

European Affairs Committee

Windsor Framework Sub-Committee

Corrected oral evidence: Veterinary medicines and the Windsor Framework

Wednesday 13 March 2024

3 pm

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Members present: Lord Jay of Ewelme (The Chair); Lord Dodds of Duncairn; Lord Empey; Baroness Goudie; Lord Hain; Lord Lexden; Baroness O'Loan; Baroness Ritchie of Downpatrick; Lord Thomas of Gresford.

Evidence Session No. 3

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Questions 24 - 41

Witnesses

I: Rt Hon Steve Baker MP, Minister of State, Cabinet Office; Gavin Hall, Deputy Chief Executive Officer and Director of Authorisations, Veterinary Medicines Directorate, Defra; Brendan Threlfall, Director General of Union and Windsor Framework, Cabinet Office.

Examination of witnesses

Steve Baker MP, Gavin Hall and Brendan Threlfall.

Q24 **The Chair:** Welcome to you all. Today, we are holding the third and final evidence session of our inquiry into veterinary medicines and the Windsor Framework. We are delighted to welcome the right honourable Steve Baker MP, Minister of State at the Cabinet Office responsible for the implementation of the Windsor Framework and Minister of State at the Northern Ireland Office. You are extremely welcome, and we are very grateful to you for appearing before us.

The focus today will be on veterinary medicines, but we will start with some more general questions on the Windsor Framework and the political situation in Northern Ireland. In that context, let me thank you very much for your letter of 29 February, saying that you have until the end of February to write—29 February was well judged in that context, but we were very grateful to get that. That was on the implementation of the

Windsor Framework.

I also welcome those joining you on the witness stand today: Brendan Threlfall, who we have seen before and who is very welcome before us again, the director general of union and Windsor Framework at the Cabinet Office; and for the first time, Gavin Hall, who is deputy chief executive at the Veterinary Medicines Directorate. We much look forward to hearing evidence from you both. Thank you for being with us.

Today's meeting is being broadcast and a transcript will be sent to you shortly after today's session to check for accuracy. Finally, I refer you to the *Register of Members' Interests* as published on the committee's website.

I will start with the first question. If you want to give us an introduction as well, that would be very helpful. Can you give us an overview of the current political situation in Northern Ireland with respect to the Windsor Framework? Perhaps you could outline the process that led to the restoration of devolved institutions in Northern Ireland.

Mr Steve Baker: My Lords, thank you very much indeed for this opportunity to appear before the committee. As somebody who has spent vastly more time on Select Committees than in ministerial office, I welcome scrutiny and I can assure you all that I will be very glad to participate fully and openly with the committee. I think that scrutiny is extremely important.

The Command Paper was published on 31 January and, like so many others, I warmly welcome the return of the Executive. I maintain that the Windsor Framework is a good deal for Northern Ireland, taken together with the *Safeguarding the Union* Command Paper. It addresses the key issues around the old Northern Ireland protocol and provides this new package of measures to further safeguard Northern Ireland's place in the United Kingdom.

The Command Paper reiterates our firm commitment to finding a long-term solution that guarantees the supply of veterinary medicines, and clearly we wish to do that by technical negotiation. We will, of course, need to supply veterinary medicines to Northern Ireland in all scenarios, but I want to be clear that there is to be no return to the old days of to and fro with some high dudgeon. This needs to be a collegiate negotiation that respects the EU's legitimate interests as we nevertheless are resolute on our own, and we intend to proceed in a collegiate way.

I stress that, in the end, this is all about animal health and well-being, and consequentially about human health and well-being on the whole of the island of Ireland. We are very much seized of that and it is foremost in my mind.

While I have the floor, I will say thank you to Baroness Neville-Rolfe, who brought us thus far. I am very grateful for the opportunity to, in a sense, complete my Northern Ireland portfolio by having this opportunity to work with the Cabinet Office, and indeed the Veterinary Medicines Directorate, to see this through. Officials have done a superb job of

bringing us this far, and much as I am seized of the need to make swift progress, I assure the committee that officials are too. I am very pleased to be working with them.

Finally, I want to acknowledge Minister Andrew Muir. So much of what we will be doing is in his area, and I look forward to working with him. Veterinary medicines are, of course, reserved, but I have met him and I am looking forward to working with him and supporting him in an appropriate way.

The Chair: Thank you very much for that. We will come on to a number of the points that you raised in your introduction during the questions.

In the visit that a number of us made to Northern Ireland on veterinary medicines, we were very struck by the fact that animal health and human health are two sides of the same coin here. I think that is an important point.

On a more general point, will you say a bit about your engagement with the different political parties in the lead-up to the restitution of Stormont and the reinstatement of the devolved Administration?

Mr Steve Baker: Throughout the period, the Secretary of State engaged with all the political parties. I attended what was, I think, the last meeting before Christmas, but I may have to confirm that. I attended the final the meetings with all the parties. It was, first and foremost, with the Secretary of State, because it was our first priority as the Northern Ireland Office. The Secretary of State engaged widely with all the parties, but with particular emphasis on the DUP, given its concerns. We are seized of the need to work collegiately with all the political parties in Northern Ireland.

The Chair: Thank you very much.

Q25 **Baroness Ritchie of Downpatrick:** Minister and your team, you are very welcome. I want to concentrate generally on the issue of our committee sending letters and having to wait a considerable time to receive answers. We feel that that flies in the face of scrutiny and accountability. As a former member of Select Committees, I am sure, Minister, you would appreciate that point.

We published a letter on the implementation of the Windsor Framework on 19 October 2023 and asked for a response by 17 November. We received a reply from you on 29 February 2024, after seeing a follow-up letter. I appreciate that the Home Office is not your department, but this relates to the Windsor Framework. We sent a letter to the Home Office on the Illegal Migration Act with specific reference to Article 2 of the Windsor Framework on 14 September 2023, requesting a reply within two weeks, by 11 October. We received that reply on 12 February this year. At that stage, our response was that the failure of government to respond to letters from this committee promptly has unacceptably constrained our ability to scrutinise the issues around this legislation and Article 2 of the Windsor Framework.

Minister, we welcome this engagement with you and your officials today. Would you agree that this is an insufficient reason for the Government not to provide information to Parliament? The reason given to us was political sensitivities around the establishment of the Northern Ireland Executive, the Assembly and the other political institutions of the Good Friday agreement.

Mr Steve Baker: I certainly agree that we must provide you with our replies and the Explanatory Memoranda much more swiftly. You deserve that and I am sorry that it has taken so long.

The reason for the delay after your first letter was that we were on the cusp of restoring the Executive, week after week, for an extended period, and that was an extremely sensitive time. We really did need to prioritise the restoration.

I have been in this position with the Cabinet Office for, I think, five weeks. I assure you that, from this point on, I will strain every sinew to give timely and full responses to your correspondence and on Explanatory Memoranda. I am very clear that you deserve that, and I will certainly take the issue up with the Home Office.

Baroness Ritchie of Downpatrick: Thank you, Minister. That leads into my next question. Will you give us an unequivocal commitment on behalf of the Government to recommit to depositing Explanatory Memoranda and responding to letters within the previously agreed timescales of two weeks?

Mr Steve Baker: I will certainly commit unequivocally to serving you with our very best endeavours. I hope you will understand when I say that the Explanatory Memoranda come to us late now, in the sense that we are not an EU member state and so we will not have been privy to the development of legislation. Sometimes, the issues will be complex and will take some time to work through. But I will commit to seeking to use our very best endeavours to provide you with Explanatory Memoranda in good time. Wherever possible, of course, we will deliver them within the agreed timescale. Brendan, would you like to come in on that point?

Brendan Threlfall: We are very conscious of the need to come back to the committee. I have certainly never come across any suggestion that we were holding things back due to sensitivity; it was more due to anticipating potentially relevant developments that should be reported back to the committee—sometimes there is advice to say that we should respond more comprehensively after a certain point. We will certainly take that away.

The team in the Cabinet Office works quite actively across Whitehall to encourage timely submissions of Explanatory Memoranda. I know that a lot of the departments are responding to the Northern Ireland Affairs Committee and the European Scrutiny Committee, and now the Windsor Framework Democratic Scrutiny Committee in the Assembly as well. There is a certain statutory procedure and expectation from the Assembly

committee, and we are conscious of the normal protocols for responding to things in the devolved space there. We are certainly committed to responding comprehensively on all the committee's questions.

Baroness Ritchie of Downpatrick: We look forward to more expeditious replies and more expeditious depositing of Explanatory Memoranda as soon as you receive them from the European Union.

Mr Steve Baker: Best endeavours is what I undertake.

