



# Select Committee on the European Union

## Energy and Environment Sub-Committee

### Corrected oral evidence: Brexit: agriculture

Wednesday 1 March 2017

10.30 am

Watch the meeting

Members present: Lord Teverson (The Chairman); Lord Cunningham of Felling; Viscount Hanworth; Lord Krebs; Duke of Montrose; Lord Rooker; Lord Selkirk of Douglas; Baroness Sheehan; Lord Trees; Viscount Ullswater; Baroness Wilcox.

Evidence Session No. 6

Heard in Public

Questions 72 - 80

### Witnesses

I: Professor Nigel Gibbens CBE, Chief Veterinary Officer; Pamela Thompson, Head of EU Exit Team for Animal and Plant Health, Defra.

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## Examination of witnesses

Professor Nigel Gibbens CBE and Pamela Thompson.

Q72 **The Chairman:** We start our latest evidence session in our inquiry on Brexit and agriculture, and this week we are looking at animal welfare, health and disease issues—an important part of the Brexit discussion and arrangements afterwards. Can I remind Committee members to declare their interests where they have them? I would remind everybody that this is a public meeting, it is being webcast and is being transcribed. If there are any errors made in the transcript, which we will send you a copy of, please come back to us. If you feel there is any area where you are not able to give as full an answer as you want to, you are very welcome to send supplementary written evidence to our clerk.

Perhaps I could start off by asking both of you if you could briefly introduce yourselves. Professor Gibbens, perhaps you might like to start.

**Professor Nigel Gibbens:** I am the Chief Veterinary Officer for the UK. I work for Defra, the Whitehall department which sets policies on animal health and welfare on an England level, so I speak for the UK internationally and for England domestically and work with my colleagues in Scotland, Ireland, Northern Ireland and Wales on their policies to try to achieve overall consistency, which in our area is generally straightforward because of the nature of our work. That is an important fact about my UK abilities and my England role.

**Pamela Thompson:** I am Pamela Thompson and I also work for Defra. I am leading the EU exit work for the policy area covering animal and plant health and animal welfare.

**The Chairman:** If we get through the session in fairly good time, perhaps we can explore that devolution area a little bit more or you can give us further evidence on it, if we do not cover it fully here.

To start with, perhaps I could ask some of the more basic questions. To what extent are animal health and welfare regulated through European law? What are the implications of withdrawal on the health and welfare of livestock during their rearing, transport—which is an important issue—and slaughter?

**Professor Nigel Gibbens:** I will start. We have done a very detailed review of this, so I will hand over to Pamela to share some of that with you. This is very heavily an EU framework of law. It is founded on international standards, as was our law before we entered, so we have over time evolved our law to be fully consistent with the EU framework of legislation. That covers animal health and welfare at all levels, including during transport.

The implications of withdrawal are that we will need to ensure that that legislation can carry through so that, from day one, we have a whole framework, not only relating to trade but the essentials of our ability to

respond to disease, which needs to be in place, very rapid, effective and so on, so we need to review that in detail.

Similarly, with animal welfare controls, they will need to be covered and transposed into domestic law. Our approach is to take the framework we have now and make sure it works from day one because, given the timing, that is the most sensible and practical thing to do. That position obviously is relevant also to our trade issues, which we will come back to later. Pamela, do you want to share a bit of detail of what we have been doing?

**Pamela Thompson:** Yes, thank you, Nigel. We have reviewed all our current legislation that covers animal health and welfare, which is both domestic and EU legislation, and we have looked at whether that would be operable at the point when we leave the EU. I can provide numbers for you in written evidence, if the Committee is interested, but quite a considerable proportion of the Defra legislative framework is in the animal and plant health and animal welfare area, about a third of the whole of the department's legislation. We have been through everything, we have looked at how operable it would be, we have identified areas that would not be operable and we have plans in place to deal with those.

The intention is to make the transition as smooth as possible. Your question is about the impact of the exit. We want to maintain some stability, so the impact, we hope, will be minimal. We will transfer across the legislative framework and deal with things that will not be operable so that, on day one of exit, animal keepers should not notice too much difference. That does not mean that we have not got an appetite for change, but we know that time is short and we only have two years to review all this legislation, so our aim is to transpose it and make sure that it works and then, over a longer timeframe, think about some of the policy changes that we might want to make. We are about to start talking to the industry about what those opportunities are.

**The Chairman:** Thank you. Perhaps you could just give me an example of where the UK, independent of the EU, has legislated on these issues, or is it all completely EU-driven at the moment?

**Professor Nigel Gibbens:** The process of entering the EU is to align your legislation, so we had a historic body of legislation which we did not need to change; our Animal Health Act pre-existed. Once you enter, then you are fully aligned, so in all of the time that we have been in the EU our legislation has been made jointly with the other member states and then implemented here. It is a long time since we took any measures in isolation. There have been examples where you can go beyond EU law, providing you do not impede trade, where we have had enhanced welfare, for example, banning sow stalls and banning veal crates. They are all examples where the UK went first and the EU has now caught up right across the scope, which shows the UK's leadership on animal welfare but also shows a continuing commitment from the EU, so now I think we are fully aligned.

**Viscount Hanworth:** You said that there are areas, in your opinion, in the legislation which will not be operable. Can you open that box a bit and tell us what is inside, or is it Pandora's box?

**Pamela Thompson:** There is an element of Pandora's box. We are going through all the detail now, but perhaps a simple example would be if a piece of European law points to another piece of European law, so that if we transposed it directly into the domestic framework it would not make any sense. For example, in the area of animal diseases, if we have outbreaks of certain animal diseases, we are co-funded by the EU and that might be referenced in legislation, pointing to an EU financial framework. We would not want to transpose that straight into domestic law because, clearly, we would not be party to the EU financial framework, so we would need to tweak that a little bit.

