirement, nothing more, nothing less. It is built into UK domestic legislation. We want to do it in a way that creates the least possible friction and benefits people in Northern Ireland. As officials, that is our role. That is how we are trying to do this. It is really important for people to understand that there are political issues around this, which obviously, as officials, we cannot comment on. What we are trying to do as officials, and what we are trying to do with any officials coming to inspect the sites or anything else is do that in a way where people recognise we are trying to do this for the benefit of people, in a way that is as efficient as possible.

**Q327 Ian Paisley:** Is it your understanding that the front face of this, the customer face of this, will be your own officials? It will be UK officials interacting with traders. It will not be EU officials.

**Dr McMahon:** I have made the point previously that, as officials, we have been in a very difficult position. Those are comments I have made previously. We recognise that there are a wide range of views on this. We are trying to do this in a way that meets everybody's needs as best we possibly can.

**Q328 Mr Campbell:** I have a follow-up question on both Dr Huey's and Dr McMahon's earlier comments. I think it was Dr Huey who said he expected 1 January, being a bank holiday, would be quieter, but then three or four days later may be a different position. Dr McMahon also said it would not be pretty in the initial stages.

If the general public took a combination of those replies, they could think, "It is probably going to be a bit messy in the first week or two of January". I wanted to get your response to, if you were to fast-forward eight or nine months to September or October of next year, what would it look like then, given what you know now and hopefully what we hear later on today?

**Dr McMahon:** I would not want to have given the wrong message about the first day. Given that we will not have had time to do a lot of training and getting people working together the way we would want them to, it may be a bit clunky in places. The key thing for us—Dr Huey made this point earlier—is we are always looking at this from a public health point of view and from making sure we are doing the right thing in terms of, for example, food supply.

While somebody looking at how we are operating might be able to say, "That is not as smooth a service as you might like to have", down the line we are going to operate in a way where we make sure that food supply continues and that products continue to come safely into Northern Ireland. Taking the legislation, the wider political and constitutional issues and all the rest of it out of this for one minute, our primary purpose here



is about public health. That will be our focus. I would not want to give the wrong impression that suddenly we are going to allow queues to develop to the point where it is going to affect that.

Q329 **Mr Campbell:** I understand that. I am trying to get to what the future might look like, say in September, October of 2021.

**Dr McMahon:** There are a few things. We would be into much better facilities. Our processes would be much clearer. The businesses would be much more used to the processes, such as they are, and will have had a chance to maybe adapt some of their own internal processes to make sure they are able to get through as quickly as possible.

For example, when we are talking about multiple consignments, some of those will have been reduced by companies saying, "We can maybe deliver materials in a slightly different way". I would hope that, within nine or 10 months, people would be looking at facilities and looking at a process that is rapid and has the least possible impact on business and consumers. I will pass to Dr Huey, who might want to give some additional detail on that.

**Dr Huey:** In nine months, in a year's time, as the Permanent Secretary said, we will be in our brand-new facilities, which will be state of the art when completed. Our staff will have bedded in. Our rotas and all the rest of it will have become routine. The most important thing is that the traders will have become accustomed to the processes and will have adjusted their logistic chains. Mr Paisley was asking about multiple consignments per container. They will have to readjust so that does not happen in order to minimise the checks. That will take time for the traders to understand the complexities of this

To that end, it is my intention to have a pathway towards full compliance, rather than looking for everybody to do everything day one. In my view, that is not good enforcement. We will look at risk-based enforcement and working our way towards full compliance, rather than anticipating full compliance on day one, which is unrealistic. Until people are used to it, have the systems in place, particularly on 1 January, disregarding any further announcement, we will have to be pragmatic about this, while continuing to protect animal, plant and public health, as we keep repeating and cannot repeat enough.

I am developing a compliance protocol that will lay that out and be a public document, so everybody can see what is expected of them and what will happen to them at various stages if they are not in full compliance. I do not think full compliance on day one is an achievable objective.

Q330 **Chair:** Dr Huey, drawing together the questions of Mr Campbell and Mr Paisley, most supermarkets will send a very large truck from a distribution centre, where all the goods are put in. They stick it on the ferry and it arrives. There will be hundreds of different products; it will go



to a store and do a one store delivery and then come back. They do not have a bread delivery van and a baked-beans delivery van going round all their different stores.

Have you done any estimation, from your consultations with supermarket operators, of the amount of products that would require certification and the likely cost that would then accrue to Tesco, Asda, Sainsbury's or whoever? Let us cut to the chase on this: whenever there is an additional cost to business, the easiest person to passport it over to is the consumer. If you want a tin of beans, you will have to go and buy the tin of beans, whether it is 35 pence or 45 pence. Are you taking cost-of-living impact into your thinking?

**Dr Huey:** My concentration is to try to deliver this process, procedures and facilities in Northern Ireland in order to obey the law and to keep the single market intact, as is required through law. My other very strong objective is to keep products and goods moving, and to keep supermarkets shelves and other suppliers and processors in Northern Ireland equipped with the goods they need. That is the interesting position I find myself in.

Q331 **Chair:** I take that as a given and the Committee will take that as a given. Based on conversations you will have had with supermarket operators, the volumes that they bring over to Northern Ireland and how they do it, you accepted Mr Paisley's figures with regards to certificate costs. What is your assessment of what the cost would be for a mixed HGV Tesco-branded delivery vehicle going to a Tesco store in Belfast when the new arrangements begin?

**Dr Huey:** I do not have details on those figures, but those that Mr Paisley put forward seem to be in the right ballpark to me. The discussions with the supermarkets have mainly been through Defra. That is correct because it is in GB that those certificates have to be produced. I receive them but I am not responsible for the production of them. Most of the discussions with the supermarkets have been with Defra. I have had some discussions, but quite superficial, with Marks & Spencer and Tesco's IT people, to ensure I understand what processes are available. On the actual detail of the EHC production, Defra has been in the lead on that.

