

Select Committee on the European Union

Energy and Environment Sub-Committee

Corrected oral evidence: Brexit: plant and animal biosecurity

Wednesday 16 May 2018

10.30am

Watch the meeting

Members present: Lord Teverson (The Chairman); Viscount Hanworth; Duke of Montrose; Lord Rooker; Lord Selkirk of Douglas; Viscount Ullswater; Baroness Wilcox; Lord Young of Norwood Green.

Also attended: Lord Curry of Kirkharle

Evidence Session No. 4

Heard in Public

Questions 40 - 49

Witnesses

[I](#): Lord Gardiner of Kimble, Parliamentary Under Secretary of State, Defra; Simon Hall, Director for EU Exit and Trade at the Animal and Plant Health Agency, Defra¹.

Examination of witnesses

Lord Gardiner of Kimble, and Simon Hall.

Q40 **The Chairman:** Good morning. May I remind Members to declare their interests when they first speak? I am a board member of the Marine Management Organisation. This is a public session and we will be taking a transcript. If anything is recorded incorrectly, you are welcome to come back to us and we will make any changes. We are also being webcast. I will leave it to you both to decide who wishes to answer questions.

¹ Note by the witness: At the end of the meeting, Lord Gardiner of Kimble declared his farming interests as set out in the Register of Lords' Interests

Perhaps you could first briefly introduce yourselves.

Lord Gardiner of Kimble: I am Minister for Rural Affairs and Biosecurity at Defra and deal with all matters relating to Defra in the House of Lords.

Simon Hall: I am currently Director for EU Exit and Trade at the Animal and Plant Health Agency, an executive agency of Defra. Until recently I was veterinary director of that same agency.

Q41 **The Chairman:** Thank you and may I say that it is good to have a House of Lords Minister present. Perhaps we can start with a general question. What is the Government's vision for post-Brexit plant and animal biosecurity and how is that being approached?

Lord Gardiner of Kimble: I would like to answer some of the more general questions because the moment we get into some of the technicalities about the arrangements, Simon will be able to give you a fuller picture.

On the general pitch, there are opportunities for biosecurity. We start from what I would call a highly respected capability not only in animal and plant health and disease and disease management but in invasive non-native species and also marine and aquatic health, which is extremely important and there are threats which we have been capable of dealing with. We want to build on the strong track record that we have around the world. I am not just saying that from the department's point of view. We are seen as a global exemplar of many of these disciplines, although I always think that there is more to do and to perfect systems as science advises us better.

We want to strengthen our reputation for high biosecurity standards and want to use our expert capabilities and resources to support this. With the new arrangements, we will need to look at how we are best placed. We have an ambition to be ever more biosecure. We are a trading nation and therefore need to continue in that balance—trading with EU countries and non-EU countries, mindful of protocols of biosecurity and having science-based and risk management principles at the very heart of it. As your Lordships know, we are strongly involved in the EU framework but also in our global reach. We will be going on to say how we wish to collaborate with the EU partnership but certainly our global reputation is strong and we wish to build on that. Our ambition is therefore ambitious.

The Chairman: You mentioned, fortuitously, marine issues. Is there a Brexit dimension for marine biosecurity?

Lord Gardiner of Kimble: We will be taking forward in the Withdrawal Bill all matters relating to marine biosecurity. We have a number of issues and concerns about arrival of marine species through trade, through water ballast in vessels, all of which is part of more international collaboration. When the Rhine and Danube were made navigable, the Ponto-Caspian species began to arrive here and there are species in the Netherlands that we would not want to have arriving at our shores. The speed with which we are trading brings challenges but we are a trading

nation, we will be importing and exporting, and our geography also has to be considered. I raise that because there is a lot to be considered in what New Zealand and Australia do but there are quite a lot of different dynamics to their economy and obviously their geography. We are looking all the time with the Chief Veterinary Officer, the Chief Plant Health Officer and the non-native species secretariat, who I know you met last week, at ways in which we can make this country more biosecure. It is ultimately by collaboration within the UK and the British Isles, within the European context and globally because we trade around the world.

Q42 Baroness Wilcox: What action are you taking to make sure that EU law is preserved and effective post Brexit? Will the plant health Regulation be transferred into UK law by the EU (Withdrawal) Bill and do you intend to preserve the precautionary principle in law?

Lord Gardiner of Kimble: First, as we all know, because we are going through it in this House, the purpose of the Withdrawal Bill is to bring forward all the work that has taken place on biosecurity in a European context to be on our domestic statute book so that there is certainty for this country, for businesses and the way we conduct ourselves. On biosecurity and the invasive species Regulation, which is a slightly later element to the European context, there are lists of invasive species covering only about three years, so there is a lot of work across Europe and this country that we need to think about regarding invasive non-native species. We will be bringing back that armoury on biosecurity via the Withdrawal Bill. The only elements on this that we will need to look at are where there are technical changes to make it compliant. If there is a reference to an EU institution, for example, we need to make it domestic. Other than that, the whole architecture of biosecurity within the European context will come over.

On the plant health Regulation—I believe we are talking about the proposed new plant health Regulation, which is scheduled to come in in December 2019—we have been in the vanguard of the work on this. Without over-egging the pudding, we have a reputation in this country. The officials who are working hard on this are leading on many of these areas and this is one where the new plant health Regulation has been very much a UK impetus. Depending on implementation periods, scenarios and the timing, anything that is of value (and we believe it is of value), at whatever stage the scenarios develop, we will certainly want to ensure that we have the best biosecurity and plant health regulations in place. The Department is working on all the different possible permutations and scenarios of our arrangements. A lot of important work has gone in, often UK-led, on the plant health Regulation and therefore, at whatever phase it is, we will be actively looking at how we can bring that work on to our statute book if, for some reason, one of the scenarios takes place. We are working on a sensible and reasonable deal with our EU friends and partners. Depending on what scenario takes place, the plant health Regulation has UK impetus and expertise.