**Viscount Hanworth:** So it is the inoperability of the legislation rather than any substantive issue?

**Pamela Thompson:** I think so, yes. Our assessment so far is that the issues are more of a technical legal nature rather than being completely inoperable and needing a whole new framework.

**The Chairman:** I think we will come on to this more under the Great Repeal Bill, so-called, in a further question.

Q73 **Lord Cunningham of Felling:** Is it completely accurate to claim that the UK is a world leader when it comes to animal welfare issues?

**Professor Nigel Gibbens:** I think we have a very strong claim. In 2014, World Animal Protection—an alliance of animal protection groups and probably the global leader—produced its Animal Protection Index, looking in some depth at both the legislative framework on welfare and how it is applied across the world. The UK was among the top four, along with Austria, Switzerland and New Zealand, so perhaps ahead of some others who you would think would give us a good run for our money—the northern Europeans, who are very strong on animal welfare. It is true that we are very well placed and we have something to be proud of and to maintain.

**Lord Cunningham of Felling:** In that case, when we relinquish our membership of the European Union, as we are going to do, what disadvantage, if any, will fall on the United Kingdom when we are on our own in terms of animal welfare?

**Professor Nigel Gibbens:** I cannot see any disadvantages. We have a body of welfare legislation at the moment consistent with EU legislation and, subject to the nature of any free trade agreements, we will have latitude to consider our own legislation, frame it the way we want and consider how that might be regulated and enforced, which will be a UK function. We will still be operating globally, so we will always have reference back to the international standard, which is the World Animal Health Organisation, the OIE, based in Paris. The international organisation sets standards, including on welfare, and it is in our interests

to make sure that those match our very high standards and continue to, so operating as the UK I do not think brings any disadvantages in this area.

**Lord Cunningham of Felling:** You are confident that the will exists to maintain this very high level of international standards in the UK?

**Professor Nigel Gibbens:** I know that you will be talking to George Eustice MP in the future, but our Ministers have committed very firmly to this. Maintaining our standards of health and welfare is a strong commitment of our Ministers and I do not see any sign that that will change.

**Lord Cunningham of Felling:** Finally, if I could ask Ms Thompson, you mentioned in your earlier answer the corpus of EU legislation which covers this area and you said that it is quite substantial. How many individual pieces of EU legislation covering this field are there?

**Pamela Thompson:** If you will bear with me, I have the figures here somewhere. Bearing in mind that this also includes plant health, so it is not separate from animal health, there are 373 items of legislation in total where 86 of those are domestic and 287 are EU. We have been through every single one of those to test whether they will be operable after we have exited.

**Baroness Sheehan:** To what extent are we reliant on EU structures in enforcing legislation?

**Professor Nigel Gibbens:** Enforcement is in our own hands when we have a body of legislation. One of the key issues when we take EU legislation and make it active in this country is that the enforcement part is for us, so that is firmly in our hands and will remain the same. We do relate to a number of EU bodies across the area of health and welfare, which gives us strength. We will come on to this later, I think, but we are part of a network of laboratories that provide very high levels of diagnostic capability. That gives us surveillance at EU level and connectivity across the world. We will have to make sure that we maintain that. We are very strong on science and very strong in this area, but we will have to forge new alliances outside what is quite an effective and close EU framework. They are very particular and we can let you have a list of all the bodies that we relate to, bodies that inform EU legislation. We will need to inform our own legislation with our own assessments. The European Food Safety Authority is a good example where they carry out assessments of risks to animal health and welfare and public health and then advise the Commission when it frames proposals for EU law and we, as a member state, then engage with that process. There are some very important institutions, but we are strong on science, so we are fully capable of dealing with that ourselves.

**Lord Rooker:** Good morning. I do not have any interests, but I was still at Defra until October 2008, which was some six months after Nigel became the CVO. I do not want to put words in your mouth, but on what

you have just said about the fact that we are really under international rules relating to animal health from the OIE, the fact is that leaving the EU gives us no scope whatsoever for a bonfire of red tape and so-called Regulations, does it?

**Professor Nigel Gibbens:** It does not.

**Lord Rooker:** That is all I need to know. Thank you.

**The Chairman:** We do not normally operate like a court of law where it is over to the defence.

**Lord Krebs:** Just to pick up on your comments, Nigel, before Lord Rooker's question, you were mentioning that EFSA provides certain risk assessments that inform decisions by the Commission and we are part of that process, so am I right in thinking that, post Brexit, to the extent that we do not have them already, we will have to create those institutions in the United Kingdom?

**The Chairman:** I think we will come on to that in question 5, Lord Krebs, if we could deal with it then.

**Lord Trees:** Just to follow up Baroness Sheehan's question, in the area, for example, of environment, which we will be considering as well, much has been made of the fact that the European Court of Justice and, indeed, the Commission have been important governance mechanisms that could take infraction proceedings against governments that fail to enforce the rules. Is that at all a danger in our case? We have the scientists and so on, which is fine, but if we were not maintaining certain standards would there be any other independent third party that could take the place of those bodies which could enforce and tell our Government, "Hang on, you're not meeting the appropriate standards"?

**Professor Nigel Gibbens:** That is an interesting point. We will not have that same direct relationship with somebody standing on our shoulder and looking at our implementation of the framework of EU law in the systematic way that they do. However, our standards, our application of those standards and the degree to which the world has confidence that we are applying those standards will be key to our trade and, of course, the Government will have to have regard to consumer confidence across the whole scope as well. We will lose the policemen in that way and will have to look at maintaining our own standards because it is the right thing to do, and actually a lot of what the EU does is to look at our ability to do that. Infraction is rare when you have failed, in a timely way, to implement law, for example, and there can be reasons for that. It will make a difference, but I think we will still be subject to effective scrutiny both from our trading partners and internally.