**Chair:** We will take that up with the Permanent Secretary in our second panel.

**Ian Paisley:** Chair, the point you are making surely implies that, if the risk is zero and the certificates have been paid for to protect the European single market that now has a zero risk to it, that cost should be borne by the Europeans, not by Northern Ireland consumers, especially given that wage levels in Northern Ireland are considerably lower than the rest of the UK.

**Chair:** You make your point, Mr Paisley. We all know that the easiest people to get the money out of are the consumers when they fill their shopping baskets or trolleys with their products. It is how it always



works.

Q332 **Mary Kelly Foy:** Good morning, gentlemen. Turning to business preparedness, what is it that traders in Northern Ireland still need to do so they are ready to trade from 1 January? The Ulster Farmers' Union has expressed concerns that there are still a number of farmers that are not signed up for the Trader Support Service. It has suggested that there was a disconnect between the Government and the farmers on what they needed. It is still sinking in to some of those traders. What is your assessment of the traders' readiness at the moment? Are you able to tell us what proportion of agri-food traders have signed up to the Trader Support Service?

**Dr McMahon:** I will start and then pass to Mr Fulton, who can give some more detail on this. There are two aspects to the question. There is the Northern Ireland element of this, which we are leading on. We have had a number of workshops.

For example, we had one yesterday. We had 460 businesses at it. A few weeks ago, we had one with 500. We are trying to build up a list of questions and answers. That gives you a good sense of the readiness. The readiness is reasonably low, and necessarily so. We are in a negotiation. People are really busy. There is a whole range of issues around Covid and working our way through that, with businesses working their way through that. In addition to that, there is the fact that it is difficult for us to say exactly what the requirements will be until we have a deal in place, hopefully.

To answer your question, there is a bit more work to be done. There are two aspects to the Northern Ireland piece. There are businesses that are going to be importing products or taking products from GB, so there is something about them preregistering, for example, on to the TRACES NT system to allow products and export health certificates to come across. Then there is an issue about exporting and we will talk a wee bit about health attestations, which is important. Dr Huey can talk about that a bit more. We are preparing them as best we can.

There is then another issue, which shows you how connected the markets are. That is around GB readiness. I know my colleagues in Defra will be very happy to comment on that. Necessarily, given the wider political situation, it is difficult to prepare businesses as well as we would all like. Back to Dr Huey's point about preparedness, to some extent it is only when these things really start to kick in place.

Businesses have so many priorities and they cannot get into the bigger policy discussions. It is amazing even in some of the workshops we have had; you can see it is really hitting home. I should say that my Defra colleagues work very closely with us and have been part of those workshops. They have been attending those workshops as well. We are very grateful to them for their assistance.



## HOUSE OF COMMONS

Mr Fulton might be able to add something to the trader readiness more generally, as in exporting out of Northern Ireland, if that is helpful.

**Norman Fulton:** I have a couple of comments. Trader readiness is going to be absolutely key to the success of this project. That is trader readiness both here in and in GB. They were talking about primarily the SPS regime this morning. Also there are customs procedures and processes that traders need to familiarise themselves with. That is another aspect to all this.

As the Permanent Secretary said, there has been a very large uptick in interest in the seminars that we have been running. That is good. It shows that businesses are now very much aware of the need to prepare and be ready. From a Northern Ireland perspective, we are very much pushing to ensure that people are as aware and as ready as they can be. They also need to be ready in GB, because they are our suppliers and customers, and they also need to be fully aware of what the protocol requires, from both an SPS and a customs perspective.

Q333 **Claire Hanna:** Following on from the last question, what is the plan for getting this information out to traders once some of the blanks are filled in by CDL today and hopefully on the back of a deal? How confident are you that you will be able to get that out to the relevant people?

**Dr McMahon:** Defra colleagues will probably want to talk a bit more about the GB side of things, which is really crucial, because that is where the export health certificates will originate and so on. There are two sides to this. One is about just getting the information out and working very closely with our colleagues in GB to make sure it is getting out as quickly as possible on to the website and so on.

What is more important in that is that, partly as a result of Covid, we have really deepened our links with the industry. For example, this lunchtime—it is not an unusual thing—we have all the lead industry bodies in Northern Ireland coming together. We bring them together on average now about every two or three weeks I think. They actually asked us to reduce it. We were over-engaging, which is not something you hear too often in Government.

**Chair:** We have not heard that very often, I am afraid, no.

**Dr McMahon:** I was thinking of framing that on the wall. As a result of Covid, we got them in. One of the wonderful things about the technology is we can do that. We were doing that four or five times a week in the early stages. We have continued that progress throughout. Now we are using the technology to say, "Let us just get webinars together. Let us get them quickly". One of the things people really appreciate is we tell them when we do not know what we are talking about or when we do not have the answers. They really appreciate that straightness. Unfortunately, I have to do that quite a lot.



## HOUSE OF COMMONS

We have had these two seminars. We have had webinars in addition directly with businesses. We found that was very helpful. We produced a Q&A. As we are doing these sessions, we are getting these questions. We take those questions as they are, answer all of them and put them up on our website. It gives people a sense of a more tailored approach. That is what we are trying to do now.

Another thing we are going to need to look at is how we fit into wider helplines. No matter what we do and how good we are at getting the messages out, we cannot do enough of this. One of the big things is we think we have communicated with people and it is only when you listen to what they say you think, "No, we have spoken to you, we have maybe written to you, but we have not communicated. We have not got the message through". If there is going to be a bit of a delay, that is one of the biggest opportunities for us to say, "Let us engage as much as we possibly can".