Baroness Ritchie of Downpatrick: Thank you to you and your team, Minister.

Q26 **Lord Dodds of Duncairn:** As a follow-up to that, I welcome the commitments that have been made about prompt production of Explanatory Memoranda and answers to letters from the committee, which have been appallingly late on some occasions.

I refer to the issue of Parliamentary Questions, which is another area that has caused concern. It has been raised within the committee and the concern is shared by all members, across party divides. There seems to be a position where Answers are not being given in the way in which they should be.

I will refer to one example, and maybe you can take this away and provide the committee with an answer to the specific question. I asked a Question of the Department for Environment, Food and Rural Affairs about the dossiers that have been submitted to the European Union on the lifting of bans on transfer from Great Britain to Northern Ireland. I received a reply that did not even attempt to answer the Question but referred me to GOV.UK, which is a very big website. When I asked the House of Lords Library to search for it, it could not find the answer at all. If the House of Lords Library has difficulty in finding it, you can imagine the difficulty that individual Members will have.

You will have noted that, just yesterday, the Speaker in the Northern Ireland Assembly, very helpfully, I thought, directed Ministers there that they must give full and comprehensive answers and not refer people to third-party websites or arm's-length bodies.

First, Would it be possible to get an answer to that specific Question? I will provide in writing the actual Question. I would like an answer to it. Secondly, I would like a commitment that these Answers will be provided factually to Members of the House of Lords and the Commons. Maybe you could elaborate on whether there is any procedure in place whereby Questions or letters that are received about Windsor Framework implementation have to go through a Cabinet Office filtering system before they are replied to.

Mr Steve Baker: Thank you very much. I will come to Brendan in a moment to see whether he is able to say anything about this particular issue of dossiers, but I will pick up your first three points.

I am sorry that you have had inadequate Answers. My policy is always to be as full and frank as I can. I sometimes will offer a colleague a meeting, which I may well pick up the phone to do, particularly if they have put in a series of Questions. I know how frustrating it is as a Member and a parliamentarian to be driving at an issue and not getting an answer. I am sorry that you had inadequate Answers.

On this particular issue, if you give me the Question number I will certainly be sure to see if we can give you a better answer.

My own view is that, when it is necessary to refer to a website, one should certainly give the full URL to the location of the documents, particularly since Questions are now online and people should be able to click through. Forgive me, but I do not know your Lordships' rules on tabling questions. In the Commons, if information is readily available, very often the Question will not be accepted.

Lord Dodds of Duncairn: It was accepted all right.

Mr Steve Baker: Of course it was in this case. I do not think that it is acceptable to just refer to GOV.UK in the round, and I shall certainly watch out for that one.

On the filtering point, I will double check with my officials exactly the process that is used. Some of this is the magic of officialdom doing its thing to serve Ministers. Questions tend to come to us when they need to be signed off. The point you make is a very important one, and, as the Minister responsible for the Windsor Framework and the *Safeguarding the Union* Command Paper, I will take steps to ensure that all PQs related to both Command Papers are seen by me, and I will ask the system to do that. I will be slightly dependent on other Ministers being willing to do that, but that is the life of a Minister at the centre. Your point is well made, and I will do my very best to improve the standard of answers you get.

Brendan, are you able to say anything on the substance of the dossiers?

Brendan Threlfall: This is presumably the high-risk plant dossiers issue.

Lord Dodds of Duncairn: Yes. Was there a ban?

Brendan Threlfall: At the time of the Windsor Framework, we said that there were a couple of high-risk plants where we had lifted the ban in February 2023, alongside the Windsor Framework. We said in the Command Paper that we would have a process with the EU, where we would lift the bans on 11 species in total, including English oak, which had been focused on quite significantly at the time. The legal text since June last year onwards has been agreed with the EU and is published, and we can make sure that it is available to the committee. The bans have all been lifted on those 11 species.

We then committed in the *Safeguarding the Union* Command Paper to go further than that, beyond those 11 species. We have made some

reasonable progress quite swiftly on that. We now have EFSA formal scientific assessments on five additional species, I think, including hazel, a couple of types of dogwood and two types of privet. There is a pathway.

There is significant progress in the Windsor Framework and we committed to additional progress, which we are seeing through in the *Safeguarding the Union* Command Paper. But we can certainly make sure the PQ response, which I had not seen, has all that information in it.

Q27 **Lord Dodds of Duncairn:** That is very helpful. The information that Brendan has given is in the public domain, but it is the information on what the other dossiers are that I am interested in and I have not been able to find out about. However, I will give notice of the Question.

When the committee gets Explanatory Memoranda, there is an emphasis on the fact that some of the consequences of the application of European Union regulations to Northern Ireland are minor in nature in their effects on consumers and producers in Northern Ireland across a range of subjects and on the fact that goods and so on coming into Northern Ireland from Great Britain can have GB standards. Likewise, Northern Ireland goods are able to be placed on the Great Britain market legally unfettered.

However, the question that arises, and which has given rise to some discussions, is this. As we see the accumulation of all these regulations, is any work being done, or will any work be commissioned, on the cumulative effect of all these "minor" changes to the regulatory difference between Northern Ireland and the rest of the United Kingdom? Do you accept the point that, while you may have a legal right to put Northern Ireland goods on to the GB market and for GB goods to arrive into Northern Ireland subject to GB standards, there is a competitive issue if Northern Ireland producers themselves are subject to EU standards, both within Northern Ireland and on the GB market? What consideration and work are you doing on that?

Mr Steve Baker: Thank you, Lord Dodds. On the first point, I think that the implementation panel that we are to set up will be the right place to do the piece of work on the cumulative effect of changes to regulations. We are moving towards setting that up, and the point is very well made and should be included in the terms of reference. I shall certainly take that away to look at that.

The competitive issue is a very important point. It is slightly difficult to talk in the round about it. You will know the extent of EU law. It is the minimum necessary to make goods and agri-food access possible to the European market in the context of an infrastructure-free border. However, some of the issues that might affect competitiveness are now subject to UK law. Having read the update paper from DBT, I have particularly in mind changes to the way that holiday pay is calculated for bonuses. It might seem a small thing to us, but if you are a company that motivates its employees through bonuses, that particular aspect of EU law was very burdensome, for example. Some aspects of competitiveness

would be unaffected by the framework, but it is a very reasonable question to ask.

I hope that you will allow me to zoom out a little. If I reflect on the position that Northern Ireland now has institutionally, it is unparalleled anywhere. Of course, within the EU one would have access to the UK market and the European market, but what one would not have is access to our free trade agreements, including the TRQs, which we have just had a solution to, and other aspects of our free trade agreements. I think it is extremely significant that the UK has acceded to the Comprehensive and Progressive Agreement for Trans-Pacific Partnership, both for trade and geopolitics—though that is somewhat beyond my brief.

Northern Ireland is in a unique and unprecedented position. The compromise, of course, is to have some EU law in place. I am sure that we all have the same interest: we want to see the maximum success and prosperity in Northern Ireland. To me, the imperative now is to seize that unique institutional architecture and make the most of it to maximise investment into Northern Ireland, drive up wages, drive up the quality of employment and, crucially, spread that quality of employment and opportunity to some of the communities on both sides of the constitutional question that have been left behind.

Lord Dodds of Duncairn: You have zoomed out quite a bit there, but let us zoom back in again to what are by far the biggest markets, which are the internal Northern Ireland market for Northern Ireland producers and the GB market. Will you commit to looking at the possible competitive disadvantages for Northern Ireland businesses in both those markets as a result of the application of EU law in those areas to Northern Ireland producers?

I am thinking of the letter we sent to you about organic egg production, for example. The Ulster Farmers' Union has raised the point that, while it may be legally possible to sell its eggs in Great Britain, production costs are about 5p per egg lower in Britain than for Northern Ireland producers who comply with Regulation 848/2018, which GB producers do not have to. There is a concrete example of what I am talking about. Will you commit to looking at that issue in a comprehensive, strategic way?

Mr Steve Baker: I will certainly commit to looking at these issues. Obviously, we will be doing regulatory impact assessments as a matter of routine. I think that I should be careful and say what I will undertake to do is to go away and have a think about how we could best fulfil your request and then write to the committee, Lord Jay, with permission, and set out what we propose to do. It is a perfectly reasonable request, but I ought not to hoof it in committing to you how we would look at it strategically.

It might be something that sits within the implementation panel. I think it is important we have coherent assessment of the overall functioning of the framework, and that is what the panel is for. It is my expectation that we will invite some important expert figures to be part of it, who I hope

you will all approve of. They should be able to look dispassionately at the position that Northern Ireland finds itself in, including right down to the level of the example you gave. I will certainly undertake to go away and give it serious thought with my officials and to write to the committee to set out what we propose to do. Forgive me for not hoofing an answer.