The EU will continue to be a very valuable trading partner. In the process you refer to, essentially, managed by the Commission doing pretty forensic investigations of the application of EU laws, they do the same thing to third countries, so if we are in a third country position we can

expect them to turn up in much the same way, and if we are trading on the basis of their confidence in our ability they will check that in much the same way. I do not like the idea that we rely on somebody else to be our policeman for us doing the right thing within our own legal framework, however, so we need to have our own systems in place.

**The Chairman:** Have there been instances of infraction in the last 10 years, as far as you are aware, in this area?

**Professor Nigel Gibbens:** In this area, I cannot call any to mind. There have been times when we thought we might be getting close, but largely for procedural reasons around the time it has taken us to apply EU law and put it into our domestic law, and there are various reasons for that.

**Lord Cunningham of Felling:** Is that true for bovine TB in the UK?

**Professor Nigel Gibbens:** Yes, it is; we have not been infringed. The sabre has been rattled in our direction.

**Lord Cunningham of Felling:** How close have we been to infraction?

**Professor Nigel Gibbens:** Actually, our relationship with the Commission has been pretty good of late. It wanted us to have an accelerated TB eradication programme and that brings with it EU support, so we are currently benefiting from EU support to the tune, going out of EU coffers, of about €30 million, contingent on us putting in place that accelerated system. After some long time with us saying, "We're getting on with it ourselves, thanks very much", the EU said that they really thought we should have an accelerated system. We have an accelerated system and we did not infract.

**The Chairman:** I have one last question in this area. You were very bullish about us keeping our standards up.

**Professor Nigel Gibbens:** Sorry, I am not supposed to do that.

**The Chairman:** I regretted saying that as I said it. If we are so good and we have been pulling the rest of the EU along with us and are no longer at the table, is the rest of the EU going to backslide? Will that divergence be greater after we leave and does that make us uncompetitive? That is the concern of the agriculture industry.

**Professor Nigel Gibbens:** I can feel my colleagues in the EU flinching and my telephone starting to ring when I get back to the office. I think that welfare is a good example where the UK, for various reasons, and that is now historic, led the field in welfare. The EU is very committed to welfare. Applying good animal health controls is the essence of the single market, so I think it is not reasonable to say that we have dragged the EU along with us; they will maintain those standards because, across the members, it is the essence of how the single market works and again global trade, as I said before. I do not think our leaving will lead to any backsliding. It is quite interesting that the EU and we, which we may come on to later, have been going through the process of looking at the

EU animal health Regulation, which will be in the process of being put into force as we are leaving and, in that context, the Commission recommitted to applying OIE standards systematically, so they will not backslide because they are committed and we will be in the same way because we will be trading globally.

**Viscount Hanworth:** How good is our reputation, whether deserved or not, for the control of animal diseases? How does our record of epidemic diseases in livestock in the UK compare with the record elsewhere in the EU? I am thinking of, for example, foot and mouth, mad cow disease and bovine tuberculosis, and there may be others that I am not aware of. How does that record in the UK compare with infectious diseases elsewhere in the EU?

**Professor Nigel Gibbens:** That is a fair challenge. We have had very significant diseases. BSE was unprecedented. The UK dealt with that very effectively, but it took a very long time. I think people look at that and say, "Well, that happened to the UK", but they respect the epidemiology that underpinned very effective intervention which was ultimately translated in the way the EU applied disease control when, inevitably, it started to affect other countries. It does tarnish your reputation when you have major diseases. Foot and mouth disease in 2001 was the biggest epidemic that has happened in a free country in a developed world situation, and we got respect for tackling that, in the end, very effectively. That was, for such a big challenge, arrested in pretty short order, so again I think we have respect for our ability to do that. More recently, with outbreaks of avian flu, for example, we have a good history of arresting those quickly, so, with the current epidemic that is happening across Europe, some member states have experienced farm-to-farm spread, which has led to many cases, over 200 in some cases. Ours have been limited.

**Viscount Hanworth:** We have been good at isolating farms.

**Professor Nigel Gibbens:** We have been good at isolating disease, applying a policy of rapid stamping out, as it is called. You are right, it is mixed because of our history, but against those very severe challenges I think we have respect for how we do it and how systematically we take animal disease.

We are also, I would say, good at surveillance. We learned from BSE that we have a framework of surveillance that we need to maintain, but our international surveillance and our ability to spot threats as they come towards us is respected too.

**The Chairman:** We move on then to the Great Repeal Bill.

Q74 **Baroness Wilcox:** Are there any particular challenges associated with the Great Repeal Bill for animal health and welfare regulations? The second question is: what are the implications for livestock farmers and animal health and welfare in the UK if the Great Repeal Bill transfers outdated EU law into domestic law, and should it take account of new or



revised proposals on, for instance, veterinary medicines?

**Professor Nigel Gibbens:** There is a timing issue here. I think the particular challenge for our regulation, and not particularly, is that the devil is in the detail. We are comfortable with the framework of legislation; it mirrored what we had before. Mirroring it, going forward, is largely the right framework, but we have to make sure that we do not miss the detail. EU legislation is in the process of changing, so the EU has agreed the Animal Health Regulation. I will stop talking in a minute and hand over, because Pamela has been leading this journey for some time. Veterinary medicines is another one which is a little further back in the track of coming towards knowing what you will get. The UK needs to remain fully engaged with that while we are still a member of the EU to make sure that that legislation is as good as it can be as we transpose it into UK rules, recognising that, of course, part of any free trade deal is meeting the standards that are now in our trading partner. That is my take on it. They are not devastating challenges, but we need to get it right. Pamela, do you want to add?