**Q334 Claire Hanna:** I am sure all us elected people could learn to say, "I do not know the answer to that" sometimes. What assessment have you done about the impact on business and supply chains? Are there more mitigations that you have communicated to the Specialised Committee that are needed?

**Norman Fulton:** There has been quite a bit of communication at official and ministerial level, seeking as much flexibility as possible and to, where we can, seek derogations and flexibilities within the OCR regime, the Official Controls Regulation, putting in other measures as well. There has been extensive contact and communication at both the ministerial and official level on this. Some of the points that Dr Huey was making around the flexibilities that exist within the Official Controls Regulation and his contacts with the Commission on this bear witness to the contacts that have been going on.

**Q335 Claire Hanna:** Are you satisfied, or is the conversation complete, about funding from the UK Government for the various mitigations that are going to be needed? What is your assessment of that?

**Norman Fulton:** When it comes to the measures we have to implement at the ports, that is fully funded. There is a commitment from Treasury to meet the costs of that. As I mentioned earlier, there is the movement assistance scheme that Defra is working on to help mitigate some of the costs of business, in terms of moving products to Northern Ireland. We still do not have details of that, but that should be a significant help in mitigating these costs.

Some of the flexibilities we have talked about should significantly reduce costs to business. The slicker and easier we can make these processes, with use of IT, et cetera, will all mitigate and reduce costs to business and simply make the logistics so much easier to address. All these things need to come together—the IT, the processes, the systems, the infrastructure—to have as slick a system as we possibly can.



Q336 **Claire Hanna:** What engagement have you had with authorities in the Republic, given the all-Ireland impact of this?

**Dr McMahon:** In the Department, we have a long tradition of working with colleagues in the Republic anyway. Before all this, the island of Ireland was treated as a single epidemiological unit.

For example, on issues such as avian flu, which Dr Huey talked about earlier, we are doing that anyway. I would regularly be in touch with my counterpart as well to share any information we can. We are always very careful to understand the boundaries, because there are negotiations going on and we do not talk about that, as you would expect. When it comes to practical issues and the outworkings, we have worked very closely with them. They have been very helpful in terms of identifying some of the issues they have found when they started doing work on their border facilities quite some time ago, obviously for different reasons. We were able to learn a bit from what they have done as well.

Q337 **Claire Hanna:** This is my final question. What we call this stuff is far less relevant than the detail, but it is notable the Department refers to points of entry, rather than border control posts. Is that a directive from your Minister? How has that come about? Have you all just fallen on those words naturally?

**Dr McMahon:** No, we had quite a bit of discussion about this. We have never been coy about it. The legislation is quite clear. It talks about border control posts. That is what it was designed to do, because it was designed to work round borders.

People will have different views about this, but we were quite clear that we are working on points of entry within the United Kingdom. As such, that seemed like more appropriate language to use, but we have never shied away from it. It was to reflect the fact that, in this particular case, the legislation, which was designed for borders, is being used for a different purpose. It is nothing more or less than that. The legislation is clear. We are clear about what we are doing. As I said earlier, all of our efforts are designed towards removing, as far as possible, friction, costs and delay that may arise as a result of this.

**Claire Hanna:** Thanks to all the witnesses for all the work you are evidently putting in.

Q338 **Mr Campbell:** The HMRC staff members in front of the Committee a short time ago talked about implementing the SPS checks, as they related to customs, with a light touch. That was how they phrased it, which is a phrase that has become common knowledge in the past few weeks. Is there scope for that happening in terms of assisting traders in the same light-touch way?

**Dr McMahon:** It comes back to some of the points we talked about earlier. We are complying with the law. The law is the law and it is domestic UK law, so we comply with that. As Dr Huey was saying earlier,



we want to do that in a pragmatic way, so the compliance protocol will be really important.

We have to be realistic about this and take into account how ready traders and our systems will be. It is about applying the law but applying it in a pragmatic way that protects human and animal health and wellbeing. I do not know if that is helpful. People will use their own words, but I would prefer talking about using a pragmatic approach within the law. That may amount to the same thing.

**Q339 Mr Campbell:** People will understand that. People understand the complexities of it and the traders are either getting ready or, hopefully, after today, will be in a state of some preparedness. It is either that or they are still waiting to see what will happen. It comes back to the question I asked you earlier. In six or nine months' time, are people going to see a little bit of difference but not an awful lot from today, or are they going to see a huge difference because of bureaucratic implementation of what is the law of the land?

**Dr McMahon:** That is absolutely a fair question. Success will mean that they will see as little as possible. They will see and feel as little as possible. As far as we can control that within the law and within what is required, that will be our objective. It will of course create changes, but we are aiming to do this as efficiently and with as little friction as possible. I do not want to overpromise.

**Robert Huey:** The answer is somewhere in the middle. It will not be as it is now, but hopefully it will not disturb the current logistics chains to a significant degree. That is the objective. The objective is very clearly to obey the law and to keep goods moving.

**Q340 Mr Goodwill:** I would like to ask Dr McMahon about the common frameworks. This may be a matter that would be finally determined in the courts. We never know. Are the common frameworks aligning Northern Ireland with the rest of the UK market comparable with the protocol, in your opinion?

**Dr McMahon:** I will pass to Mr Fulton, who can give a bit more detail on that. The simple answer is that they would have to be.

**Norman Fulton:** We are working with our colleagues across the other Administrations on the development of frameworks. There are 15 within our area of competence. We are pretty close to agreeing provisional frameworks, and hopefully that will be settled within the next few weeks. Yes, we have been very keen to ensure the frameworks take on board the fact that we will be operating within the protocol and therefore that creates a slightly different perspective for us. Therefore, things like marketing standards will not be within our control. We will be within the EU regulatory regime.