Lord Dodds of Duncairn: Thank you, Minister.

The Chair: That would be very helpful. We look forward to getting that letter, Minister. Thank you very much also for the answers you gave to Baroness Ritchie and Lord Dodds on the question of prompt replies to correspondence. I know that will be welcome to the committee as a whole as well. That was a very useful exchange.

Q28 **Lord Hain:** You are very welcome; it is good to have you all with us. I would like to ask you some detailed questions about the new institutions, which you may expect from me, given that I raised them on the Floor of this House. What is the likely timeline for establishing them?

Mr Steve Baker: Which one in particular?

Lord Hain: All of them.

Mr Steve Baker: What I have said in answer to OPQs is that I hope to update the House before we rise for Easter. I hope and intend—it is subject, as you will know, to No. 10 clearance—to make a Written Ministerial Statement that sets out in some detail what we have already achieved, what we will do next and what will be slightly longer term. You will appreciate that the east-west council is extremely important to everyone involved. It is primarily the lead of DLUHC, and it will establish InterTrade UK. I will try to tease out those issues and put the dates alongside them. I have here a table, which is for internal use only, which gives me some of the—

Lord Hain: You can share it with us.

Mr Steve Baker: I know you would be delighted with that. It goes through the various issues that we have already dealt with and which we intend to do soon, so I am very close to being able to provide Parliament with a Written Ministerial Statement setting out what is happening and when.

In the context of the controversy that we have had through this process—and in a sense veterinary medicines in particular being the remaining loose end—and bearing in mind the obvious difficulty that the DUP has had, I am very clear that I want to be open and transparent about what we are doing, so that everyone involved can be satisfied that we are in good faith fulfilling all dimensions of the Command Papers while simultaneously respecting all dimensions of the Belfast Good Friday agreement and all our international obligations.

Lord Hain: Thank you. That is encouraging, and we look forward to that, even if we cannot be privy to the notes in front of you.

Mr Steve Baker: I would love to hand them over, my Lord.

Lord Hain: I will ask a series of questions as I indicated. How does the new UK east-west council relate to existing bodies affecting all UK and east-west governance, including the Prime Minister and Heads of Devolved Governments Council, the Interministerial Standing Committee and the British-Irish Council? We have quite a lot of these institutions.

Mr Steve Baker: We have. I have not attended a British-Irish Council. I have enjoyed very much being part of the British-Irish Intergovernmental Conference. I have attended a number of times the British-Irish Parliamentary Assembly and I have also been to the British-Irish Council. My focus has been overwhelmingly on the relationship between the UK and Ireland. I think, if you will forgive me, this would be a question best answered in the round by the most senior official responsible for the union overall.

Lord Hain: I have been in correspondence with the noble Lord Caine; it is no criticism of him in his absence, but I have had no answers. I did not get them on the Floor of the House and I have not had them sent to me.

Mr Steve Baker: Brendan is the Government's expert.

The Chair: Mr Threlfall, answers.

Brendan Threlfall: The plan for the east-west council, which we have just managed to pin down in diaries, is to have the first one on 26 March in Northern Ireland. For the initial meeting we are proposing it will be focused on UK Government Ministers and Northern Ireland Executive Ministers, but over time we would then want to agree a work plan, broaden it out, and involve other devolved Administrations and their Ministers, as well as civic society, businesses and people from the education space—all the things we committed to in the Command Paper.

Our plan is to run the council through the same secretariat team that would support the British-Irish Council on the UK Government side and the same team that would liaise with the other devolved Administrations for the IMSC process. It will be linked with those two, but it is intended to be different. It is not a strand 3 body. It is not a UK Government-Irish Government body. It is internal to the UK. The IMSC, which met most recently yesterday and which tends to focus on intergovernmental relations overall, will not look at the interministerial groups that we have across the relationships of the devolved Administrations. It looks at legislation and Sewel convention issues.

The east-west council proposition is not intended to go into those issues. It is intended to focus on how we can practically boost connectivity, cultural links and education links, and how we can get InterTrade UK going and what it should focus on. We will probably also bring specific proposals relating to Northern Ireland and some of the investment choices we have there. We will want to cover the proposal in the Command Paper for an enhanced investment zone that could cover the

whole of Northern Ireland. We want to be in a position to present that in the east-west council as early as we possibly can and we will have a discussion of that openly.

Lord Hain: That is very helpful. How would the east-west council relate to the new ministerial group that is mentioned in paragraph 152, I think, of the Command Paper? How do they fit together?

Brendan Threlfall: They are potentially quite closely linked, but the idea of the ministerial group was specifically to look at how we would deal with Windsor Framework issues. For the east-west council, the concept is that we would look much more broadly at everything from school twinning and student exchanges to cultural and sporting links, rather than a particular focus on the technical details of the Windsor Framework.

Lord Hain: How will the political and governmental participation in the east-west council from Northern Ireland be decided? Will it be the same as the North/South Ministerial Council, with two Northern Ireland Ministers designated to attend each meeting, both of whom have to be signed off by the First Minister and Deputy First Minister?

Mr Steve Baker: At this stage, we are still in policy development. We would certainly want to take whatever guidance you thought was important to consider through that process.

If I may answer it slightly differently, the issue for me, speaking as an English MP, is that it has been very easy for a long time to neglect the union. Very rarely is the union a high priority in an English constituency, and I think that other constituencies will be similar. What we have been through here is a process of realising just how important all parts of the United Kingdom are to the whole. What the Command Paper does, and what the east-west council will facilitate, is to focus on the overall health of the UK as a whole. My hope is that the east-west council, rather than being about Ministers coming together to decide policy and resolve issues of collaboration on particular subjects, will be more holistic and foster a more wide-ranging dialogue between all the nations of the UK so that we do not end up once again, in a sense, neglecting the union from the perspective of busy parliamentary officers.

Lord Hain: This is my final question. I realise that *Safeguarding the Union* is a complex document.

Mr Steve Baker: It is.

Lord Hain: It is a question of working it through. I understand all that and I understand its purpose to get Stormont up and running. How does the function of these new bodies and structures relate to the common frameworks programme?

Mr Steve Baker: My Lord, that is a question, I will be honest, that I cannot answer. I would have to write to you, unless Brendan is able to come in on that.

Brendan Threlfall: The common frameworks programme will carry on as it is. We do not intend to change our approach on that. We have various common frameworks that have passed through scrutiny in all the different legislatures across the UK. We have some that are outstanding: some that went through the Scottish Parliament before Christmas—I think there were eight frameworks there—and some that are awaiting Northern Ireland Executive input, for understandable reasons. That could come up at the ministerial committee that was referred to, but the intention of the east-west council is not to pick up the common frameworks work. We had planned to do that through the existing governance.

Lord Hain: Thanks. I look forward to the letter.

Mr Steve Baker: Yes, by all means.

The Chair: Indeed, we look forward to the letter.

Mr Steve Baker: Somewhere, my officials are in a heap wondering how much more work I shall generate for them today.

The Chair: We will do our best.

Lord Hain: We can help you on that.

Q29 **Baroness Goudie:** Something I have asked about on the Floor of the House and of Lord Caine privately is the whole question of the make-up and diversity of the people who will be sitting on these committees and institutions. It is important that we have full diversity, of every kind, on the committees. Could we get an undertaking for that?

Mr Steve Baker: Certainly, we should have a diverse committee; of course we should.

Baroness Goudie: Full diversity.

Mr Steve Baker: Perhaps you could elaborate what you mean by full diversity.

Baroness Goudie: At least men and women and some disabled and other people representing Northern Ireland—that it represents Northern Ireland as it is today.

Mr Steve Baker: We shall have failed if we do not represent Northern Ireland as it is today.

Baroness Goudie: You will have failed, yes. I have raised this, so it is not new.

Mr Steve Baker: We are all committed to including people. In a sense, I want to see an invitation to people from the whole of the United Kingdom to feel part of the United Kingdom. It is a wider problem we face at the moment, on a number of issues. We should not be telling people to be part of our culture and society; we should be inviting them and saying,

“You are welcome”. When you ask for a commitment, the answer is yes, in the spirit of good will that I hope I have expressed. My only hesitation, honestly, is the size of the east-west council. We will have to have some way of containing the size.

Baroness Goudie: Of course, but at the same time it should be diverse and equal.

Mr Steve Baker: The point is well made. I agree with you, and we must endeavour to do something—

Baroness Goudie: It is not that they will not be able to find people, so do not come back with that answer.