On the precautionary principle, I shall give an example of how we base these things because the word “precaution” comes into the arrangements. I want to mention, because it was raised last week, Epitrix, which was a problem for new potatoes before our own potatoes came on stream from the Channel Islands. We were concerned about flea beetle arriving, which would have caused our own domestic potato growers considerable difficulties and economic damage. We decided on the basis of scientific evidence and a risk-management assessment, and with an element of precaution, that we should take national measures. We and Ireland were the only countries in the EU to take that but we took the view, with the assembly of scientific evidence, a risk assessment and the precaution, that we should act.

That is an example of where we took the view that we should be thinking about how we could best protect our country. All the architecture that comes in the Withdrawal Bill; our own scientific assessment and our expertise will be used as we go forward and make our new arrangements. The new arrangements on biosecurity could be that we want to take things more speedily. There are elements that are UK focused. I know that Nicola Spence said that searching on citrus is very different in the Mediterranean citrus-growing countries from how it would be in this country. There are ways in which we will be seeing our ability to take the judgment on the basis of science, risk management and that precaution.

The Chairman: May I press you on plant Regulation because, from what you say, there is a lot of good will towards what it contains and a lot of it is being driven by the UK, your own department and by yourself, no doubt. But do I take it from your answer that the Government are unclear what they are going to do with that Regulation?

Lord Gardiner of Kimble: It is not unclear as to the direction of travel, which is that we have worked on it and approve of it. I am saying that it depends on what the scenario is. We are all working to achieve a deal. If, for instance, there was no deal and this comes into place on 14 December 2019—although I am clear about the direction of travel, I cannot tell your Lordships this morning precisely how we would implement because it would depend on whether we have the implementation period. There would be mechanisms for that to come forward on to our statute book. We would need to see by what scenario our arrangements are taken forward before deciding what the vehicle would be for important pieces of work we support coming on to our statute book. I am sorry if that sounds either vague or unclear; it is not intended to be. We are absolutely clear about the merit of the work because many people in this country have thought that we and Europe, and perhaps more globally, need to think ever more strongly about plant biosecurity.

Historically we have been strong on animal health, disease and the way in which countries have dealt with animal health and disease. I think that some of the examples of why we have needed to enhance plant health—I use the example of Chalara—show where we should have been more

biosecurity conscious. There are all sorts of side points to Chalara reaching us naturally but I think that plant health is an area and why our officials have been very strong in supporting, European-wide, a much greater awareness of plant health. Xylella is on everyone's fingertips and there is a lot else going on. I am having an almost daily conversation with Professor Spence about these matters.

The Chairman: We are trying to get clarity on this because it affects a lot of people and it has come up regularly. If the implementation period happens as it is expected to, although we all know it is subject to various things, up to the end of 2020, would you expect in those circumstances for this Regulation to be adopted into UK legislation under the interim agreement?

Lord Gardiner of Kimble: I would expect this work to come forward because we actively engaged to get this work across Europe because we think that is necessary. We will be looking to have this work on our statute book. My point is, because I do not know the precise arrangements, that I do not want to promise something that may come through a different route if there is no implementation period. We are working on this overwhelmingly.

The Chairman: If we do not have an agreement, we are unilaterally able to implement it if we want to.

Lord Gardiner of Kimble: Yes.

Lord Rooker: I am still not clear. We have had a couple of evidence sessions, so we are basing this on the evidence we have had, which is public. Dr Robert Black told us that Defra had indicated that it intends to implement this Regulation even after Brexit. He based that view on a statement made by Professor Spence at a workshop at Fera in March. It was drawn to our attention that it is not clear that this commitment has been made on the record by the Government. It appears that you have gone out of your way to avoid putting it on the record by the Government this morning. People outside want to know what Defra is going to do.

On one hand a view has formed—it has been given in evidence to us—that Defra will implement this Regulation, even after Brexit. If you have caveats that you are building around it that you have not said that, industry needs to know. I understand the difficulty because of the complex negotiations, but there are qualified people out there who take the view that Defra has said that it will implement this Regulation even after Brexit. That is not actually the case because you have put all the caveats on it this morning. Industry needs to have a view about that, so that it is on the record.

Lord Gardiner of Kimble: I am in a position to say that the new plant health Regulation, which has had considerable UK input, is a force for good. In whatever scenario comes about, we will want to take forward what is contained in the plant health Regulation. Because of the different scenarios and the negotiations, it would be wrong for me to say that I

can tell your Lordships that this is the mechanism by which this work will be taken forward because I do not know what the final arrangements will be.

What I can put on record, and I apologise if this appears unclear, is that the direction of travel and what is contained in the plant health Regulation has come from us. We want it on the European statute book. I cannot envisage any reason why we would wish to weaken something that we are encouraging in an EU context if we were then to walk away from it. Because of the negotiations, because of the fact that no one knows yet the precise terms of our departure, although we increasingly want that, we are all in the position that we want the content of this Regulation to form part of our arrangements as indeed we have been encouraging it to be part of the EU context. I am absolutely clear about what the opportunities of the new plant health Regulations mean for us and our European partners and friends; I want to be as clear as possible given the remit in which I am speaking.

Viscount Hanworth: On specifics, you mentioned the case of the potato beetle or potato flea. In conjunction with the Irish, we took independent action to keep out the hazardous potatoes. Did we experience some kind of resistance from other members of the European Union in doing so and, if so, do you envisage that post Brexit we will have greater freedom of action?

Lord Gardiner of Kimble: This may move into an area that your Lordships want to discuss later. On that matter, yes, I do not think it was received as if it was something that they would encourage. Based on our science and risk assessment, we were concerned that if we did not take action—and our requirement was not to prohibit the potato but that it had to arrive having been washed—there were dangers in unwashed potatoes arriving. For trade to be safe in this country, and the Irish also took that view, given our potato growing traditions in both countries, this directly affected our domestic market and potentially brought in a pest.