We need to ensure that, while we may not be able to change standards here, we obviously will have a very keen interest in what is happening in



## HOUSE OF COMMONS

GB and have a scope and an ability to make our views known on that. We also need to ensure the other Administrations across the UK are able to understand the standards, issues and approaches we have to abide by within Northern Ireland. This all very much built into the common frameworks, in terms of that clear understanding of the need to address the requirements of the protocol.

**Q341 Mr Goodwill:** In terms of SPS rules, obviously on day one they will be completely aligned. It is often characterised that leaving the European Union will allow the UK to lower its standards, but it is just as likely that we might need to raise our standards, particularly as we can be more fleet of foot as an independent state and not have to move at the speed of the slowest. Can you see some future divergence between the SPS rules of the UK and the European Union? How will that affect the situation in Ulster if that happens?

**Norman Fulton:** The important thing here is the UK Internal Market Bill makes provision for unfettered access from Northern Ireland to GB. Even if there is divergence over time, products produced in Northern Ireland to a European standard will be recognised and will not be discriminated against on the GB market. That is very important. We have that assurance from the UK Internal Market Bill. The pace or whether there will be divergence is obviously something for the future and not something we can really speculate on at this stage.

In terms of product coming from GB to NI, the EU requirements will pertain in Northern Ireland. Therefore, product coming into Northern Ireland will have to meet the EU standard. That is clear.

**Q342 Mr Goodwill:** Do you think that will put pressure on the UK to stay aligned with EU rules just to make this situation work better? It is maybe a political question and not fair to ask you. Do you think there will be pressure to try to stay aligned to make the situation simpler to operate?

**Norman Fulton:** All I can say from a civil servant perspective is alignment is a good thing in terms of us doing our job. I can say no more than that.

**Q343 Mr Goodwill:** Dr McMahon, what impact has the Northern Ireland Executive had in deciding and designing these frameworks, or has it just been handed to you on a plate, take it or leave it?

**Dr McMahon:** We have worked very closely with Defra colleagues and continue to do so. I would like to say thank you to my team—many of them have been working seven days a week—and likewise to Defra colleagues for working so closely with us. It has been really good to have that support.

**Mr Goodwill:** Yes, thank you very much indeed. When I was a Minister at Defra, I worked very closely with your Department when you did not have any Ministers to advise you what to do in terms of no-deal preparations. I was well impressed by your level of preparedness.



## HOUSE OF COMMONS

**Chair:** I do not want to interrupt the love-in. Dr McMahon, on behalf of the Committee, we want to thank you for all the work you and your colleagues have done.

Q344 **Scott Benton:** Good morning to all the witnesses. This question is probably best tabled to Dr McMahon. To your knowledge, how would the Government's proposed ban on live exports affect Northern Ireland?

**Dr McMahon:** We have to work through that yet. I am going to pass to Dr Huey, who will be able to talk about the detail and speculate a bit better than I could.

**Robert Huey:** The export of live calves is a very political and difficult issue. It is one that, without any question, compromises the welfare of the calves. The alternative for an awful lot of the calves that would be exported is death. Some might say that would be preferable, if done in a humane manner, to the transport across Europe.

It is a difficult issue to deal with and one on which we will work with the authorities. Consultation is in England and Wales, which will affect Northern Ireland to some extent, but we will be feeding into that and, as usual, making our feelings felt. We are talking closely with the farmers' unions, as you would expect, and with the veterinary associations in Northern Ireland.

Q345 **Scott Benton:** I appreciate most of the detail will be borne out through the consultation. I wondered if you could comment on one particular likely scenario. My understanding is that the current proposals would permit the continued live export of animals from Northern Ireland, but it is not clear if they could be imported into England or Wales. Are you able to comment on how you see the proposals potentially addressing that point?

**Robert Huey:** The movement of animals around these islands and then onwards, very often through our neighbour south of the border, is a very integrated system. What one part of the United Kingdom does, in fact what one part of these islands does, very much affects the others. I am the hinge between the two, in that a traditional route for calves to come to the continent was from Scotland, in the borders, through Northern Ireland and to be exported by boat out from the Republic.

These supply chains are complicated: whatever one part does affects the others. That is why a lot more further discussion needs to be done and an answer found that satisfies all parties here. That is not easy in this case.

**Chair:** Let me now draw this part of our session to a close. Can I thank our witnesses for joining us? It was a timely session and we are very grateful to you for the detailed answers you have given us. You are very welcome to stay within the meeting to listen to the proceedings with Defra colleagues, but, appreciating the speed of the work you need to undertake, we will not be at all offended if you go off and start implementing whatever it is you are going to be asked to implement and



all the rest of it.

I will close this session by thanking you for all you have done, all you are doing and all you are going to do. You have given us all comfort that you are very sensitive and alert to the issues here. That gives us hope as we look to the future. Thank you all very much indeed.

## Examination of witnesses

Witnesses: Tamara Finkelstein, Emma Bourne and John Bourne.

Q346 **Chair:** Let us now turn to our second panel. We welcome Tamara Finkelstein, the Permanent Secretary at Defra, Emma Bourne, the director of constitution and borders at Defra, and John Bourne—I am told other surnames are available—the director of biosecurity and food projects, also at Defra. The three of you are very welcome. Ms Finkelstein, I am not sure if you wanted to give us an opening remark or two, or whether you want to go straight into questions.