Mr Steve Baker: We are committed to inclusion. I assure you that I do not want to end up having a row that the committee is not sufficiently representative. That would not be our intention. So much effort has been made towards reconciliation in Northern Ireland, and I hope that this will be part of the process.

Q30 **Baroness O’Loan:** Welcome to our committee, Mr Baker. We are pleased to see you.

In the *Safeguarding the Union* Command Paper the Government say that they will rapidly establish a veterinary medicines working group.

Mr Steve Baker: Yes.

Baroness O’Loan: Could you tell us a little about the general composition of the working group? Perhaps you could explain the extent to which the Northern Ireland voice will be represented. Can you tell us whether representatives of the EU Commission will be involved?

Mr Steve Baker: There will not be representatives of the Commission. That is because this is about making sure we have our ducks in a row and that we know the situation we face, what we would like to achieve and the consequences if we do not. The first thing to say is that the Commission will not be involved in the veterinary medicines working group.

The invitations have gone out now to prospective members. I am very pleased to say that the overall composition of the committee—those who have been invited—is wide-ranging. It will be co-chaired by me and by Lord Douglas-Miller. There is a broad perspective of experts, including politicians, veterinary scientists and Members of Parliament. I believe that this is a broad and representative group of experts in the field, who should be able to do what is necessary to consolidate our position and allow us to try, within our own resources, to solve the problems we face.

There is a very important point here that came up—I do not think he will mind me saying—when I had lunch with the ambassador from the EU, Mr Serrano. The EU needs to see that we are compliant with the obligations that we have consistently, and that we are trying to solve the problems that we face within our own resources before we seek changes to the

terms of the agreements we have struck, and so on. I hope that this committee, with its expert composition, will be very clear and certain in what we need to ask the EU for, and will have worked through why we need to ask it of the EU and why certain things are not within our power to resolve.

I do not think it would be right to have the Commission on it. It is not something for the Commission to participate in. It is the UK bringing together experts to work out technically what the industry, farmers and everyone involved needs.

Baroness O'Loan: Thank you. I think that is helpful.

You will be aware that we are very concerned about the impact of the situation with veterinary medicines for industry in Northern Ireland and in England, Wales and Scotland as well. Although we have seen significant progress on the human medicines front, we have simply been told that veterinary medicines are different and they contribute to the human food chain, and therefore it is problematic and there are major problems stacking up in Northern Ireland as a consequence. Can you tell me when the working group will meet and how often it will meet? Can you provide more specific information on when it is due to report?

Mr Steve Baker: We expect to meet, and have invited people to meet, before the end of the month. The date we have pencilled in is 25 March. We are not wasting any time in getting together. The frequencies of our meetings we will determine with the group. I intend to place in the Libraries of both Houses the terms of reference, but I would like to give members of the working group the opportunity to comment on the terms of reference before placing them in the Libraries. We will determine our working pattern collegiately together.

We are not in the business of hanging around here. Everybody wants a solution, and quite a bit of time has passed already. In taking up this role, I am determined to fix some of the negotiating errors that perhaps we had in the distant past. For example, to return to a theme I mentioned earlier in the course of a now famous apology, it is humility plus resolve; we should have the humility to respect the legitimate interests of our negotiating partners but the resolve to stand firm on our own interests and ask that they, too, are respected.

On the particular issue of veterinary medicines, there is a common interest in animal health and welfare, and the consequent human health and welfare consequences, that we should resolve this. I will hand over in a moment to Gavin, if you wish, to get into more of the detail.

It is something that has been resolved in the last couple of years, but in the early days of leaving the EU one of the things I think we did wrong was that we ended up arguing with ourselves. I am determined that we will know what the UK position is with all the key stakeholders before we talk to the Commission with specific proposals. It is true that officials are in constant communication with the Commission on a wide range of

issues related to the framework, but I am determined that, when we go to the Commission with a proposal on veterinary medicines, we should know that we are standing on firm territory, asking for specific things that we can justify requesting.

Baroness O'Loan: Before you invite your colleague to answer, when we visited Northern Ireland recently and heard from vets and the various professionals in the field, there was huge concern about very simple things, such as vaccines that had previously been available from New Zealand under an agreement and which are no longer available. There was huge concern about the movement of livestock and the consequences of that. Those are very real and very current issues. If Mr Hall could provide a little more information, that would be very helpful.

Mr Steve Baker: Absolutely. I will hand over to Gavin in a second. On the consequences, when I was the Minister for preparedness for exiting the EU, I was responsible within DExEU for the legislation and the preparedness. There was a wide range of issues that, quite frankly—I can say it now—could have had horrific consequences. People were very worried about Euratom, for example. They were worried about barges in Belfast harbour to provide power. The job of Ministers and officials is to make sure these risks do not crystallise. This is another issue where we are determined to make sure that we collegiately reach a solution and the risks that people are most worried about do not crystallise. The issue around the botulism vaccine in particular is a very important one.

With that, perhaps I should hand over to Gavin.

Gavin Hall: There are two main aspects, and I will start with vaccine availability. It is not true to say that vaccine availability is a Brexit issue; I think it is a global issue. There is a lot of drive now to have increased manufacture of vaccines. The livestock centres globally are using vaccine as a prevention, rather than trying to use antimicrobials as a treatment. During the pandemic, locally the number of companion animals that were purchased rose significantly and then the vaccine supplies were difficult to keep up with. I would not say it is a Brexit-related issue or a Northern Ireland issue; it is more of a global issue, due to complex manufacturing processes.

Baroness O'Loan: Can I just be very clear? Are you telling me that in response to the specific issue that I raised with you? Are you saying that there is no restriction on the importation of these vaccines from New Zealand that we were told about?

Gavin Hall: Is it the botulism vaccine you are referring to?

Baroness O'Loan: There is a range of vaccines.

Gavin Hall: The only vaccines that I am aware will be restricted are those that do not appear on the list of EU diseases. The others are perfectly allowed, under what is called the prescribing cascade. They would be okay. If it is a disease that is not on the list—botulism is one of

those that is not on the EU list—there will be a difficulty if that is not resolved.

Mr Steve Baker: I want to clarify, because I am afraid that we might have two subjects slightly adjacent here. One is the availability of vaccines now under the grace period, which is a market issue; the other is the availability of vaccines at the end of the grace period if we have not reached a solution. I want to make sure that we have understood.

Gavin Hall: I am talking about the general vaccine availability issue at the moment. That is recognised globally.

On the specific issue that the Minister has referred to, there is a list of vaccines that the Commission has, and a list of diseases that the Commission has; if you then want to import a vaccine outside of the EU to treat those diseases, you are not permitted to do so unless it is on that list. The only one that is springing to mind is the botulism vaccine, which the Commission is aware of.

Baroness O'Loan: There is a problem and that is the problem that I was asking about. I think there is also an issue with bluetongue.

Gavin Hall: This is going back to the former issue about global availability of vaccines.

Baroness O'Loan: I am not talking about availability; I am simply asking you whether there are restrictions on the ability to bring them in. I am not asking about restrictions that result from availability of supply but restrictions that result from the rules. If there are, will those restrictions be dealt with?

Gavin Hall: The intention during the discussions of the working group and the work we are doing with the Commission is to address those very issues.

Baroness O'Loan: Thank you.

Lord Dodds of Duncairn: You referred to the work going on with the Commission. What precisely is that work with the Commission? What is happening UK-EU? We can talk all we like within the UK, but there is an urgency issue. What is happening with the EU?

Gavin Hall: The EU has set out a timetable for us, with key milestones for providing information on products that might be discontinued or products that might have rationalisation towards the pack size availability. We report to it on a quarterly basis. In doing so, we are engaging with the manufacturers of veterinary medicines to understand their plans and the scale and severity of the impacts of perhaps not having certain products available. We are talking with veterinary experts, here and in Northern Ireland, and with farming groups, to understand their concerns. That information is being collated and we report back to the Commission quarterly. We have just met one milestone and the next one is due in April.

We were very fortunate to have some technical discussions with the Commission last week or the week before about the last dataset, and that is a very collegiate discussion. We explained how the data is put together and what it means. We hope to have another face-to-face technical discussion with the Commission when we supply the April data.

Lord Dodds of Duncairn: When is that likely to be?

Gavin Hall: I think it is the end of April, and then we will arrange the discussion with the Commission once it has received that information.

Lord Dodds of Duncairn: Thank you very much. That is very helpful.

Mr Steve Baker: Brendan wants to make an additional point about this.