**Pamela Thompson:** We have talked about the challenge already a little bit. I think it is in the volume of legislation that we have to deal with and the fact that we have to go into the detail and make sure that we get it right.

On your particular question about new legislation and whether that should be covered, that would be extremely tricky to do, legally. For example, the veterinary medicines one, which you referenced, is still under negotiation in the EU and it will still be under review for the next two years, so we are not expecting that to come into application until 2020, after we have left. It would be very difficult to point at that in the Repeal Bill when we do not know what the end game will be and what it will look like. We need to make sure that we have the right legal mechanisms in place to be able to track that and, when it is a done deal in Europe, decide whether we want to adopt that full framework as it stands or whether we might want to do something different, because by then we will be outside of the EU.

As Nigel said, it is not just the veterinary medicines and the medicated feedstuffs but the whole animal health framework and the whole framework for official controls, the enforcement side. That is all under review, it is all changing and it will come in after we have left, so we are looking really closely at it all. We like a lot of what is in that new legislation and, in fact, we were very influential in the direction of travel on some of that to make it much more risk-based and evidence-based. We will be tracking it really closely and then working out a way of adopting the bits that we like. Clearly, we need to be mindful of the deal that we get on trade, so we will not be able to pick and choose necessarily, but we will need to think about the deal we have done on trade and whether we need to wholesale adopt those new pieces of legislation and whether we have room for manoeuvre.

**Baroness Wilcox:** That was very helpful. Thank you.

**The Chairman:** Do you have enough resources to get this all in place in two years then, Pamela?

**Pamela Thompson:** We have done a lot of work on that. I think that when it first hit us we had to stop and think of how much resource this would take and in the early weeks we struggled to have the right people. It is not just about the bodies doing this; it is about the people who have a depth of knowledge who can go into the detail of the law. We have a really great legal team who are really on to it and the policy teams are really focused on it now, so I feel confident now, six months in, that I have the right team behind me to be able to do it. It will remain a priority for the next two years because we have to get it right.

**The Chairman:** That is very confident. Thank you.

**Duke of Montrose:** I have to declare all sorts of interests. I am president of the National Sheep Association, with a livestock farm getting Common Agricultural Policy funding and land management in various ways. Will the animal welfare review be finished before the end of the two years? You said the medicines side of it will not be finished before 2020, but what about the animal welfare review?

**Pamela Thompson:** The European Commission is not at the moment reviewing in its entirety the animal welfare legislation, but there are elements that are changing. For example, under the official controls Regulation, there is a requirement for a new animal welfare reference centre, and the European Commission has 12 months to get that in place, so that is one of their primary focuses on animal welfare and should be in place before we have left. I think we have more scope perhaps on the animal welfare side to look at what we might want to do ourselves because of the fact that the European framework is fairly static in that area.

Q75 **Lord Krebs:** My question is about animal disease and particularly asking to what extent the prevention, detection and control of disease, such as bovine TB and avian flu, is done through the EU and in co-operation with other member states. Are there particular disease prevention or control programmes that the UK will be leaving? In asking the question, I should declare that I have been involved in advising the Government on bovine TB and BSE when I was at the Food Standards Agency as well as on foot and mouth disease. To quote one bit of evidence that we had from the National Office of Animal Health, "In the future, we will still need to continue to co-operate with our European neighbours to ensure that appropriate measures are in place to prevent and control disease outbreaks". Do you agree with that and, if so, how do you envisage that happening?

**Professor Nigel Gibbens:** I do agree. I fully expect the EU to continue to be a close trading partner, so there are elements of our prevention, detection and control that are entirely UK-focused, such as our ability to detect disease quickly and our ability to respond is a UK ability. Currently, we draw on a funding mechanism, so we get co-funding to

support part of that, and I have already mentioned that we get support for our TB programme currently, so we will be withdrawing from that. The other important thing is the framework that allows EU member states to recognise disease quickly and share knowledge about where a disease is and where it might have gone to, so our ability to trace, if you are in a very high-volume trading situation, is very important. Those systems that allow animal movements to be tracked to give traceability of animal products that might spread disease will be critical and we will need to adjust that for the future, operating outside of the EU but with a very important trading partner. I think there is a clear change there.

The degree to which we work together scientifically is very important. The UK, as you will be aware, holds many EU reference laboratories, and we are currently the EU reference laboratory for avian flu, but not for TB, and we are the EU reference laboratory for foot and mouth disease. Almost inevitably, we will lose the EU reference laboratory because we will not be an EU member country, but we will still have the strength of the science done in those institutions, and the EU does not operate in isolation in this area, so it onward relates at a global level and we will need to substitute our knowledge, our intelligence-gathering and our influence from the EU level through to the global level, sharing with the EU. That is all to be worked for. Fortunately, the community of scientists is a community of scientists and I think there will be good will to make the best of what we all have to do, and you cannot ignore the need for intelligence and to learn from what is happening across all our countries. Again, avian flu is a very good current example of where we have seen countries, struck by the disease, progressively building an understanding of the epidemiology and progressively working up a response which, ultimately, I hope will be successful on this occasion. That is as much as I want to say. Pamela, it is probably not your area.

**Lord Krebs:** To ask one follow-up, you mentioned a few minutes ago that the European Commission had been encouraging the UK to achieve TB-free status, so that is an official recognition that comes from the Commission, I guess.

**Professor Nigel Gibbens:** Yes.

**Lord Krebs:** Once we have left, will that recognition become irrelevant? If so, who will recognise us as being TB-free?

**Professor Nigel Gibbens:** It is a good point. In those terms, there is not such a strong link between recognition and how you might trade or the framework of checks you make, so obtaining free status when you are in the EU gives you more latitude to adjust your disease control because you are operating from an essentially free position and some checks required for trade are reduced.