**Tamara Finkelstein:** I am happy to, very briefly. Thank you for the opportunity to have the conversation. I would like to reiterate what Dr McMahon said about how closely we work with him and colleagues. I will also refer to the very positive news that agreement has been reached in principle on a number of the issues we have been discussing with the EU in the Joint Committee. The Chancellor of the Duchy of Lancaster will be making a statement on that this afternoon. The joint statement yesterday indicated that agreement has been found on checks on animals, plants and derived products, supplies of chilled meat and other food products to supermarkets.

You will understand it is difficult. I suspect we will get into some challenges in our session about not having all the details ahead of the statement. This will be an incredibly significant point in terms of some of the issues of business readiness and enabling businesses to now get ready and to know what is needed. This afternoon's statement will be very important and significant.

Q347 **Chair:** There are two very quick questions from me. What is your expectation now with regards to information flow from the Cabinet Office through to Defra and in terms of making sure everything that was agreed yesterday is understood, in place and deliverable?

I believe you were listening to our first session. We were talking about the costs of certificates, in a tripartite exchange with Mr Paisley, Mr Campbell and me, with our witnesses. On the mixed cargo that is an HGV supermarket delivery, the burden of certification was passed from our first witnesses to our second witnesses.

What is your estimation as to the cost, based on the intelligence you have gathered from supermarket operators, with regards to the product



that would require a certificate that they carry in a mixed delivery load?

**Tamara Finkelstein:** On the first question about the work with the Cabinet Office, we have worked really closely with them in informing all the conversations in the Joint Committee and negotiations and so on.

The expectation is that the Chancellor of the Duchy of Lancaster's statement this afternoon will set out some of the details of what has been agreed. That will formally need to go to the Joint Committee at some point. The expectation is also that there will be documentation around that. We will do a vast amount of engagement with stakeholders, which we have very much lined up to do as soon as possible, to give people the information they have been seeking. That is on the information flows.

In terms of the costs around certification, there is no doubt that the way in which this works, as Dr McMahon was saying, is a private market in which, to get your export health certificate, you need to work with vets to get them to sign it off. There is cost involved in that. We have been looking really closely at what disruption and costs are involved and are looking at what we can do in order to support traders in that way.

Mr Fulton talked about the movement assistance scheme. We are working on that. I would hope to hear something more on that in the Chancellor of the Duchy of Lancaster's statement. Supermarkets are very much looking at how you streamline and use other techniques to minimise the cost and certification needs as well. We have been in discussion with them about some of those developments as well.

Q348 **Mr Goodwill:** Permanent Secretary, could I ask you a little about the operation of the Northern Ireland protocol? Has the EU agreed to list the EU as a recognised third-country trader for agri-food products?

**Tamara Finkelstein:** We have been in conversation with them about getting that third-country listing. That also involves lots of conversations at a technical level, particularly with our chief vet, to give them assurance about listing us as a third country.

Our expectation is that we will be successful. We were successful in the run-up to no deal on two occasions, so that would be our expectation. We have made the decision that we will list EU countries in that way, because there is no biosecurity risk that would mean we do not, so we would expect that to be reciprocated. We have no reason to assume we will not be successful.

Q349 **Mr Goodwill:** Brexit was supposed to be about taking back control. Have you listed the changes that you or your Ministers wish to make in terms of some of SPS controls or other regulations that might have an impact on this? Are we content to try to stay as aligned as possible, at least for the time being?

**Tamara Finkelstein:** Our immediate issue is around the change that happens and ensuring minimal disruption to trade. There are significant



## HOUSE OF COMMONS

changes, as we know, whatever agreements are made, at the end of the transition period. There are all sorts of flexibilities that are then available, but that is not something we are focused on at present.

**Q350 Mr Goodwill:** How are the Government responding to Northern Ireland farmers' concerns that the broad definition of Northern Ireland qualifying goods will create a backdoor to the GB market for cheaper, lower-quality products, potentially at least?

**Tamara Finkelstein:** We are very well aware of those concerns. Focus has been very much on ensuring the unfettered access of the movement of goods, as agreed under the Northern Ireland protocol, finding a way to minimise disruption of the movement of goods from Northern Ireland to GB and maximising that continuity. We are aware of that concern. We will be looking as to whether there are ways in which we can tighten up in any ways the issues that have concerns.

Our expectation, even with the definition given, is that that is about goods that are moving from Northern Ireland to GB. We will put in place the kinds of anti-avoidance measures you would expect to pick up where that is, in some way, being abused. We will continue to look as to whether we should tighten up the regime more broadly over the year.

**Q351 Mr Goodwill:** Are there any plans, for example in terms of avian flu or, God forbid, a foot-and-mouth epidemic, to be able to act decisively and quickly within these frameworks to ensure that plant and animal health is protected in those circumstances?

**Tamara Finkelstein:** We will very much want to ensure that we manage biosecurity risks and have very strong relationships between chief vets, which we do, in order to ensure we minimise those risks.

**Q352 Ian Paisley:** The Chair's first question to you indicated the issue of the costs of these certificates. It is something we are looking at. These certificates are 100% for the EU's benefit. They have zero benefit to anyone in Northern Ireland, so they are 100% for the benefit of the European single market. Therefore, in my view, the European single market should bear the cost of these certificates. I am wondering if that point has been made by your officials to your counterparts in the EU.

**Tamara Finkelstein:** We have been having all sorts of conversations in the Joint Committee as to how to manage the movement of goods from GB into Northern Ireland. It is part of the arrangements that export health certificates are needed, but that is exactly the conversation we have been having as to how to manage that, involving the least friction, disruption and cost.