Brendan Threlfall: It is important to be open that that is a technical engagement on the data, which illuminates a lot of the issues but is not what we want to do more on the policy side—what the long-term solution is that we have committed to working up. As the Minister was saying, we want to do some intensive work with the working group first. There is unanimity in the sector on the need for a solution. There are lots of different views when you get into what the potential solutions could be. We want to have a unanimous position in the working group, as the Minister set out, and do that collaboratively and then engage in a broader policy sense, which is distinct from the process that Gavin is talking about, which is more technical engagement on the data.

Q31 **Lord Empey:** Good afternoon, Minister and your colleagues. Before I ask my stated question, I want to pick up the points that Lord Dodds made about questions. I too have at least three, and I perhaps will take the opportunity to ask the committee staff to send them. We at the table here have all been around the political block, and some of us have answered questions at parliamentary and Assembly level. We know a soft-shoe shuffle when we see one; we have probably done them ourselves. The point I am making is that we could not get a straight answer to anything. Is there a trade border in the Irish Sea? Nobody will say from a ministerial point of view that there is or there is not, so I will ask you.

The other point I want to clarify is that at the beginning of your contribution you mentioned all-party talks. All I can say to you is that there were no negotiations in which my party was involved during that two-year period of the Assembly being down. There were very brief, on-the-surface meetings with officials and so on, but there was no negotiation whatever. The only serious meetings occurred in December last year when the finance package became possible, but up until that point there was nothing. I just wanted to make that clear.

With regard to the veterinary medicines, we are concerned that we and the European Union are coming at this from two entirely different starting points. The European Union's interpretation of grace periods is to allow the United Kingdom to comply with its stated routes and, as I read it, from the United Kingdom's point of view we are looking at how

technically we manage to get around and resolve some of these issues. We have two teams on the pitch but we are playing to different rules. I think that is the big anxiety that many of us have: that, in the middle of all this, the agricultural sector in Northern Ireland falls between two stools.

The botulism one is huge for us because of the profile of our agriculture, the use of chicken waste on fields and so on. As I understand it, if the EU gets a botulism situation it just sucks it up because it is not an endemic situation. If we were to do that, a large slice of our sectors would be out of business. I ask you to focus on that, and then I will pick up on a couple of the other points.

Mr Steve Baker: I will deal quickly with the first two points. The conduct of all-party talks was for the Secretary of State, and I do not think he would mind me saying that I was not party to them. I will certainly make sure that he hears you. It has been said before, but you will appreciate better than me the dynamics of Northern Irish politics. I am aware that engagement with the other parties was not as intensive as it was with the DUP.

On a border in the Irish Sea, by the standard of comparison to what is known as a border anywhere else around the world, there is not a border in the Irish Sea. If you look at a border between even Switzerland and the European Union, there is major infrastructure—admittedly, last time I crossed the border in a car, we literally drove through it and it was not even staffed, but nevertheless there was border infrastructure there to do checks. If you looked at the border between a European country not in the EU and an EU country, again you would find border infrastructure and so on.

It is a point of political contention. I admit freely that the institutional arrangements pertaining to Northern Ireland are not the same as they are in Great Britain. That is substantially, obviously, in the paperwork. But is Northern Ireland's place secured within the union? Yes. Have we legislated for the free flow of goods from Northern Ireland into Great Britain? Yes. This is the substance of all this work.

I have said a couple of things on the record that perhaps go slightly beyond policy but I will risk it again. I know that this framework, in leaving in place some EU law, is a very hard compromise for unionists and Eurosceptics. It is a hard compromise for me. I would like to have done better for unionists and Eurosceptics, but after eight years of this country tripping over with its shoelaces tied together, arguing with itself about what form Brexit should take and so on, this is the best we can do. For the reasons I gave earlier about the unique institutional arrangements and the opportunity that follows from that, I think this is a pretty good best.

Is it still a hard compromise? Yes, to leave some EU law in place in Northern Ireland, it is. Do we still have issues to work through? Yes, we do. I am absolutely delighted to take this job on, hard as it is, full of

complexity and downside risk as it is. For me, it is trying to complete the job in a way that is tolerable to good for everyone and to allow Northern Ireland to move forward and prosper. I am very aware that Northern Ireland has had a tough time through the Brexit process and I want to do my level best to make the most of the opportunity before us but, frankly, choosing from the available paths.

Lord Empey: If I might just make a point, Minister, I received a Parliamentary Answer the day before yesterday telling me that we were spending nearly £200 million on building border inspection posts. You see, when is a border not a border? We get into the hair-splitting situation where you have lanes of different colours, border inspection posts, a body of law and your international obligations, which the Command Paper said the UK will honour in all circumstances. That was the phrase.

I think that if people were told straight what the position is, we could work from there, but we will continue to have this argument: is the water hot or cold? There either is or is not a trade border. From where I am looking at it—and bear in mind that my party recommended us not to leave the European Union on the basis that we had no plan, so we would not have had us in this position in the first place—accepting the outcome and honouring that, I am making the point that there needs to be an absolute frankness with people, even if it is something that people do not like. Northern Ireland people do not like curves like the answers we have been getting, or not getting, to questions. Anyway, we will move on.

Mr Steve Baker: I am very happy to answer that directly. I certainly see and respect that in the Northern Irish people. I wish to be as straight as possible.

On the border inspection posts and—I am sorry, but we have to call it something—the red lane, the protocol Bill, which I supported and which was widely supported, makes provision that we have to have checks on goods that are going on to the EU. That is why we are building that infrastructure, and I think that it is reasonable.

On the general point, it is the substance of the history books over the last eight years. Having left the EU we could either choose to be outside the legal structures of the European Union or not, and not would have meant being in the customs union, the single market or both. That would not, I believe, have honoured the desire to be outside the legal structures. I was always very clear when I was voting against Mrs May's deal that there would have to be special arrangements for Northern Ireland. Indeed, before the referendum I put together a committee of people with some expertise in Northern Ireland, because we could see it coming that for Northern Ireland there was a need to have an infrastructure-free border with the south of the island—but, as Back-Bench MPs, we did not have the SPS or customs expertise to solve that problem. On the problem rolled, and history tells the story. That is partly why I am so determined to sort it out now.

It has, I am afraid, been one of the themes of my life throughout the last eight years. I formed that committee; we could not solve the problem. The remain campaign tried to make it an issue at the referendum, but nobody was terribly interested and it did not catch. I then tried to solve it within government but I could not get access to the customs and SPS experience I wanted because, as far as I can tell, other Ministers wanted to be in the customs union. I then resigned over the issue. The first issue I forced with the Eurosceptics was that we have to solve the Irish border problem, and the notorious European Research Group, which I formerly had chaired and then was deputy chair of, published a paper on the need for alternative arrangements. Then I procured Prosperity UK doing the Alternative Arrangements Commission. Fast forward to today: this is the best approach to alternative arrangements for Northern Ireland that we could have hoped for in all the circumstances, after all the difficulties we have had.

I am very clear that we were never going to arrive at a situation where on the island of Ireland there was a hard border between Northern Ireland and the Republic of Ireland—a standard, international-style border infrastructure and fences. That was not going to happen. Nor were we going to have an infrastructure-free border with no administrative arrangements in place to protect the legitimate interests of the EU and Ireland. Those two extremes were never going to happen. We were always going to have an infrastructure-free border and some alternative arrangements for Northern Ireland.

As I say, I would love to have done a bit better than this overall, from a Eurosceptic and unionist point of view, but after eight years and all we have been through, I think this is a pretty good place to have arrived at. I am absolutely clear that I want to be straight with the people of Northern Ireland, and that is partly why I have just said what I have. I am grateful to you for bearing with me saying it. I want Northern Ireland to move on and prosper and reconcile.

Lord Dodds of Duncairn: It is quite a journey you have been on.

Mr Steve Baker: Well, my Lord, you and I—

Lord Dodds of Duncairn: You just went through it. I am not making any comment. I am just saying that when you outline it all like that, right from the beginning—I am grateful to you for doing it—it is quite a journey to where we have ended up.

Mr Steve Baker: I am grateful for the spirit in which you say it. I remember with great fondness when you and I were very close fellow travellers. It has been a long journey, but this is not a session about me. It is a session about Northern Ireland, so forgive me. On another occasion I would be glad to talk about it over a beer.

Lord Empey, to your third point, the point is extremely well made and it has come up in conversations with EU figures because I seem to be reasonably well known to the EU embassies and the EU ambassador

himself. I think you are right in your characterisation. They wish us to comply, and the grace period is about how we will comply. The truth is that we have looked at it, and just complying has the problem that it is economically infeasible for some of the firms involved to reorientate the supply routes, to have a market authorisation holder in Northern Ireland or to do retesting. If you wish to drill into those, I will with Gavin, but I will just make this point.