The OIE has a similar recognition and sets a level of prevalence under which you can consider that you are regionally free, so there is that recognition, but third countries tend to deal on an individual basis with how they view that claim for recognition and how they will, therefore,

deal with you. It will have changed and there is still a framework, but I think we will make our case on the strength of our position. On TB, we hope to gain EU recognition that a good half, but not the greatest part in cattle population terms, of England is close to achieving and we can make a case for regional free status. That is a good thing to achieve before we leave the EU because it is important that the EU recognises our position and progress as it deals with us on a different footing.

**Lord Krebs:** So that would be the part of England where there is not much dairy which will be TB-free?

**Professor Nigel Gibbens:** Exactly. There is some and there are fewer cattle. We are very clear-eyed about where our biggest challenge lies and that is the area that is not yet free, but claiming that area as free and maintaining that freedom is well worth the effort because it is, as you well know, part of arresting the epidemic.

**Viscount Hanworth:** Can you say something about the primary vectors of disease and how they affect disease control? We need not get into a discussion about badgers, but can you cover the area briefly?

**Professor Nigel Gibbens:** Yes. That is quite a big area. Probably the best way to approach that is with respect to trade. Within the EU framework, we deal with the most important diseases, and they are important because of the scale of their impacts and their ability to spread. Foot and mouth disease is a good example because it affects multiple livestock species, cattle, sheep, pigs and others, and it is incredibly infectious, contiguous and spreads by the movement of animals and by the movement of products. It will survive in fresh products and in some cured products, so your trade controls are critically important. The EU's framework of trade controls is the one that we share, and we will only trade with countries we consider safe with regard to that particular disease, which is a mixture of their disease status, the functioning of their veterinary services, our confidence in them and so on. Foot and mouth disease is a very good example from that point of view.

With others, traditionally the framework of law is looking at avian flu in a similar way, as highly infectious, potentially very fatal, generally spread bird to bird, and in by-products, as it will survive in meat, highly pathogenic, and now we have wild birds very clearly acting as global vectors. That brings a new dimension and limits the degree to which you can apply that stamping out control measure and say, "We'll walk away now because it's all done because it's gone", but it is not, it is still there, which is exactly where we are now where birds are a vector in a way that we have not previously had to deal with them.

There is a range of diseases, some of which might emerge which are borne by insect vectors, and they present similar challenges. You have blue tongue, which visited us in 2008 or so, spread by midges and by cattle, so you have both factors happening. Cattle infected during the period of infection, which was quite long, will spread the disease, but it will also come in clouds of midges capable of crossing the Channel, and

that is what happened. That limits your ability to control spread by import controls because now, as you said, the proximity becomes so much more important and highlights how important awareness is of where disease is, how it is travelling and what level of threat you face. With blue tongue, farmers are now armed and there are vaccines available to be used, but to use them they need to be informed of the risk and be prepared to apply them, so that network will continue to be important. Last year, we thought we might get blue tongue again and we did not, which was because of the level of knowledge we had of how it was behaving in France.

**Duke of Montrose:** We keep on being told that the revenue for agriculture might go down the New Zealand route. Does New Zealand have more stringent regulations? It seems to me that they have much more heavily implemented border controls than we ever do. Do you see us having to implement that level of control for the UK and having to provide more facilities for holding animals and things like that, which we used to have and have very little of at the moment?

**Professor Nigel Gibbens:** It depends on the nature of any free trade agreement with the EU as to what level of control would be operated. If you are entirely outside any free trade agreement, the UK will have to consider what requirements it requires at the border, but it will be our border that we are talking about. Quite a lot of the time we are talking about a European border, so what crosses our boundary has already been checked in and it is systematic and consistent across member states, so that is potentially quite a big change, depending on the nature of how we relate. For third countries now, of course, we already operate that system. We have border inspection posts and they are subject to certification and checks on arrival.

On the opening point, New Zealand famously withdrew all subsidy and, essentially, went into a very commercial way of operating as an agricultural system. It brought some great strengths after a period of pain in their focus on animal health and their focus on their trading partners, so they are very focused on meeting their trading partners' requirements and, to do that, they have quite a strong framework of legislation now. Some of it has been driven by the EU because the EU is such an important trading partner. We will find, as we said right at the beginning, that our framework of control will be crucial to our relationship.

**The Chairman:** We will look at trade a bit more later on.

**Lord Rooker:** Briefly, I just want to raise the issue of controls. On animal feed, basically a third of what we grow is to feed animals but we import a huge amount. Now, as I recall, the control and audit of that is down to local authorities. At the end of the day, it is local authorities, incredibly vulnerable, which take very little interest and do not take it seriously, but they are able at the moment to be pushed by central government under the threat of the EU Food and Veterinary Office coming over and doing us over—the threat of infraction, in other words.

Are you satisfied that our framework for checking imported animal feed can be left to local authorities? Do we need to toughen up the way we control that activity to make sure that it actually takes place?

**Professor Nigel Gibbens:** Local authorities are under pressure and we need to be very alert to that and make sure that we work closely with them so that they maintain that effort. Checks on imports have a benefit in that they are chargeable, so the local authority puts effort in and it can charge it back. I share your concern, though, that it is something that we need to keep a very close eye on and, if we are the first, a lot of product is cleared through other member states' border inspection posts and, if we are clearing all of our own, there will be a greater demand for input to be able to do that, so it is a very good point that we will need to be very alert to.