**Q353 Ian Paisley:** I welcome the fact that there are lots of conversations. I am wondering if the issue of who pays for these certificates has formed part of these conversations. My great fear is that this will be put on to the consumer, and it will be probably the lowest-earning consumer, in Northern Ireland, who may be relying on frozen food products for their



family—that would be an absolute travesty. I am wondering if that point has been made. These certificates are 100% for the benefit of the EU; therefore, the EU should pick up 100% of those costs, because we are doing them a favour by doing these certificates.

**Tamara Finkelstein:** There have very much been conversations about the cost and the potential cost for traders. That is why we are looking at that, in terms of what we might do in terms of the movement assistance scheme that Mr Fulton referred to, covering both the information and the cost impact. I think there will be more to hear on that this afternoon.

Q354 **Mr Campbell:** If we are looking at Northern Ireland ports and business coming from GB into Northern Ireland, can you put an estimate on the number of additional export health certificates that may be required—for example in the first 12 months of operation—assuming they are required for the whole of the year?

**Tamara Finkelstein:** It has proved incredibly challenging to try to estimate what might be the number, because of the lack of that kind of information that we have not been tracking previously. We have broadly been working on an assumption of around 100,000 to 150,000 export health certificates. It is very difficult to put a number on that. I might bring Mr Bourne in on that to say any more around estimations and some of the challenges around that.

**John Bourne:** As Tamara has said, it is particularly difficult getting numbers on the trade between GB and Northern Ireland, because we did not collect HMRC data in the past because it was internal to the UK, unlike trade with Europe. It is even more difficult on this bit than the trade with Europe.

We have been working on a number that is somewhere north of 100,000. Whether that is accurate is open for debate, but it shows that the numbers are high. It is also why we have been leading with Europe in the discussions on trying to keep that number as low as possible, particularly relating to supermarkets. The announcement this afternoon may be relevant to that.

On total cost, Mr Paisley identified the cost per certificate, so you can do your own calculations between the number of consignments and the number of certificates. You come up with whatever it is—150,000, or whatever it is, times £100 or £200. As to how accurate that is, bear in mind it depends on whether you include supermarkets.

If you are a supermarket, you need lots of certificates, but a lot of them will be essentially the same certificate. You have to write them twice, because they may be going in two different lorries, but it is exactly the same consignment in terms of the details, so they will much quicker and the cost will come down a bit. On the other hand, there are an awful lot of them. The numbers get very difficult, but it gives you some of the ballpark figures.



**Q355 Mr Campbell:** That leaves me with the figure of anywhere between 2,000 and 3,000 a week, every week of the year, which is a considerable volume of certificates. People keep talking about the grace period and what might happen initially. Looking at 1 January and the first three or four months, is it likely that we are able and capable of processing between 2,000 and 3,000 export health certificates each week, every week, of the initial period?

**John Bourne:** As I say, the initial period may be slightly different, but it is a real challenge. I do not think any of us would say it was not. That is why, as I say, we have been talking intensively for many months with the Commission about trying to keep that number as low as possible.

A lot of the numbers are generated by, as I think the Chair said, the supermarket lorries and the way they do their business. We and they, in their preparations, have been looking very much at how, in the longer term, one could make this a much more automated, digital process, to make it quicker, slicker and less burdensome. That may well be part of the solution going forward. Is it a real challenge? Yes, it is.

**Q356 Ian Paisley:** Are the panel content with the number of vets that will be employed to do the necessary work on this across the UK?

**Tamara Finkelstein:** Let me start on this and bring in Mr Bourne to add anything. Vets are needed to certify the export health certificates. In GB, that is accessing a private market of vets. Some of the challenge about knowing you have enough vets is that we have a handle on the number of vets we have that are trained up to be able to do this, but exactly how long it takes them to do a certification or exactly how much of their time they will spend on this sort of work is not known.

There were about 600 vets qualified in February 2019. That is now at about 1,200, so a very significant increase in the size of the market. It is also an increase in the percentage of time those vets think they would spend on this activity, so that increases the capacity further. There are about 350 additional people who are enrolled and engaged in the training at the moment. We would expect them to be qualified in time. When you look at that sort of number, broadly, we think we will have enough for a central scenario on how many export health certificates you have. However, as Mr Bourne was saying, it is a bit unknown. It could be that we need significantly more.

To help with that, we have been looking at the vets we employ through the Animal and Plant Health Agency and training up around 100 of those by the end of the year to be able to do these sorts of checks. That has the added advantage of knowing we have a spread of locations, because there is a risk that we have capacity and it is in the wrong place.

We have also had very fruitful conversations with the Food Standards Agency about some of their vets being available and about training up some of their meat inspectors to play the certifying support officer role.



That is a role we agreed with the Royal College of Veterinary Surgeons and others, which can support official vets in their work.

We are coming at this in a number of ways. No doubt, there is risk around that capacity, but quite a lot has been done and is being done to increase capacity.

**Q357 Ian Paisley:** There is a big difference between a recently qualified vet and a long-experienced vet, who probably at a glance could see what is going on and identify an issue. A recently qualified one will, by their very nature and wanting to build their skill, want to take time to do some of this work. How much are you factoring into this that the vets need to make sure this is as frictionless as possible and that they will need to be light-touch in their approach? How hard is it to get that balance of experience with your vets who are not that experienced? They will have to move fast and be light-touch in their approach.

**Tamara Finkelstein:** I should be clear that the people who are getting the training to be able to do this activity will, in the main, be people with experience—experienced vets. They are not necessarily new. They might just be new to this work. There will be a range, in terms of how long vets will spend doing this work. I might bring in Mr Bourne, because I know he has been looking at that calculation.

**John Bourne:** As the Permanent Secretary has said, we are not expecting that all these vets are going to be newly qualified. Many of them will be very experienced. This may or may not be new work to them. It is worth noting that most of them will be dealing with products of animal origin. They are not looking for clinical disease or anything. It is much more a question of using their professional judgment and reputation to make sure they can genuinely certify what the certificate requires. There are quite strict Royal College of Veterinary Surgeons rules about that.