I am determined that we do not have the high-profile political dramas we have had before. The point you make is right. This is why the veterinary medicines working group comes together with all the stakeholders. We try to resolve and comply within our own issues. We are very clear where if we complied there would be consequences that no one would want us to bear. I think that having reset the relationship with the European Union, and indeed the Republic of Ireland, we are now in a position where we can say, and be trusted when we say, that it is not in anyone's interests to have no botulism vaccine available in Northern Ireland, for example, or that it is not in anyone's interests that some particular medicine, which Gavin will know better than me, is no longer available because it was not economically viable to deliver it. I think we will arrive at a position where the EU is able to see our pitch and to say, "Yes, we understand". That is my hope and expectation. Again, I shall wrestle heart and soul to create the conditions within which we are able to present something reasonable that respects the EU's interests and our own.

Yes, there is a danger of being on different wavelengths. I see my job as closing that gap. We should not have a negotiation based on two fixed positions and headbutting. We should have a negotiation based on recognising one another's legitimate interests and finding a way to bridge the gap that is respectful of both sides. I am conscious that this session will be heard by the EU, and I want it to know that this is our approach: "Your legitimate interests are legitimate interests, costs and consequences. What are our shared interests in resolving this for all the people of the island of Ireland?" I hope that makes sense.

Lord Empey: Yes, we all hope that we do not have a confrontation. I think our visit to Northern Ireland left us clearly with the situation that the last thing we want is a confrontation. If the reputation of our herds and so on becomes questionable because of the future supply of medications of whatever type, that reputational damage would have market implications for our sector. I think we need to get that established at a very early stage with the European Union. You know what it is like negotiating there; it is all last-minute panic and people are left. They need consistency and certainty.

Mr Steve Baker: I agree, yes. There are three things I want us to strive for in this, apart from the humility and the resolve in tone: a positive attitude to our relationship, respectful of our separate status outside the EU, but a positive relationship characterised by expertise and good

judgment, with complete consistency. I think people can work with that, and that is what I hope we will provide them with.

The Chair: The other thing that struck us on our trip to Northern Ireland was people saying, "We need an agreement quite quickly because if we do not get it quickly, we have uncertainty enduring and we are coming up against the end of 2025 deadline. That will make life very difficult for us". I think it is about how we combine where we are now, the working group that is being set up, the time before negotiations really get under way and the need, as seen in Northern Ireland, for a quick agreement. There is a tension there that I think we felt when we were in Northern Ireland.

Mr Steve Baker: The point is well made, Lord Jay, and I am grateful to the Prime Minister for giving me this opportunity to try to close these gaps. I am very grateful that Minister Muir is in place and I am grateful for the opportunity to have met him. I do not think he will mind me saying that I thought we got on very well for two politicians from different political parties, and I look forward to supporting him and working with him to get these and other problems solved. I know his agenda will be much more ambitious than is within my remit. I looking forward to watching in awe. I hope to sit back and watch in awe as he solves the many problems before his department.

Q32 **Lord Lexden:** Minister, you have spoken with feeling and passion about your determination to reach an agreed outcome, if you possibly can, to ensure the continued supply of veterinary medicines to Northern Ireland, but the Command Paper makes reference to the possibility of, if necessary, deploying all available flexibilities in the absence of an agreed solution. Does that provide for the possibility of unilateral action, which of course we all hope will not be necessary? Contingencies such as these have to be faced. If that should become necessary, what assessment have you made of the impact on Northern Ireland and the wider EU-UK relations? This is a scenario that I know you are very keen to avoid, but planning does have to envisage the possibility, sadly, that agreement will not be reached.

Mr Steve Baker: Gavin and other officials have engaged in the work with various stakeholders to think through consequences, and that is necessary work that will continue through the veterinary medicines working group. I want us to be very clear about it, but I have to emphasise again that this is one of those issues where we have our legitimate interest, which is that the supply of medicines must continue, and the EU has its legitimate interest, which is that in principle it would like, from field to fork, all the EU's rules to be applied in Northern Ireland.

I know that your Lordships will be familiar with the circumstances, but just for the record and for those watching, what we are talking about here is that medicines need to be transferred from Europe across Great Britain to Northern Ireland. At the moment the grace period allows that to happen without retesting of those medicines and without a market authorisation holder in Northern Ireland, but it is an administrative choice to say that after the grace period we have to retest those medicines. The

circumstances will still be the same and we will still have the same rules in place in Great Britain, which are highly aligned, as a matter of choice.

I am sure Gavin can explain, if you wish, the extent to which he and others were involved as an EU member state in negotiating the regulation of veterinary medicines, and I believe that EU veterinary medicines regulations are very close to where the United Kingdom wanted them. If we were to have a problem, I am very clear that it is not a problem of fundamental physics; it would be an administrative choice. It would be a choice to say that the act of removing the medicines from the EU, taking them across GB in the back of a lorry and putting them into Northern Ireland meant that administratively you required retesting and an MAH. There is also the separate problem of botulism and perhaps others that are not available within the EU, but I want to be really clear that it is an administrative choice.

That is not to criticise the EU. It is an entirely legitimate position to say that on food it wants, from field to fork, its rules complied with. I understand. We will try, and we will look at the consequences if we did so. I believe those consequences would be that some medicines would no longer be available in Northern Ireland; Gavin would be able to elaborate a bit more. We would look at all flexibilities and comply with international law, but at this stage I do not really want to get into them because I know that there are too many people who would want to take anything I said and blow it up into some threat to be unilateral. That is not where we are. Again, I come back to our common interest in animal health and well-being—and indeed human health and well-being—on the whole of the island of Ireland. If we can just converge on common interests, I believe we will solve it.

Lord Lexden: Perhaps we will not have too much more detail on this but move on to the next question.

Q33 **Lord Thomas of Gresford:** When we were in Belfast, the point being made to us—and you have heard it again today—was that there is a question of time. There was concern on the one hand that the UK Government did not understand the problem fully, and your working group has been set up to deal with that, and on the other about the inflexibility of the EU, which did not care. It had given us a period of time to comply with its rules: “Do it; don’t come to us to try to negotiate”. How confident are you that in negotiations in the timeframe available, to the end of next year, you can get that flexibility out of the European Union and perhaps get a solution to the problems that the working group will identify?

Mr Steve Baker: I am highly confident. The reason that I am highly confident is that when I look at what has been achieved by officials already—solutions on things such as seed potatoes, various species of trees and so forth—we have achieved solutions in those areas. TRQs is another one. These are all problems that we have solved through focusing on mutual interests and the best interests of Northern Ireland overall.

By the way, I know it is not what you are saying, but on the point about not caring, I think that the EU and its participants care very much about the prosperity of the people in Northern Ireland. For everybody who was at the anniversary of the Belfast/Good Friday agreement, I think one could see the good will from around the world for the people of Northern Ireland. I will say to anyone who feels that the EU does not care that that is not a correct characterisation, but it has its position based on its legitimate interests and principles, and I respect that. For the reason I have given—we have already succeeded in so many areas—I am highly confident that we will succeed in this one.

Lord Thomas of Gresford: Is the task to create a UK-EU veterinary agreement well within the period that is left of the grace period?

Mr Steve Baker: It is not to create a veterinary agreement. The issue of an SPS agreement has come up and there are a couple of things to say about that—first, that veterinary medicines are not SPS goods. They are obviously relevant to SPS standards and agreements, but they are not themselves SPS goods, so an SPS agreement would not necessarily resolve the issue.

The other issue—I would not want to speak for it, but it is my sense—is that the EU would offer us only an agreement that involved automatic alignment to its rules and standards, and that would not be this Government's policy. I am afraid it is a very political point, but when I reflect on the views expressed by voters, and indeed Labour Members of Parliament engaging with their own voters, I think that if any Government chose to align automatically to EU law in this field, they would find that their own electoral coalition had a problem with that. I do not think anyone should be looking to an SPS agreement to solve the problem of veterinary medicines, because the medicines themselves are not an SPS good and because the act of aligning would be a major political problem for any Government.

Lord Thomas of Gresford: Did I understand you to say that a veterinary medicines agreement would not be possible because the EU would not—

Mr Steve Baker: No. Sorry—I thought you said veterinary agreement.

Lord Thomas of Gresford: I did say veterinary.

Mr Steve Baker: I interpreted veterinary agreement to mean SPS, so I am sorry. Just to be clear, I think we can reach an agreement to solve the problem of veterinary medicines supply, yes.