Viscount Hanworth: I did not ask for justification for the action but the question is: was it easy to impose that requirement on the providers of these goods and thereafter will we have more freedom in doing so?

Lord Gardiner of Kimble: We will obviously not have to go through the hoop of going to the Commission and arguing our case and saying please may we take special measures or that we intend to take special measures or whatever tone the negotiations were to take. We will be able to act more speedily and take decisions that are more finely tuned for the circumstances of this country, whether it is in climate or producer emphasis. We achieved that measure because the force of argument was strong enough for us to take national measures and we took it in the national interest. If we are saying “what may be the opportunities in the biosecurity pest and disease, animal health and plant health invasive area when we leave the EU?”, it is that we can take our own decisions in emergencies probably more speedily but these are measures that we took during our membership of the EU. The point is that there are varying

hurdles to trying to secure an understanding from the Commission and other Member States because there were issues here with the agricultural production of another Member State. As far as I am aware, these issues have been resolved by the requirement for washing and therefore the problem has been abated.

The Chairman: We heard similar evidence last week that the EU had decided not to take further action and that it had worked.

Q43 **Lord Young of Norwood Green:** I am looking at a document from the House of Lords Library and it refers to the European Union Rapid Alert System for Food and Feed. We are currently a member of that. It enables information concerning possible food and feed safety issues to be shared between members, ensures that urgent notifications are sent, received and responded to collectively, and it goes on to list the existing members. Do you envisage our still being able to be a part of that organisation?

The Chairman: We will come on to that. It is part of Lord Rooker's question.

Lord Rooker: That was my question. I am not here to operate Parkinson's law. The question has been asked. We will listen to answer.

Lord Gardiner of Kimble: Some of this will get into the acronyms and the more technical side. I opened with our global reach because we want to collaborate and share information on all these areas because it is in our mutual interest both within Europe and globally to co-operate. There are all sorts of organisations and systems that are EU-owned. We have access to them and it is mutual access because, from the evidence that your Lordships have already heard, we have very considerable expertise here. I am pleased to have heard this week, on the EFSA animal health panel, that Professor Julian Drew from the Royal Veterinary College and Dr Helen Roberts from APHA are two of the 16 newly appointed animal health and welfare panel members of EFSA for the next three years.

Inevitably, it is EU-owned and we will no longer be a member of the EU. There is, however, a mutual desirability for us to continue collaborating with those organisations and with the scientists engaged. We will also make sure that we have developed fallback positions on immediate loss of access. I am very clear that it is in our mutual interest to ensure that there is a collaboration with those systems because disease and pests have no respect for borders, as we all know. Therefore, we need to look at things from not only a European but a global perspective. It is why at the monthly biosecurity meetings that Ministers have with the team, on both animal and plant and invasive species, every month we go through all the threats around the world. We will hear about foot and mouth in Turkey or something in Russia or China or avian influenza in Vietnam. This is because of the way that these things can reach us.

This is an area where a continuing collaboration, both at EU level and European level (because some of these systems have access to other countries beyond EU Member States), but also in terms of our global

reach - all of this is interconnected in the scientific and research world where there is considerable collaboration and things are pretty quickly put in the public domain. On EFSA, we will have two UK members being part of the panel for the next three years as an example. I will hand over to Simon.

Simon Hall: I do not think there is a lot to add but, briefly, the Rapid Alert System for Food and Feed is about food safety. I know that Professor Guy Poppy said something about it the other day. There are also other systems which are more within the APHA sphere of influence. There is the Animal Disease Notification System, there is one for plant health and there is one for invasive species. As Lord Rooker said, these systems are available to countries outside the EU so there is every reason to believe that we would continue to be able to participate. If for some reason that is not the case, there are global information exchange systems which we work with now. The OIE—World Organisation for Animal Health—maintains a quick-response database of animal disease incidents around the world which we actively use to understand the threats to ourselves but also report disease incidents that may have happened in the UK and which would worry importing countries. It is an information system but it is also a confidence system, because if you are seen to be transparent, people are more willing to trade with you.

Lord Rooker: You raised the issue of these two scientists on the EFSA panel. We were told last week that we have gone from the top provider of scientists on EFSA panels to the fifth on this round, and it is on this very round that the people you have mentioned were referred to (but not by name) last week. Whereas before we had the biggest group of scientists, after this we are losing out. We have gone to being the fifth biggest. That was given to us in evidence last week. I do not think I have ever said RASFF is worldwide. It is EFSA and it is the EEA, which the House has debated. The other countries are Norway and Liechtenstein. Of the 3,000 notices a year, which is about eight per day for RASFF—I do not know about ADNS—how many of those relate to biosecurity?

Simon Hall: You are leading me outside my competence here because the Food Standards Agency is what it is and, although we in APHA work closely with it, it has a different job. The RASFF system reports incidents of food safety concern to the citizens of Europe. In terms of animal and plant health and biosecurity – no, it's not about that. Obviously there can be a link with something like salmonella, which has implications for all. They are all part of the same family of information interchange.

Lord Rooker: What about the others? The Animal Disease Notification System is not RASFF. How many of those relate to biosecurity?

Simon Hall: All of them. As it says on the tin, it is Animal Disease Notification System. Whether it is an incident of a regulated disease such as foot and mouth disease or something that has less immediate impact but is a concern, that is what it is about.

Lord Rooker: Have there been any discussions about us becoming

associate members or something like that? And, my last question is do you receive these notices on a 24-hour basis?

Simon Hall: The answer to the second question is yes. To my knowledge, the negotiations in Brussels have reached nowhere near that level of detail yet. They are still very much about principles.