A very small number will indeed be certifying live animals, where your question of how quick they will be at doing it, looking at clinical disease, et cetera, is relevant. For POAO, it is much less relevant. It is much more a question of understanding the processes and what has been asked of them.

I am sure you are right that those who are absolutely newly trained will be slower at it than those who are experienced. One thing that will happen with this great increase in numbers of certificates—this is not just about Northern Ireland but about export more generally—is that we are going to see a considerable increase in professionalisation on this particular task. People are going to be doing it more intensively, at much higher numbers than they have been, and they will get quicker at it.

**Q358 Chair:** Mr Bourne, you and I are probably of the generation where we will get the analogy. You are confident that we have enough Siegfrieds and we are not relying on an awful lot of Tristans.



## HOUSE OF COMMONS

**John Bourne:** Yes, I certainly get the analogy.

**Chair:** I always like to get a little bit of popular culture in every now and again.

**John Bourne:** For the reasons the Permanent Secretary says, it is really hard to say we are absolutely confident. There is lots of uncertainty in this. In terms of if the people who are doing that role will know what they are doing, we have a good training course. We updated it a couple of years ago. We have requalified all the vets who had what you might call precedent qualifications in this area to make sure they are up to date and acknowledge it. We have done what we can to make sure that we have a cadre of vets who know what they are doing and are professional.

It may be less relevant to Northern Ireland, but, from the point of view of our exports to Europe and indeed the rest of the world, we have to maintain the confidence of our trading partners that we are managing our biosecurity successfully and professionally. Having that barrier and making sure we have a really good system has a much broader consequence than sometimes the things one is looking at in a narrow frame.

Q359 **Chair:** On the live exports coming from, let us say, GB to Northern Ireland, there are a number of animals in a consignment. Some meet and some fail. Is there enough—for want of a better phrase—storage facility that people can use here to allow the onward trip to be made?

**John Bourne:** In terms of live animals, I am not aware that storage is an issue. By and large with these live animals, as the trade happens now, they get collected if they need to be collected. They are not from an individual place. They will be collected into a gathering or collection centre and will move off. That should not be very different from now, because, remember, they are checked. They might not have quite the same level of paperwork now, but they go through a similar process today.

**Chair:** That is helpful. Thank you.

Q360 **Stephen Farry:** Good morning, everyone. I want to touch on the TRACES NT and the IPAFFS systems. Can you give us an update as to where we stand in relation to those? Are they up and running and functional? There is a very particular issue around goods from Northern Ireland into GB. Is there going to be a requirement for those to be pre-notified on the IPAFFS system?

**Tamara Finkelstein:** TRACES NT is an existing EU system and that is what will be used for goods going from GB to NI. The IPAFFS system is up and running. I might bring in Mr Bourne about the requirements in terms of use of IPAFFS in that movement of goods.

**John Bourne:** This was around the use of IPAFFS for what purpose particularly?



Q361 **Stephen Farry:** In relation to goods moving from Northern Ireland into GB, is there going to be any requirement for any pre-notification of such movements on that system?

**John Bourne:** No.

Q362 **Stephen Farry:** That is very useful to know. Can I come back to the point around the qualifying goods issue? We keep hearing that the differentiation will be made between qualifying goods and unqualified goods. This will be policed by anti-avoidance measures. This is almost the stock answer over the past year, but what the anti-avoidance systems are going to look like is at no stage mentioned. Is there going to be any system put in place that will differentiate Northern Ireland-origin goods from goods that may move into Northern Ireland from elsewhere in the single market and then potentially onward into GB?

**Tamara Finkelstein:** We will be putting anti-avoidance measures in place, which are things like HMRC spot checks or compliance activity behind the border, that HMRC would engage on based on risks that it identifies. We will be working on this regime and what more needs to be put in place over time. That is something we are aware of. In the first instance, we want to minimise disruption and maximise continuity. We will then look at how the regime needs to evolve.

Q363 **Stephen Farry:** That is useful. Moving on to look at the issue from GB to Northern Ireland, we have the Trader Support Scheme with respect to customs. Has any consideration been given to an equivalent scheme to give assistance to businesses with respect to agri-food movements?

**Tamara Finkelstein:** The Trader Support Scheme in itself is a support for all businesses, including agri-food. We are very much encouraging sign-up to the Trader Support Scheme. We have been looking at the sort of support that might be needed, given some of the questions people will have around export health certificates, what is required and some of the costs involved. We are looking at that and what might be a system to put in place along the lines of the movement scheme that Mr Fulton talked about. We expect to hear more of that in the statement later today.

Q364 **Stephen Farry:** To press a little bit further on that, the Trader Support Scheme has been operational since early September and the level of business interaction with it is still, shall we say, suboptimal. Any agri-food equivalent scheme is happening much later in the day. Many of these checks are going to be operational from 1 January.

How are you going to bridge this gap in terms of engaging with businesses, particularly in terms of the new system and bearing in mind that the evidence would show that it is often the SMEs that are the more reluctant to engage with the system, compared to the larger operations?

**Tamara Finkelstein:** While registration with the TSS scheme has been low, it has been ramping up and accelerating with all the communications involved. You are absolutely right that we are coming to some of the communications later in the day.



## HOUSE OF COMMONS

We have been in constant conversation with supermarkets and wider groups and trying to reach out to SMEs with webinars and so on as much as possible. People are waiting for some more information, which we hope we will be able to give from this afternoon, around what is expected of them. We have put in place the relationships and so on and we can do a lot of communication and get people engaged and informed as quickly as possible.