**The Chairman:** Thank you. That is very useful.

Q76 **Baroness Sheehan:** We have touched on some of these issues, but I wonder if you can give more comprehensive ideas to us of EU bodies and agencies which assist in the prevention, detection and control of diseases. Also, to what extent will the UK need to replicate or replace EU bodies and agencies post Brexit? I have heard you speak quite a lot about the fact that we will have to stay in alignment because of trading with the EU, but we do not know what that relationship will look like and, whatever happens, there will be a transitional period. From everything that I have heard, we are very reliant on the good will of our EU partners that we work with in this area at the moment. How will those relationships be affected, if you could add a couple of lines on that, during the transitional period?

**Professor Nigel Gibbens:** The relationships are mutual, I think.

**Baroness Sheehan:** Deal with the relationships first and the bodies that we are talking about.

**Professor Nigel Gibbens:** The relationships are mutual; they are jointly supporting. Some of our scientists are at the core of the EU capability in certain areas. In other areas, others are very strong, and blue tongue is a very good example where we have our own very effective blue tongue teams and we work together. Looking forwards, I am entirely confident in our ability to produce the evidence and analysis to underpin disease control decisions. We have excellent scientists across government and academia, which will allow us to do that. That is not an issue. We get great value by collaborating, so that goes beyond your immediate response to things such as research partnerships which allow you to look for the next new vaccine. Would it not be great if we had a vaccine for avian flu that was effective and easy to apply? That is the important relationship that we need to maintain, along with, as we touched on before, our knowledge of what is happening in other member countries and their willingness to share so that we are quickly able to deal.

We can let you have the lists of bodies that we deal with and systems, but they are not just the science organisations; there is a system, ADNS, which all the EU member states report into, which rapidly reports disease findings in member states. That actually onward reports into the OIE, so we still have access to that data, but it is an important EU system. There is TRACES, which maps and logs in real time the movements of animals and certain products across the EU so that if something goes wrong you know where it has gone very quickly. We would need something that looked very like that if we were not going to continue to take part. With risk assessment agencies, there is more than EFSA; there is the Medicines Agency, which is very important. We have already touched on the changing framework of legislation, but we need continued access to medicines to be licensed such that they can be used in the UK so that we can deal with our domestic animal health issues.

**The Chairman:** Do we have to replicate that here and have our own agencies?

**Professor Nigel Gibbens:** We have our own veterinary medicines agency which is well-respected and does quite a lot of approvals on behalf of other member states, mutual recognition in the framework of approvals, so we are very good. The European Medicines Agency has the advantage of a central system of authorisation where you authorise what is there and you have access to all member states. We will become a smaller market when we are just the UK. Pharmaceutical companies make pretty hard-nosed decisions about whether the market they are trying to supply to is sufficiently rewarding that they will go through that market regulatory framework where the authorisation for medicines is prolonged, costly and it is a real decision. There is a lot to play for in this area in the degree to which we go it alone or we continue to recognise other systems, but we have not done that work yet.

**Lord Trees:** You have mentioned the reference labs, Nigel, and there may be other labs. They derive quite a substantial amount of economic support from the EU. Can we be assured that their financial viability is sustainable after we leave?

**Professor Nigel Gibbens:** Our reference laboratories, like all science institutions, are constantly seeking to bolster their scientific programme through a range of sources, and the EU is one of them. It costs to be an EU reference laboratory as well because we do a certain amount of work, but it is true that it bulks up the work that is being done by that laboratory, so we will have to look at how that continues to be supported. We will be, and are obliged to be, absolutely committed to having national reference laboratories that continue to function for our essential work. This links very much to science funding and the availability of science funding. I am really pleased to see the Government's ongoing commitment to science funding and we will need to make sure that we deploy that to maintain our capability while we are doing really great science.

**The Chairman:** Viscount Ullswater, I think we have covered a fair bit of

this, but I do not know whether there is anything that you would like to flesh out that has not been covered.

**Q77 Viscount Ullswater:** Perhaps I should, and I should also declare an interest as a trustee of a landed estate in Cumbria. We have strayed into research already with the most recent questions. Are there any particular challenges for research, authorisation and quality control and the availability of veterinary medicine in the context of Brexit?

**Professor Nigel Gibbens:** On research funding, we take part obviously in the EU funding mechanism. There are a lot of funds coming through that with the Horizon 2020 framework. The Government are committed to underpinning research bodies that bid into that and gain funding, but the EU shows every sign of continuing to be fair with us on access to that funding. Beyond that, we need to look at how we use our funding and how we collaborate effectively. I am pleased to say that the EU is funding, but the UK is leading, STAR-IDAZ on international disease co-operation, which seeks to co-ordinate globally, never mind the EU, so I think we should continue to be players there. What we need to do is look to get partners where the funding we have is matched and some of that should come to our institutions. We have to accept that in a collaborative framework some of it might go somewhere else. There is a lot to play for and it is important if we are going to maintain our strengths. Did I answer your question properly?

**Viscount Ullswater:** I think it does in part with the EU, but would there be other funding from international bodies for research? You say that a lot of the standards that we keep on animal disease are equivalent to the international standards. I expect that they fund research too. Is that correct, and would there be any funding available for the UK after Brexit?

**Professor Nigel Gibbens:** Some, but I think that the UK is a major science funder. The OIE, the World Organisation for Animal Health, is significantly smaller and much less funded than the World Health Organisation, so the funds they have to dispense are relatively small. They have the World Animal Health Fund and, basically, that runs in the same co-operative way where major contributors put money in and the OIE then co-ordinates how that money might be used. It is often used not on science but to support the development of countries' veterinary systems. The FAO does not have a lot of money to dispense; it is always looking for funders to put money in and to try to co-ordinate and direct how it is used. I think the ongoing commitment to science from this country will continue to be ongoing. Our chief scientist in Defra is very keen to make sure that we stay networked and we use our funding in a smart way to be part of frameworks and to lever the outcomes that we want for the global good, not just as a self-serving thing but to make the best of what we have and to bring some of that money back to our institutions.