Lord Gardiner of Kimble: It is imperative, whatever the outcome of negotiations in these areas, that we have systems in place to ensure that notification systems are of the top order and that there is no way in which we become less biosecure because of whatever the outcome of the arrangements may be. That is why we are working, without being cryptic, on all scenarios. Because the world look to us as being a place of great scientific knowledge in these areas, I think our global reach will remain ever strong. In terms of the world reference laboratories ... There are all sorts of ways in which we should be confident in this country, without being complacent, of the capability of our vets and our scientists. We have a lot to offer in this area. I am looking to continuing mutual collaboration on matters where it would be unwise for anyone to think that collaboration is not the way forward. There is a great sense in the scientific community at global and EU level that this co-operation is in everyone's interests. The environment, particularly in this area, is where I hope a collegiate, collaborative experience prevails. Everyone will be a loser if we cannot find a positive way forward. Lord Rooker has raised the question of these systems. It is important that we find the resolution to this and I am confident that we will.

The Duke of Montrose: I declare an interest: I have a property in Scotland where we experience all sorts of diseases and invasive species plants, animals and fish. Do we have a right to membership of these EU committees at present? What will be our position after Brexit? Will it be a matter of chance whether British scientists sit on these EU committees?

Lord Gardiner of Kimble: As I have said, these are EU-owned systems. I mentioned two people who are very eminent and have been asked to join knowing that this is a three-year term. I cannot guarantee this morning that an EU-owned system will continue to want UK expertise in science. I hope so because it is in everyone's interests. Our collaborations on a global level in this area show that we are recognised across the world. We have these collaborations with world organisations on these matters because these are matters that do not just respect European borders as a mass; they are of vital interest to us in our work securing improvements in animal and plant disease and health across the world. This is why some of our DfID money is engaged in seeking that sort of advance is because it is in everyone's interest. I cannot guarantee that this morning but I think it is in everyone's mutual interest and I am pleased that Professor Drew and Dr Helen Roberts have been appointed because EFSA will get two brilliant people on the panel and that must be of mutual benefit.

Q44 **Viscount Ullswater:** I declare an interest as a trustee of a landed estate in Cumbria. My question follows the previous one on surveillance and the

answer that you gave. What is your assessment of whether any UK bodies will need extended remits or additional powers to take on biosecurity tasks currently undertaken by the EU bodies? To put it more bluntly, will we need a new environmental regulator to undertake risk management and enforcement?

Lord Gardiner of Kimble: It will be subject to negotiation as to what arrangements we may have with current bodies. I do not think I can go beyond saying that. The most important thing is if we need to look at either remits or additional powers to retain our reputation and our requirements, we will look at that. For instance, we recognise the UK Plant Health Risk Group would need to be extended to ensure all the functions of the EU Standing Committee on Plants, Animals, Food, and Feed—SCPAFF. We are working on that now to see what work we need to do with our own Plant Health Risk Group.

The point of all this is an understanding that we need to be ready for whatever arrangements we reach with our European friends and partners. Already in Defra we have a lot of risk assessment capability and Simon will be able to take your Lordships through some of that. In the APHA at Weybridge there is a very considerable resource and we are already working on strengthening our existing international links with the World Organisation for Animal Health—OIE—and the UN Food and Agriculture Organization.

We want to remain in close collaboration with the EU and those partnerships but we also think that there are opportunities for strengthening relationships with other countries who command important scientific institutes and veterinary institutes so that we can work on our global reach in addition to our European reach. We will look at whatever remits and additional powers there would need to be but we already have a very strong and globally recognised capacity and capability. It is essential, however, that we are ready for whatever final arrangements we come to with the EU. I am not sure if Simon has any detailed points on some of our capabilities.

Simon Hall: One straightforward point is that as a Member State of the EU we have people out on the front line at our ports, airports, farms and other businesses already implementing and enforcing the body of European legislation and contributing to making that legislation, as Lord Gardiner has explained. Anything new that we may need would be augmenting or fine tuning the current capabilities. It would not be some significantly new and different workforce either in terms of numbers or expertise.

Lord Gardiner of Kimble: As a rider to that, we have very strong links as a member of the EU but because biosecurity does not respect borders and there are all sorts of issues for Europe, the European and Mediterranean Plant Protection Organization, for instance, has membership across Europe and North Africa. It is important with some of these biosecurity arrangements that we should look more strongly at how we strengthen some of the collaborations beyond Europe. Xylella, for

instance, in Europe has jumped into different countries. African swine fever in Europe has jumped to other countries within Europe. We need to reflect, with increasing global trade and the emphasis on surveillance and risk assessments on where we should inspect and where it is not necessary to have the same inspection regimes, there are opportunities for collaborating in some of the wider organisations so that when we leave the EU we and the European Union Member States look collaboratively at working in a wider sphere. This is important because the Mediterranean is an entity with possibilities for exchanges of plants. The blueberry, for instance, starts its journey with different countries. I look at this each week and suddenly we have the Spanish rather than the South American blueberry and so on. The global trade is immense and we need to think about these things globally as well.

Viscount Ullswater: The one thing we have not touched on is enforcement and infringement. Does that come in a later question?

The Chairman: It could do but if it is something specific it would be useful to ask.

Viscount Ullswater: If any of this legislation is infringed, the EU deal with that but it will not be dealing with it after Brexit. I was wondering about infringement and enforcement, and whether we would expand a particular body to deal with it.

Lord Gardiner of Kimble: We will take every opportunity, if necessary, to bolster any existing organisations, whether it is at the border or inspections beyond. Simon may be able to give more detail.

Simon Hall: The simple point is that we and similar bodies enforce European rules on our own territory. There is accountability to the rest of Europe through the possible infraction proceedings if we fail to do that but there is not an army of European Union inspectors roaming around our countryside checking up on the day-to-day compliance with European rules. We do that ourselves.