Lord Thomas of Gresford: You do?

Mr Steve Baker: I do, but I do not think that would mean a wide-ranging SPS agreement with alignment.

Lord Thomas of Gresford: Clearly that will involve the EU giving in, in some respects, to permitting, for example, vaccines to deal with

botulism, which is a peculiarly Northern Ireland problem.

Mr Steve Baker: Yes, it is. I understand it arises from the way that chicken farming is done, but perhaps I will let Gavin get into that, if you wish. I am very conscious, particularly after all we have been through and the particular endeavours that I led, that I do not want to get into terms about giving in. This is not about anyone giving in; it is about what is practical and effective in the interests of all the people of Northern Ireland, and indeed in the interests of animal health and welfare. I really want us to stay off any kind of suggestion that anyone has given in. This is about what is practical.

Lord Thomas of Gresford: Reaching a mutually agreed solution?

Mr Steve Baker: I believe we will reach a mutually agreed solution in that area, as we have in others. It has to be said that the dynamic now is very different. We are in a place where everybody wants to move on, for various reasons—the Ukraine war and other things, and just general tiredness with rowing about Northern Ireland and Brexit. I think the European Union has moved on and the UK has largely moved on. People do not want these as grand problems and dramas any more. I am confident that if the EU trusts us to be meeting our obligations in good faith—which we are, we will do and we will demonstrate—it will feel more willing to work with us in a collegiate way where practical necessity means that there needs to be some minor adjustment to the way things are done. That is the tenor of the way I would like to go forwards.

Lord Thomas of Gresford: Thank you.

Mr Steve Baker: You are welcome.

Q34 **Lord Dodds of Duncairn:** Lord Chair, can I come in on a practical question? Leaving aside hopes and aspirations based on what has happened previously, this veterinary medicines working group will be set up on 25 March, comprising politicians and experts, but when is its work concluding? From what you are saying, we have now had just over a year since the Windsor Framework first talked about getting this veterinary medicine thing sorted out. There have been technical discussions about data gathering and where we are at, but there is no real engagement on a solution with the European Commission. When do you expect the veterinary medicines working group to conclude its work and when do you expect negotiations to begin with the European Union to get a solution?

As Baroness O’Loan said and the Lord Chair has referred to, there is urgency now. We have had evidence where people were saying they are already having to make decisions about supply of veterinary medicines to Northern Ireland. These things cannot just be turned on and off overnight. What is the timescale here? When will this veterinary medicines working group conclude and you start talking to Europe about actually getting solutions?

Mr Steve Baker: Lord Dodds, you must be absolutely right in what you say about the imperative for speed. That is why we are meeting this month, not in months. Out of respect for the experts we have joining us in the group, I do not think I should put a firm end date on it, but to answer your question very directly, I am obviously seized of the imminence of a general election. My working assumption is that the election will be in the autumn and my personal ambition, which I think is a reasonable one in all the circumstances, is that we should be able to go into that general election knowing what we want, having begun a conversation to solve the problem. We should certainly be talking to the European Union by the autumn, in my view. What I would not want is to be handing it over to another Conservative Minister, following my re-election and successful promotion—

Lord Dodds of Duncairn: We will take everything you have said up until now in the light of that statement.

Mr Steve Baker: Look, I think that the general election provides a convenient moment to say—

Lord Dodds of Duncairn: Yes, it brings into doubt everything that has gone before, I have to say.

Mr Steve Baker: My Lords, the record will not necessarily show the humorous spirit in which I said that, but of course I think we all appreciate—

Lord Dodds of Duncairn: I think, Lord Chair, it is useful to have that. You have indicated the timescale—certainly no longer than September.

Mr Steve Baker: I think we are all absolutely seized of the imperative to make rapid progress. Officials absolutely do not need me to tell them to drive forward quickly. They are doing so, and we are riding forward as fast as we can. I want people to know that I hesitate to give a very firm date only because I wish to respect the experts joining us on the panel. We will be seized of the imperative for swift progress.

Q35 **The Chair:** Can I come down from that level to a rather more mundane level and ask Gavin Hall a question about EU legislation? What requirements of the veterinary medicinal products regulation—Regulation (EU) 2019/6—do you think could have the most impact in Northern Ireland?

Gavin Hall: Thank you for the question. The Veterinary Medicines Regulations in Great Britain have been laid in Parliament and should come into force, all being well, by the end of May or the beginning of June. They provide a regulatory pathway that is very similar to the EU legislation. As the Minister alluded to, I was part of the discussions in Europe—when we were part of Europe—in negotiating Regulation 2019/6, much of which we would have independently reached under the Great Britain regulations anyway, so they are very closely aligned.

In actual fact, they provide a regulatory pathway for manufacturers of veterinary medicinal products to have an EU address for us in Great Britain to recognise batch release and testing without the need to repeat those tests. It provides a pathway to allow market authorisation holders to be compliant to both the EU acquis and the Great Britain regulations. That obviously facilitates the opportunity to have UK-wide authorisations without compromising, and it should be a good message to the Commission to say that we are serious about meeting the EU acquis in Northern Ireland and providing the framework for that to happen.

If we are passing those messages to the Commission, which we do as part of the dataset that I alluded to earlier, and have those technical discussions, it builds up confidence and provides assurance that once it works its way through and distils down to the real nitty-gritty, the stuff that is difficult to resolve, the Commission will be able to—I would not say negotiate—move position to make accommodations to allow animal health and welfare and human health to be prevalent in Northern Ireland and the island of Ireland, as well as Great Britain. I do not wish to put words in the Commission's mouth, but I do not believe it would want anything other than high levels and high standards of animal health and welfare.

The Chair: Is that just a hope, or do you have some indication that it may move?

Gavin Hall: The indication is small, but oak trees are grown from acorns. We had our last technical discussion and one of the aspects that the EU recognises—this is very technical, so please forgive me—is that part of the EU regulation requires market authorisation holders to have access to what is called the union product database. It is a database that contains all elements around that particular market authorisation. As the Veterinary Medicines Directorate is the regulator for Northern Ireland, we are unable to access that union product database to which member states have uploaded their data. The issue comes when market authorisation holders, in their full compliance with the acquis, may transfer their address from, say, Great Britain to somewhere in France. All the life cycle management and access to their product is in the union product database, but they are unable to do so because we have not been able to upload that information and it is not there.

At the technical meeting there was a recognition of that by the Commission and it says that it is looking into it, so I believe that it is listening to the issues we are raising and taking account of them. I believe it is keeping its cards close to its chest and not revealing very much, but you can see that there is some movement and I take encouragement from that.

The Chair: That is very helpful.

Mr Steve Baker: I think Brendan wants to make a supplementary point.

Brendan Threlfall: I want to flag that the statutory instrument Gavin is referring to is quite significant from our perspective, because it is something we committed to in the Command Paper when we said we would introduce legislation in the spring to address that. That is the statutory instrument that Gavin is talking about. If we had gone down a different regulatory track that attempted to force market authorisation holders to be based in Great Britain in our future regulatory plans, that would have created a clear challenge for Northern Ireland and would have massively complicated our desire to get a solution on the technical side, so that is important. It is just one step on the journey, but it is an important step from our perspective and part of rolling out delivery of the Command Paper more broadly.

Q36 **Lord Empey:** I want to follow the point Lord Dodds made about time, bearing in mind that the European political circus will commence in the next couple of months: there will be elections to the European Parliament and the existing Commissioners will be tidying up their records and their desks. We will not have a new Commission in place with their feet under the table until November, so I suspect it would be the new Commissioners making the calls and the political decisions. On the point Lord Dodds made, I think the timetable is even tighter than it appears because of the fact that you may not have enough people in place in Brussels to sign off on something, even if you do get indications that there is some movement.

Mr Steve Baker: We are meeting in 12 days, if people agree to the date we have proposed, and you will know that government is a supertanker so that is not bad. We will absolutely proceed with great speed, but if I may pick up on the earlier point and some of the other elements of what Lord Jay said, I do not want to be asking anyone to concede high principle within the EU. If we do that, we will have an accident. This is a technical matter that needs to be dealt with in a low-key way. We are not asking anyone to concede high principle and we are not asking anyone to do anything other than have special regard to the special circumstances of Northern Ireland, respecting its status within the UK with the Belfast/Good Friday agreement and everything we have agreed thus far. I really do not want this to get into high politics, drama and principle. It is technical and it is soluble, and with good will, like so many other aspects we have solved, we will get through it.

The Chair: We see you as a technical man, not a high-drama man.

Mr Steve Baker: I do my drama, but not now.