**Lord Krebs:** Can you give us some figures on the Defra science spend and how that has changed over, say, the last few years?



**Professor Nigel Gibbens:** I will have to come back to you on the totality of our spend, but it has declined over the past few years. Our science spend is under pressure and has declined substantially, but there has also been a shift. With the BBSRC, the research council funding is being maintained, so that is fundamental science. Defra's science spend is tending to fund the reference centre and the diagnostic capability and we use it to fund translational science, but I need to come back to you on the numbers so that I do not get them wrong.

**The Chairman:** Please do.

**Lord Cunningham of Felling:** I have the same kind of question, Chairman. European reference laboratories and institutions will leave the UK when we leave the EU. Is that correct?

**Pamela Thompson:** That is our expectation, yes.

**Professor Nigel Gibbens:** Yes.

**Pamela Thompson:** The negotiation is still to be done, but that is what we expect to happen. There is no precedent.

**Lord Cunningham of Felling:** So the question is similar to Lord Krebs' last question: how much scientific funding will the UK lose from the EU as a consequence of those changes? You can write to us if you do not have the numbers.

**Professor Nigel Gibbens:** Again, we do not have the figures with us, so let us come back to you on that.

**The Chairman:** Do not bother to guess. If you come back to us, we would find that very useful, as a Committee. Duke of Montrose, we move on to trading standards.

Q78 **Duke of Montrose:** We have had written submissions from organisations that are worried about the import of livestock and food materials from countries with lesser standards than we have. To what extent will animal health and welfare be affected by a new trading regime with the EU and with third countries? Some argue that Brexit is an opportunity to put an end to the trade in live animals. Is that realistic or desirable?

**Professor Nigel Gibbens:** There is a lot in here. It is very clear that the Government are committed to maintaining high standards of animal health and welfare. The framework of trade is underpinned by international standards on animal health and, therefore, we can be assured and, if we go into free trade agreements, it is in our gift to negotiate those. We, like the EU, have a strong history of taking our appropriate level of protection for diseases we do not have and we want a negligible risk of importing disease and will maintain that approach.

On animal welfare, it is slightly different. It is not a directly allowable barrier in WTO terms and, therefore, that is only applied in the context of

free trade agreements, but if the UK is seeking to negotiate free trade agreements you can definitely put animal welfare on the table.

**Duke of Montrose:** If I could come back on a slightly related topic, the EU at the present moment has a ban on the import of hormone-treated beef which is not strictly WTO-compliant, from what I understand. What luck will the UK have in trying to enforce the same ban?

**Professor Nigel Gibbens:** We will be masters of our own import standards, so, in the same way that the EU has taken up that position, the UK will be at liberty to take up the same position. There is a cost to holding that position because the EU lost a WTO case on the basis of hormone-treated beef and continues to pay a penalty as a consequence, but we have that choice; we have that sovereign right. Again, that will apply whenever one wants to apply higher standards, for whatever reason, that go beyond the standards set by the standard-setting body, in this case the OIE or Codex, or what can be scientifically justified so that if you want to apply a condition for trade you have to be able to scientifically justify it.

I dodged your question, so I will come back to it, on the export of live animals. Within the EU framework, you cannot ban exports of livestock. Outside the EU framework, we are still bound by WTO rules. To ban the export of live animals, you would have to have a point of difference that allowed you to justifiably say that there was a basis to require that ban. That is being explored carefully by the Government, but will not become an issue until we have left the EU. Pamela, do you want to add anything?

**Pamela Thompson:** No, I think you have covered it.

**Lord Rooker:** On this issue of hormone-treated beef, you say that when we leave we will be our own masters, which is true, but if the price of a free trade agreement with the United States of America is that we start to take in hormone-treated beef and a consequence would later be that beef products from this country would be banned into the EU, where do we gain from that? We are not actually our own masters. In other words, and it is early days to ask, will the Government have a red line in our negotiation of a free trade agreement with the United States not to accept hormone-treated beef?

**Professor Nigel Gibbens:** I am afraid that one is not one for me. Some of these will be choices that the Government have to make. The FSA would set out the science that underpins such a discussion, but you have put your finger on a very important point, which is that free trade agreements, whether with the EU or somebody else, can constrain what you do in respect of certain policies, and one of those might be your import policy. We would not trade with somebody who had a very loose, very risky import policy. That is one of the factors we look at when we look at our trading partners, so it is a very good point. There will be a constant interplay between what agreements we are seeking to have, what we therefore commit to do and what we can do in other arenas in different free trade agreements.

Q79 **Lord Trees:** That leads quite well, Nigel, to my question on non-tariff barriers, which you have alluded to already. I am particularly interested in the distinction between animal health and welfare. What is the capacity we have to impose standards in health that would interfere with trade, where I understand we could do it legitimately, and welfare, where I am not so sure we can? Can you clarify that?

**Professor Nigel Gibbens:** Yes, that is right. In WTO terms, animal welfare is not a legitimate barrier to trade. It is, therefore, set aside. When countries reach trade agreements, however, you can choose to put common or required animal welfare standards into those free trade agreements. The EU has gone some way to applying welfare standards in that when we import meat we require a certain standard at slaughter, and that has been accepted, but the basic position is that animal welfare is not part of the WTO framework. There was an example where the EU banned the import of seal skins, which was justified on a moral basis, but so far that is unique. I think the Government will continue to look at it, given their aspirations to promote good welfare and maintain high welfare standards here without disadvantaging our producers.