The Chairman: We have heard from previous evidence that there have been some 1,300 additional appointments at Defra associated with Brexit. Is there a workstream or group of people who have been recruited from that 1,300 in this area?

Simon Hall: Because there is uncertainty as to exactly what will need to be done and when, we know that funds are available and we have planned for various eventualities in terms of the types of people we may need to recruit to increase our front-line workforce. That is on hold, however, until we are reasonably sure that we need them. We have plans with timetables for recruiting, where we are going to accommodate these people and how we are going to train them. If needed, they will be triggered in a sequential manner depending on the precise roles involved and they may not be needed soon or even at all depending on the transition arrangements.

The Chairman: To train them to be effective, when would you need to recruit them if D-day is 29 March next year?

Simon Hall: I cannot give a precise answer to that.

The Chairman: You can quote earlier in the year if you wish.

Simon Hall: For most of the roles, which may be straightforward office-based roles—administering exports, that kind of thing—I would say later this year. There are some specialists who require more training and there are ways and means to do that in an accelerated way if necessary.

Lord Gardiner of Kimble: There is a lot of work going into the systems that we will need to have in place. In terms of the commitment, the recognition of work, whether it is IT or extra resources, is fully recognised.

The Chairman: We will come to some of that later.

Q45 **Lord Selkirk of Douglas:** May I ask you a question about inspections? You touched on this quite a lot already but I shall ask it for clarity. I should mention a family interest as I am a director of a family company that owns pockets of land in Lanarkshire and also possible provision for one or two turbines. How will the United Kingdom treat plant and animal products arriving from the EU on the first day after Brexit in terms of biosecurity inspections?

Simon Hall: Your question is carefully pitched because when is the first day? From an APHA perspective, as you understand, the overall negotiation on what may or may not happen by way of an implementation period is obviously very important. We have plans, at least in outline, to deliver whatever is required, whether that is a continuation for a time of the current regimes where very little happens at the physical border and we seek guarantees on the health of animals, plants and food from the point of origin, through to some additional checks. We know the range of options and we have a range of plans available to deal with them. IT has already been mentioned and there are a few things that we believe we will need in any eventuality. Development of that new British-owned and operated import control system to replace some of the functions of the EU TRACES system is going ahead because it will be needed and of benefit regardless of the precise sequence of events.

Lord Gardiner of Kimble: The distinction also is that, on the animals and products of animal origin, the replacement of TRACES with our own national system is important because we wish to trade with both our European friends and partners and wish to trade and facilitate agreements with non-EU countries. Work has already started to commission and Simon's team are actively engaged in designing the system so that we have the readiness and the capability for whatever are the scenarios. Money has already been spent on a replacement control system. At the end of April, £5.2 million had already been spent and this will be a continuing programme. Whatever the negotiated arrangement,

we will have our own system on the animals and products of animal origin. With plant health, we already have our own domestic IT system, eDomero, which facilitates the imports and exports. On the plants side, we already have our system in place.

I could never have invented any IT system so I am not an expert but those who understand these things are road-testing and putting up every possible scenario so that on day one there is an operational capability, whenever that day one may be. We need a new system for one side of the work and that is work in hand and progressing well. On the plant health services, we already have a current system in place.

The Chairman: What is the capacity of the system that we already have? One of the issues with many of these systems is capacity. We will come to volume but as we are on IT systems, if the Duke of Montrose will forgive me, we can explore this now. Does it have a capacity that can survive post Brexit?

Lord Gardiner of Kimble: Yes. The importance of the road testing and, as I said before, the purpose of the different scenarios is to work through and understand what we need to attend to in order to make ourselves ready for volume or whatever it may be, depending on the varying scenarios that at the moment we do not know of. The most important thing is the red line and the challenge is to be ready for whatever scenarios come up on this whole area of biosecurity both in animal and plant health.

The Chairman: On the TRACES replacement, you have already spent £5.4 million. I would be interested to know what the total budget is to get an idea of the scale, but if you are still in the design stage it seems optimistic that this system will be ready by the end of March.

Simon Hall: I know something of this because our experts, who will be among the community of users, have been inputting heavily into the design. There is a large team busily building it now. TRACES is more than one system. It has a number of components and the intelligent approach is to focus on the critical functions of allowing an importer to notify their consignment, allowing an inspector to make a decision on it and allowing it to be released, including the link-up to customs. That is relatively straightforward, high-priority and funded.

There is a programme that can flex according to the progress of the negotiations to build in more elaborate functions to cover other aspects of trade as and when required and as and when the funding is available. There is what appears to me to be an exceptionally rigorous process whereby as the build proceeds there is oversight to make sure that first it is on track and, secondly, doing what it is supposed to do but not going too far forward until everyone is satisfied that it is okay. Until it is seen working we cannot be completely reassuring but there are contingency plans in that eventuality as well.

The Chairman: Would that be back to the paperwork?

Simon Hall: There are semi-automated options we can deploy if we have to.

The Chairman: That is a fair answer, thank you. When we had the Minister, George Eustice MP, in front of us on another inquiry—we also listened to the comments of Rt Hon Chris Grayling MP—there seemed to be a feeling that if push came to shove you let everything come through and you do not have inspections. That set off red lights with us. We felt that one of the benefits of Brexit could be better biosecurity but the view that to facilitate trade you did not let these systems get in the way undermined that.

Simon Hall: Once you get into the detail this becomes excruciatingly complicated but we need to go there a little bit. The current situation where we are in the EU Single Market and from an animal health, public health and plant health perspective there are rules to enable free trade while managing those risks within the Single Market. Part of that is that it has a hard external border facing non-EU countries. Taking foods of animal origin, for example, such as meat, wherever they enter the EU they have to come through a border inspection post which is strictly regulated under EU law which we have to comply with. Everything is inspected and recorded and that is part of the price you pay for relatively free movement within the Single Market.