In terms of what we have been looking at for what we might put in place, we will try to get something up and running as soon as possible.

Q365 **Stephen Farry:** I have a final point on this. I am conscious of not wishing to overly anticipate what the Chancellor of the Duchy of Lancaster may say shortly. I am conscious that, to date, we have an agreement in principle. There are still details to be worked out on the back of this over the coming days, just to acknowledge that as a factor in terms of how quickly we can move to giving the firm and final guidance and advice to businesses.

**Tamara Finkelstein:** I absolutely recognise that. We expect there will be more information in the statement and then some more detailed guidance to come. A lot of this will also rely on us being ready, which we are, to immediately make changes that we need to to what is on gov.uk. We have large numbers of webinars planned and so on to do that communication. We think a great deal of progress was made in what was announced yesterday.

Q366 **Stephanie Peacock:** Good morning. In your view, which common frameworks will be in place for 1 January? Will Northern Ireland be able to follow these common frameworks, given the requirements of the protocol?

**Tamara Finkelstein:** We have been working really hard on the common frameworks. I will shortly bring in Ms Bourne to say a little bit more about that. We think we can do that within the context of the Northern Ireland protocol. The frameworks will provide a way in which to have the right kinds of conversations across the four Administrations. We are close to having agreed provisional frameworks across the four Administrations and being able to publish those in the new year.

**Emma Bourne:** As Mr Fulton described in the previous session, we have been working incredibly closely with all the devolved Administrations on the development of a series of provisional common frameworks. There are 14 that are currently quite far in progress. We are working with the relevant Ministers across the Administrations to seek agreement to those ahead of January. They are provisional and will continue to evolve over the course of 2021, as we test them in the real world.

It has also been a process that has taken account of the resource constraints affecting the Administrations in the light of Covid. We have taken a pragmatic approach to their development but are confident we



## HOUSE OF COMMONS

will have frameworks in place by the new year. That includes, as Mr Fulton described, full involvement of DAERA and the Northern Ireland Executive, at both ministerial and civil service level.

Even where we are taking account of the different circumstances in Northern Ireland in the context of the protocol, colleagues from Northern Ireland are fully at the table and remain part of the governance structure. If they have any concerns about the approach being adopted under any of the frameworks in the future, they have full recourse, under the governance structures in place within that framework, to raise those concerns. There is a proper process for them to be discussed and resolved.

The intention is that the frameworks provide a really clear and robust administrative framework in which we can all work together to operate across a broad range of EFRA issues in the future.

Q367 **Stephanie Peacock:** Will Parliament have sight of these common frameworks before they take effect?

**Emma Bourne:** The intention is to agree them with all the Administrations over the course of the next few weeks, as the Permanent Secretary described, and then to share them with all the legislatures in a carefully choreographed publication as soon as that finalisation is concluded, so hopefully early in the new year.

Q368 **Scott Benton:** Good morning to the witnesses. I wondered if you could explain how the Government's proposed ban on live exports in Great Britain will affect Northern Ireland.

**Tamara Finkelstein:** As the Government committed to in their manifesto, we have brought forward some proposals now around ending live export for slaughter and fattening, but they apply to England and Wales only. It is journeys that begin in or transit through England and Wales will be prohibited that is out for consultation. That would not affect movement of animals, for example, from Northern Ireland to the Republic of Ireland or Northern Ireland to England.

That is the proposition. I believe there is very limited movement that goes Great Britain, through Dublin, into Northern Ireland. That is the proposition that is out for consultation.

Q369 **Scott Benton:** The markets across the British Isles are interconnected and rely on a complex supply chain. The proposals that come forward and are agreed upon will obviously be of very much interest to farmers in Northern Ireland. Can you clarify? I think a few moments ago you stated that changes in England and Wales would not prevent the import of animals from Northern Ireland. Is that correct?

**Tamara Finkelstein:** Do you mean from Northern Ireland into England and Wales?



**Scott Benton:** Yes.

**Tamara Finkelstein:** Yes, that would not be impacted, but the other direction would. Either of my colleagues can correct me if I do not have that quite right, but that is my understanding of our proposals.

Q370 **Scott Benton:** Thank you for clarifying that. I have one more particular situation. Would the regulations prevent the transport of live animals from Great Britain into Northern Ireland via the Republic of Ireland?

**Tamara Finkelstein:** Any movements that originate in England or Wales would be prohibited. My understanding is that the numbers that move in that way are very limited. This is out for consultation and we would expect to hear from a wide range of stakeholders that have an interest in this. The proposition would prevent that journey.

**Chair:** That brings us, rather neatly, to the end of our questioning this morning. Thank you, Permanent Secretary and your colleagues, for finding the time. I must confess I was half-expecting to find an email in my inbox this morning saying circumstances dictate that you have to pull out to go and do something else, so we really are hugely grateful.

I take enormous comfort from the very clear working that your Department is having with colleagues in the Executive in Northern Ireland and officials there to make this work. I am sure there was a general sigh of collective officials' relief that at least now we know which of the options, protocol or IMB, it will be and which horse we are going to ride on this particular thing. We wish you and your colleagues all success in delivering whatever it is that the CDL is going to be announcing this afternoon.

This is our last meeting in public as a Committee before the Christmas recess, emergencies excepted, so can I take the opportunity of wishing you, Permanent Secretary, your colleagues and my colleagues on the Committee a very happy Christmas? I am sure you will not be having one. You will be stuck at your desk, munching rather cold, curly turkey sandwiches. I see Emma Bourne is laughing just at the prospect of this. Try and have some sort of break before the energies of 1 January are required. Thank you very much indeed for joining us this morning.