Q37 **Baroness Goudie:** Good afternoon again, Minister. Can you clarify the relationship and the division of responsibilities between the Veterinary Medicines Directorate and Defra on the one hand and DAERA in Northern Ireland on the other hand? There is a lot of muddle around this. How will the Government ensure sufficient resourcing and efficient co-ordination between central government and the devolved Governments and institutions? People do not know who to call; it is all over the place.

Mr Steve Baker: I shall allow the expert to my right to answer that one.

Gavin Hall: Thank you. The Veterinary Medicines Directorate is the regulatory body with responsibility for the whole United Kingdom. We are an arm's-length body of Defra, so we have reporting and we have a sponsor in the parent department, but for all the things in policy in veterinary medicines it is us. We liaise very closely with DAERA and others. There are elements of legislation that are reserved and there are elements that are devolved to the Northern Ireland Executive but, by and large, anything that is European-based will be us.

Baroness Goudie: That message is not out there.

Mr Steve Baker: Among which stakeholders?

Baroness Goudie: We were just recently in Belfast. We were talking to a number of stakeholders, all at a senior level, and none of them had clear lines of who you could get in touch with, who was available to speak to, who was the clear head of all these questions. It is also costing money because people do not know where to go.

Mr Steve Baker: The point is extremely well made. I would be glad to take it up and, if the information is not already in our hands, I would like to know the stakeholders.

Baroness Goudie: We will let you know those. We have evidence, because we had a number of round tables and these are people of a senior level.

Mr Steve Baker: Obviously I am in the Northern Ireland Office and the Cabinet Office for a reason. The Northern Ireland Office also has stakeholder management and engagement teams. I will be glad to ask them to make sure that these stakeholders are engaged with, and we will work with Gavin to make sure we have the right messages to give them.

Q38 **Baroness Goudie:** It is very urgent. I have a further question. The Government's Command Paper states that they will ask the newly established body, InterTrade UK, to advise on how to ensure that the VMD has sufficient dedication and presence in Northern Ireland. Is the VMD's current presence in Northern Ireland sufficient? Further, what additional resources will the VMD need to meet the challenges associated with the continued supply of medicines in Northern Ireland?

Mr Steve Baker: I suspect that at this stage it might be too early to say, but Gavin may wish to elaborate.

Gavin Hall: There is not much I can add to that. I think the working group will determine some of the feasibilities on the options, whether that is replication, a Veterinary Medicines Directorate in Northern Ireland, or whether we are just looking at enforcement officers, who are currently in Northern Ireland. It could be anything in between, so it is difficult to answer that question until we have done some analysis on what is feasible.

Baroness Goudie: While it is in this interim and very delicate stage, jobs are at stake. There is a lack of vets in Northern Ireland, as you know. There is a real worry because of the drugs and a real worry about jobs in that industry. Northern Ireland is an agricultural country, at the end of the day. Although other people are bringing in jobs, that is not the point. They are not those jobs.

Mr Steve Baker: The point is very well made and I certainly will take it up.

Baroness Goudie: I can give you numbers that could be at stake, if you want them too.

Mr Steve Baker: By all means, yes.

Baroness Goudie: They are serious numbers.

Mr Steve Baker: Just to reassure people, we are absolutely seized of the imperative to make progress and I hope I am witnessing a willingness to do things in a collegiate way, which gets through this for people.

Baroness Goudie: That is what we want.

Mr Steve Baker: My Secretary of State and I are in Northern Ireland very frequently. We are both very passionately engaged with Northern Ireland. I am sure Lord Hain would attest that Ministers in the Northern Ireland Office get passionate about Northern Ireland, and I am seized of the need to serve those people.

Q39 **The Chair:** I have one final question for you, Minister, which I think is just clarifying some figures. We had heard evidence that the VMD conducted research in February 2023 and as a result estimated that around 51%—or 1,700 products—were at risk of discontinuation in Northern Ireland. Are those still correct figures?

Mr Steve Baker: I recognise the figure from my brief, but I will let Gavin elaborate.

Gavin Hall: The figure was derived from the stakeholder engagement that we undertook with the pharmaceutical industry and the key manufacturers of vet medicines, so they were the numbers they came back with and said were at risk. To be perfectly honest, between then and now, some of the supply lines have been amended; they are now rerouting the supply lines not through Great Britain but through the Republic of Ireland, so those products are no longer at risk. The latest figures have reduced that number, so it is no longer 51%. Do you have the number, Brendan? It is about 34% or 35%.

The Chair: Would you be able to write to us? For our records and for our report, I think it would be very good to have the absolutely latest up-to-date figures.

Mr Steve Baker: By all means.

Gavin Hall: This is indicative of the efforts that have been made in the way we have negotiated and discussed with the stakeholders from the pharmaceutical industry, how they are responding and how we are encouraging and wanting people to be able to apply the acquis and also the Great Britain Veterinary Medicines Regulations to have a continuous supply of products into Northern Ireland. As we get that number down, there will be a point where you can no longer lower the number, and that is when we need to be having technical discussions with the Commission: "Here is the difficult nub of the issue. We got rid of the chaff; this is the bit we need to resolve". At that point, when the Commission is comfortable with the efforts we have made—the working group will go a long way to showing the efforts we have made in presenting data and having those discussions—we should be able to have that operational and technical debate.

The Chair: Lord Hain, do you have a question?

Q40 **Lord Hain:** Sorry, I would have preferred to have come in a couple of questions ago. It is a follow-up to your answer, Gavin, on your broader role across devolved boundaries. Given that agriculture is devolved in Northern Ireland, as it is elsewhere in the UK, how do you relate to the Minister of Agriculture in the restored Executive?

Gavin Hall: I am unsure, to be honest. In my particular remit, we do not really discuss policy matters with the Minister of Agriculture. That is more of the politician side of things. What we do is liaise with DAERA itself.

Lord Hain: At an official level?

Gavin Hall: At the official levels, yes. For example, our CVOs will talk to each other about policy on medicines.

Lord Hain: What if the Minister took a different policy point of view?

Gavin Hall: I am saying we have the policy lead. It is reserved.

Mr Steve Baker: I do not think he will mind me saying, but of course we have invited Minister Muir to be part of the veterinary medicines working group and he is very welcome. As I say, I believe we have begun a very good constructive relationship. I want him to be satisfied and engaged. He is the Minister and I respect that completely, but Brendan wants to come in.

Brendan Threlfall: Constitutionally, what Gavin is outlining has been the position under the Northern Ireland Act for a long time. The veterinary medicines regulatory piece has never sat in DAERA; it has always sat in Defra.

Lord Hain: Except that we have not had the contentious sort of environment that we have been investigating as a committee. That is why I am intrigued by where the ultimate legislative and political responsibility is.

Brendan Threlfall: Yes. Our position is that the devolution settlement on vet meds stays as it is, but on the policy solution we are very keen to work completely collaboratively with DAERA, as the Minister said. We discuss that regularly. We are keen to involve the stakeholders, a lot of whom DAERA has recommended. We are working with it extremely closely and are keen to on the policy issue, not least because of the broader—

Lord Hain: I am encouraged by that because, as you have heard from my colleagues, it is a very sensitive issue in the agricultural community and therefore its political representatives.

Mr Steve Baker: Rightly so, and we will invite political representatives with expertise to be part of this. We will have experts in the field of veterinary medicines and so forth. Looking at the list, it is a good list.

I think there is a Division in my House. Can I make a final point?

The Chair: Please.

Mr Steve Baker: I think I said earlier that the job of Ministers is to make sure that these risks do not crystallise. We know how serious they are. We will strain every sinew to make sure that the risks do not crystallise.

Lord Hain: For my part, I certainly welcome your openness as a Minister. I think you have been willing to engage with us in a very welcome way.

Mr Steve Baker: Thank you. I appreciate that.

Q41 **Baroness Ritchie of Downpatrick:** Just one final point on a general issue, Minister. When Lord Hain was talking to you about the various parts of the institutions of the Command Paper, he referred to the issue of common frameworks. I understand that that was discussed last week at the Inter-Parliamentary Union, so what is the relationship between the Inter-Parliamentary Union of this Parliament with the other Parliaments and the east-west council?

Mr Steve Baker: My Lady, if you will forgive me, I think I shall have to assert that I have been saved by the bell on that one; I will have to write to the committee.

The Chair: Thank you very much indeed. We are very grateful to you and your colleagues. We hope very much that we will have the chance of speaking to you one more time towards the end of the summer at the end of our next report, but thank you very much indeed for being with us today. We are very grateful to you all.

Mr Steve Baker: No, I am grateful. Thank you.