One of the priorities for the TRACES replacement is that we would continue to behave in that way. In other words, where we face out to non-EU countries, the current regime would prevail and we certainly would certainly not reduce our risk appetite. Your question plays differently with regard to our imports from Europe as it is now. With some notable exceptions, for example live animals, goods flow and there are no borders within the Single Market. Trucks come from the continent containing food, including food of animal origin, to the UK through Dover and they are not stopped. A proposition is that at least in the short term the risk would not change so the need for additional controls at that frontier may not change but there are reasons why we may wish to stiffen them. Current imports from outside the EU versus imports from the EU are treated differently and, without over-explaining it, I hope that assures you that whatever we do will be proportionate to the risk.

Q46 **The Duke of Montrose:** We are drilling into the nuts and bolts here but we were wondering what assessment has been made of the volume of plant and animal imports arriving from the EU that could need to be inspected post Brexit at the border, particularly in a no-deal scenario. How does this compare to the quantity currently inspected? What assessment of additional facilities, staff and IT systems are required to facilitate this? There is a second rider that I might come back to.

Lord Gardiner of Kimble: Border checks are one way but inland checks particularly on plant imports will continue. Customs control, storage facilities, checks at destination premises, for instance live animals imported from the EU, will all continue. Under our risk assessment regarding EU traffic, as Simon has said, we will need to consider in the

longer term those areas where we may have concern on biosecurity. For instance, I have mentioned Xylella and the ability to act speedily. I would certainly want to be looking at whether there are elements of current trade where from a biosecurity point of view we should be looking more in a UK prism. But I think that is for further down the line.

For the day-one purposes, we have in place our current systems for non-EU goods. I am confident that we will continue to have mutual trading arrangements for exports and imports. That is what we need to ensure that there is a free flow and frictionless trading arrangements. There are opportunities for us on the biosecurity area when one thinks about the whole of the EU. There may be occasions where we are concerned that in part of the EU there is a threat and we need to do everything we can to prevent that disease or pest getting to this country where we might want to take measures that the rest of the EU 27 would not want to take.

On the volume of animal, plants and imports arriving from the EU, and the arrangements for day one, there are a lot of things we are working on, including the replacement of TRACES and our own plant health services. They are in place. Areas where we think we need to have additional functionality we are actively looking at now or working on the scenarios. There is a short term of being ready but there may be areas in the longer term where if there are threats we have the opportunity to do something on our own account which we could do more speedily. That is the distinction for the longer term of where I think we should be.

The Duke of Montrose: The second question ties in with the new Directive that came out in March requiring phytosanitary certificates for anything exported to the EU. We were interested to hear from your plant disease expert in an earlier evidence session that we would no longer find the EU passport adequate for imports; we will demand phytosanitary certificates for anything imported. Is the UK equipped to issue the phytosanitary certificates we need for exports let alone inspecting the ones coming back?

Lord Gardiner of Kimble: This work is currently in hand. We recognise that these are arrangements we need to work on, whether that means IT and so on in terms of getting the right systems in place. Clearly, we want trade to flow freely but we do not want trade that poses detrimental biosecurity consequences. It is about ensuring that we have trade flowing into this country both ways, imports and exports, with systems. Increasingly, I think IT will be the system – and this will need investment and expertise – by which we assist biosecurity but also the assist the continuing trade flow. We are working on getting the necessary systems in place on both imports and exports. Part of the negotiations on final arrangements will need in the cocktail this ability for trade to move freely from within the EU: recognising the controls that we have in place already and seeing what opportunities there may be, if there are concerns that we think are proportionate, to take our own measures.

Simon Hall: At the risk of repeating what Lord Gardiner has said, we heard about the eDomero computer system. A significant part of the

function of that is to issue these international phytosanitary certificates. That is one of the aspects that is being tested if there was a huge increase in demand for them because of the scenario that was mentioned. The system has been tested to show that it could do it. Regarding the workforce of inspectors that might be required to sign those certificates, it would not be new but it would be an expansion of our existing workforce as we already produce these certificates for countries around the world and we have a plan to bring them in, put them through a fast-track induction process and have them available when required. However, we do not want to spend public money too soon on hiring people who may not be needed that soon.

The Chairman: What are their qualifications?

Simon Hall: Unlike for vets, where it is well established, there has not been an independently recognised qualification for a plant health expert. One of the great successes of Nicola Spence and our team is that there is now a plant health professional qualification available. Other than that, they have to be trained in-house in both classroom and on the job. The expertise to provide that training in both the plants themselves as well as the regulatory procedures is not easily found elsewhere.

Lord Gardiner of Kimble: Having been near Heathrow airport and spent the day looking at the inspection protocols for orchids or flowers coming in from non-EU countries, it is done with considerable rigour. I was genuinely impressed by the expertise we have at places of arrival to ensure that goods are properly inspected on a risk-proportionate basis. You can take these things to an extreme and end up saying that we dare not trade at all. I think there is a proper risk assessment basis to what we do. There is always room for improvement but it is sensible that we have science and risk assessment in how we deal with all things.

The Chairman: Viscount Hanworth, I believe we have covered a lot of this but perhaps there is something you want to add.

Q47 **Viscount Hanworth:** These questions have been asked but have not elicited any precise responses, which is probably inevitable. Will the Government be allocating additional staff, facilities or funding for biosecurity post Brexit and, beyond that, when will decisions be made about the future allocation of resources? I will add some riders if you dispose of those quickly.

Lord Gardiner of Kimble: We have already appointed more people. We have recruited 1,250 additional staff across the Defra group. I cannot give precise numbers as to the varying parts. We will need to look at what systems we need in place, depending on each scenario and being able to act on getting additional staff and expertise in place. I cannot overemphasise that we already have, and are fortunate to have, with all the organisations—APHA, Food Standards Agency, Forestry Commission—a whole range of bodies that are already working on our biosecurity in place. We have this exceptional capability. Although I do not know the precise details, I can assure your Lordships that if there are areas in our

new arrangements where we need to take action to ensure that we preserve high biosecurity standards, and where necessary strengthen them, we will. On the question of whether the Government will be allocating, we have already allocated and continue to allocate money for the replacement to TRACES, for instance. That is work in hand and work we will do. We are looking at eDomero and testing all the abilities on the plant health side.