The other avenue that we can explore is that the World Animal Health Organisation has been very good at developing and gaining agreement to welfare guidance and, therefore, welfare standards, so there is a developing framework of what good looks like. That gives you the possibility to continue to progress that, which I am sure the EU will want to do, and you have something to cite if you are trying to reach a free trade agreement because you have a starting point.

**Lord Trees:** This is very crucial. The argument is that we will be a global free-trading nation, but there is real concern about differential welfare standards and that our producers will be at a disadvantage. Essentially, you are saying, "Yes, they might be". We will not be able to ensure, will we, that there is a level playing field? Will we be liable to have lots of imports of poorly reared chickens from wherever, and so on?

**Professor Nigel Gibbens:** The situation where welfare is not a key part of the trading arrangements applies at the EU level at the moment, so it is where we currently are. The framework of requirements we have—and this is not a sneaky barrier, this is just a fact—that requires us to have high levels of assurance of the standards operating, the health status, the use of veterinary medicines and their residue checking regimes, all adds up to a pretty comprehensive set of requirements, which means that on a like-for-like basis our producers are protected from lower-quality cheap imports, and it does not currently include welfare specifically. The EU has a history of seeking to embed welfare in any agreement on equivalence, say, that it has made, but we are where we are. I agree that the Government will need to be alert to it when they go into negotiations on free trade.

**The Chairman:** You mentioned that you and Defra are only responsible for English internal regulation on many of these issues. Does that throw up difficulties in terms of our trade going externally if we have four sets

of standards within one country that is doing a trade negotiation with another?

**Professor Nigel Gibbens:** Yes, potentially. I am CVO for the UK and, because I work for the Whitehall department and foreign affairs has been reserved for the Whitehall department, I am lucky enough to have that role, so I negotiate on the basis of a UK position. We have a common framework of law, so it is very simple; we are able to argue from that common basis. To my mind, it is very important that we maintain that. Because disease control is fundamentally based on good science and sound judgments about disease epidemiology and so on, it is pretty likely that we will stay sufficiently aligned that we can trade as the UK and continue to negotiate as the UK. My point at the beginning was that each country will set its own domestic policies, and I think your point is a good one that we all will have to have regard to how that impacts on our trade and ability to negotiate.

Q80 **Lord Selkirk of Douglas:** Perhaps I ought to mention an interest in a small family company with some pockets of land and an interest in, possibly, one turbine. What proportion of veterinary staff working in the UK livestock industry are non-UK nationals? To what extent is the sector reliant on EU labour and will there be specific jobs or roles that will be difficult to fill without access to that EU labour? As an extension to that, are there serious implications of access to that labour for livestock farming, animal disease control and food safety?

**Professor Nigel Gibbens:** It is an important question. I will start with the veterinary sector and what is close to the Government's need to provide our framework of disease control. We are strongly supported by non-UK veterinarians. In the food sector, it is estimated, and it is never completely precise because it is a labile market, that 85%-plus are non-UK graduates, and there are historical reasons that Lord Trees knows very well for why we are not so strong on meat hygiene. In government service, it is in the region of 60%, so that is very important. We are seeking to maintain their confidence to make sure that they do not leave in advance of any decision, given the Government's commitment to reach an early and satisfactory arrangement with the EU to maintain our ability to use EU nationals. There is a parallel with the wider sector, which I cannot really speak to on the details of precisely what percentages are used in different sectors. The sectors themselves have estimated and it is very substantial. In the same way that across agriculture less specialist labour has been drawn on from Europe, that is true in the livestock sector. It is true of people responsible for animal husbandry and, if you go out on the farm, you meet many that are of non-UK origin, but also in food production from primary all the way through, so it is a very significant factor.

The important thing, from my perspective, because I really want to reassure my colleagues that they are an important part of our team and they need to feel confident and valued, is that this such a big issue that it will not be marginal and dispensed of in the rounding, but this is an upfront, a very big issue, the Government are well aware of it and we will

have to seek the best possible outcome. We have a history of drawing on, again in my case, veterinarians globally, so this will not be new for us, but it is a very important dependency.

**The Chairman:** In fact, we have a vote this afternoon possibly over that issue.

**Lord Rooker:** Going back to the issue of imports, I genuinely do not know what we do. We import a lot of food, we are a big food importer and, going back to the welfare question, we import tonnes and tonnes of cooked chicken from the Far East, Thailand and Vietnam. At the moment, it is the case, because we are in the EU, that the checking of the quality standards at that end both of the animals and the process is done through the EU collectively. When we leave the EU, will we, the UK, therefore, lose the economies of scale of that and have to do it ourselves, because it is coming here anyway? In other words, what work have you done on the costs of sending our vets, our experts, around the world to check where the animals are being slaughtered for our use and cooked for our use? The EU will not be doing it because we will not be in the EU. There has to be a disbenefit of scale there for the United Kingdom, so is that something you have given any thought to?

**Professor Nigel Gibbens:** We are now giving thought to it. We need to plan for the possibility of that scenario where we are not able to share on the EU mechanisms and, you are right, it would require us to do our own inspections. It is not necessarily that that is the outcome, depending on what agreements we reach, but that is a possibility and we need to work on it. We do not have the figures now. Since we last did it, which was before 1993 under the imported food regulations, I was lucky enough to go on some. Since we last did it, you are right, the trade has dramatically increased in volumes, the number of companies involved and the number of countries. It is not huge still, but a significant change. Yes, it is work for us to do, we know it is work for us to do, but again a lot of this is contingent on what eventual outcome there is and how much we share because there would be a level of duplication.

**The Chairman:** That is an important point to end on; thank you, Lord Rooker. Professor Gibbens and Pamela Thompson, thank you very much indeed for all the evidence that you have given us; it has really been very useful indeed and given us a new dimension to our inquiry. Thank you very much indeed, and we look forward to your written information to follow on.