So far as ensuring that we have the resources, whether that means staff or facilities, to be biosecure, we are looking at where we need to address this. The Defra agenda is one of the most heavily affected by Brexit and we are very much alive to this as part of the readiness. I am constantly going to EU-readiness meetings chaired by the Secretary of State precisely because we are conscious of the responsibilities to biosecurity and a whole range of areas.

Viscount Hanworth: In comparison with New Zealand, for example, the number of personnel in the UK who are devoted to biosecurity is very few and many of them are European Union citizens who are not UK nationals. Will they be covered by the provisions regarding shortage occupations?

Lord Gardiner of Kimble: We recognise that EU nationals do a significant element of the work. With the regular work I have with the veterinary profession and the arrangements we have, I am very conscious of the great work that vets in the UK, whether they are UK nationals or EU nationals, undertake. One of the most important projects we are working on is the Veterinary Capability and Capacity Project. Christine Middlemiss might have raised this last week. This is precisely about ensuring that we have the capacity and capability. We recognise that in the veterinary profession we need to ensure that EU nationals are confident to remain. The arrangements we have had in the Council meetings and the Prime Minister's pronouncements on EU nationals show how we hugely appreciate and, frankly, need EU nationals to help us in this sector. This needs to continue, as well as encouraging more veterinary capability among our own students as well.

Viscount Hanworth: Are there many non-EU nationals or non-EU citizens involved in our biosecurity organisations? I believe the NHS has had considerable difficulty in getting coverage for its recruits under the rubric of shortage occupations. Do you imagine that you can do much better or are you not affected by the problem to the same extent as the NHS?

Lord Gardiner of Kimble: I am not fully furnished of the comparison with the NHS to give a reliable answer. All I would say is the whole purpose of this project is to ensure that this country has enough veterinary capacity and capability. These are matters that will have to be considered across government departments. It is important when talking about biosecurity that we have the capability to ensure that.

The Chairman: We have questions from Lord Rooker and the Duke of Montrose. We are running out of time, so I ask you to be precise.

The Duke of Montrose: We have been dealing mainly with trade and we were just starting to deal with people. Tourism is big now and it is possible for tourists to bring all sorts of things with them. In particular I have come across a marine parasite that comes over in canoes and similar items.

Lord Gardiner of Kimble: That is why at the British-Irish Council, which I chaired in Dublin a few weeks ago, and includes the Republic of Ireland, the four home nations and the Crown dependencies, we launched Invasive Species Week. We have a check, clean, dry initiative. Whether you are fishing or if you have a boat or whatever, it is about ensuring the biosecurity mindset. Drawing on our connections with the fishing world, angling world and yachting world, we need to heighten awareness because this is one of the soft routes. I entirely agree with Lord Rooker that "Gardeners' World" should be telling people that they should not be bringing back plants in their sponge bags. This is a loose connection. The raising of awareness, what we are doing at borders, ports and airports, is asking passengers to think this through, "Do not bring these things back as they could cause damage". It is all about the awareness campaign and what Government can do by raising awareness.

Tourism is essential in all sorts of ways but we need to raise awareness of biosecurity. Although it is a different geography, if you look at what Australia and New Zealand do, we need to think through in the medium and longer term what we can do to make our country more biosecure but extremely welcome to visitors.

The Chairman: That is an important point. Lord Rooker.

Lord Rooker: That was my question. I was going to ask the same thing about passengers.

The Chairman: Can we move on to devolution and Lord Selkirk?

Q48 **Lord Selkirk of Douglas:** What is the Government's view on the extent to which a co-ordinated approach to biosecurity is necessary across England, Scotland and Wales and across Northern Ireland and the Republic of Ireland? What aspects of biosecurity policy or law do you want to see remaining consistent across each island?

Lord Gardiner of Kimble: We are very clear that biosecurity is within the remit of the various Administrations but it is essential that we collaborate and are co-ordinated. There are all sorts of ways in which this happens. I have mentioned the British-Irish Council, which is important as it shows a collaboration of all parts of the Republic, Northern Ireland, Wales, Scotland and England and the Crown dependencies. It is important, for instance, that we learn lesson from examples such as the Asian hornet which is affecting the Channel Islands, and from how we are countering the arrival of the Asian hornet and are vigilant. There are all sorts of important and essential aspects to co-ordination. That is why, whether it is the animal side with the Chief Veterinary Officers in all parts of the Kingdom, or whether it is the equivalent with the Chief Plant

Health Officers, or whether it is the non-native species secretariat, these islands must co-ordinate and co-operate because if we talk about borders across Europe with no respect to pests and diseases, it is undoubtedly the case in these islands.

Each country has a legal responsibility for biosecurity but there are all sorts of ways, as I have demonstrated, and there are many more, where that collaboration is key and the conversation is constantly flowing with our scientific institutions or government agencies. APHA England, for example, works on behalf of the Wales Food Standards Agency. England, Wales and Northern Ireland and Food Standards Scotland all work closely as well. There should not be a blade of grass between us as that is the only way that we will remain biosecure.

Lord Selkirk of Douglas: What is your policy towards hornets and is it working its way through successfully?

Lord Gardiner of Kimble: Our policy is zero tolerance and where they have arrived there has been immediate action. We have volunteers and have engaged the whole of the apiary world, who are looking out for Asian hornets and acting quickly to destroy the nests. There is constant vigilance. So far, all the nests that we have located in the West Country and in Gloucestershire have been dealt with. We are looking all the time, with both volunteers and our experts, to ensure that we react wherever it is reported. We have an app so that all beekeepers have the photograph of the Asian hornet. Many people send in photographs and thankfully nearly all of them have not been of the Asian hornet. It is important that we do everything we can. Unfortunately, it is very prevalent in France. It is airborne as we know. Sometimes it comes in vehicles. It is very difficult to stop an Asian hornet, as happened, getting into a toy box in France. Someone discovered it when they got home to Bath. It is about constant vigilance.

Lord Selkirk of Douglas: Are there many deaths from Asian hornets?

Lord Gardiner of Kimble: Around the world there may be some, there may be people some people who are very allergic. It is mainly, overwhelmingly, that they are a disaster for bees.

The Chairman: I do not want to go too much further into that particular area. The point we are trying to get to is whether we are going to have a fight about who runs biosecurity among the devolved nations and who does what. Are we advanced on that? It is a big devolved competence, is it not?

Lord Gardiner of Kimble: I have not detected any sign of a fight, to use your word. For instance, Operation Blackthorn, which involved all parts of the United Kingdom, was a foot and mouth disease exercise. I have attended a previous exercise. This is all about readiness across the United Kingdom. The fight is to keep ourselves biosecure; not to argue among ourselves.

The Chairman: If that is the track record, we are delighted to hear it. Viscount Hanworth, we look to the optimistic future.

- Q49 **Viscount Hanworth:** This is a backstop question which may give you an opportunity for additional comments. What opportunities have you identified to enhance biosecurity post Brexit in ways not possible while the UK is a member of the European Union?

Lord Gardiner of Kimble: I have set out examples of where we have taken action. What I think is the distinct opportunity here is our ability to make our own decisions with speed. Generally, because we seek consensus, there are times when we will go to the Commission and say that we think it ought to think about this. For example, we took the Epitrix issue to the Commission. We took the view that we needed to protect our domestic interests and the potato growers. I would suggest that one of the ways in which we have an ability to become ever more biosecure is the ability for the Chief Veterinary Officer, or the Chief Plant Health Officer, or the head of the non-native species secretariat, immediately to come to a Minister and say, "This has come up on the horizon; this is a problem. Should we be doing something about it?" If their advice is that we should, we have the ability to act more speedily. I am not saying that these are mechanisms that are not possible but there are hoops. In an EU 28, they may have to have them but the ability to act nationally could make us strong in this area.

Viscount Hanworth: Would you not agree that the consciousness about biosecurity is radically improving throughout the European Union and that therefore the Epitrix episode may be the last of its kind?

Lord Gardiner of Kimble: I am not aware that any other countries other than ourselves and Ireland have taken the measures on the issue of washing the potatoes. It is right and I am very pleased that across the world we need to be more biosecurity-conscious. The point is that in this country we may want to take measures that affect us that might not affect other parts of the European Union and vice versa. The advantage we have is the precision, on a scientific basis and based on the risk assessment of all these things we need to ask what we can do to ensure that the UK is ever more biosecure. This is why I am very keen on growing in Britain as well as plant assurance schemes, and why I think biosecurity is assisted if we produce ever more of our plants in this country.

We need to ensure—the protocol at the Chelsea Flower Show next week is a good example—that biosecurity at Chelsea and the Royal Horticultural Society is immensely strong. It has never been stronger on what should not be exhibited. Oak processionary moth is an example and I hope we have this moth contained in London and bits of Surrey. It arrived on one tree. We need to be thinking very strongly about the opportunities for having trade and having biosecurity and how we best manage that on behalf of the country. Those are the sorts of opportunities. I would not want to discount the work of other colleagues

and friends in the EU who feel strongly about this, but we are seen in a leadership role by many around the world on biosecurity.

Lord Curry of Kirkharle: I declare that I have a farm in Northumberland and am a trustee of Clinton Devon Estates. To follow the Minister's last comment, I need to be reassured about the Government's ambition in this area. We have had the 25-Year Environment Plan, which sets ambitious environmental targets and enhances the reputation of our environmental management. We have in the Command Paper clear statements about ambitions for higher standards of animal welfare. The Secretary of State has commented on that a number of times. We are ambitious for our environmental and animal welfare standards. To not have the same ambitions around biosecurity would be inconsistent if internally we are attempting to raise our standards. Are we as ambitious about establishing global standards of biosecurity to support those other ambitions? Do you see the agriculture Bill as containing the mechanism to enhance the status of our regulators here or a new regulator to achieve that?

Lord Gardiner of Kimble: I will deal with the second question first. I am afraid it is above my pay grade to know yet what will be the elements of the agriculture Bill. What I would say is that the 25-Year Environment Plan and "Health and Harmony" and the consultation on the future agricultural policy are all predicated on the fact that none of these things will be possible if we are not biosecure—if pest and disease, whether in animal or plants, were given free rein. Biosecurity is intertwined with everything.,

Particularly with regard to research, the research on Chalara ,for example, the John Innes Centre, the research with all of the institutes we have advancing animal health, the importance of looking at endemic disease and at the ways we can prevail in reducing disease for animals and plants - this is an area where our expertise is strong. We need to think strongly about research and development and how we secure these. To be emphatic, biosecurity and the need for strong biosecurity in these islands is core and part of the structure of both of those pieces of work. We will not fulfil a healthy agricultural system and food production if we have pests and disease, and we will not have a vibrant environment for example, if we do not seek to stop arrivals of invasive species and then manage those that we have as best we can and where we can.

The Chairman: On timescales, one of the benefits is quick decision-making nationally. Would we expect to make a decision here in a couple of days whereas the Commission of the European Union would take four weeks? Can you give us a brief idea of typical timescales?

Lord Gardiner of Kimble: I would not want to say it is X or Y day, but there is an ability for some concern to emerge and for a very early decision, which inevitably does not have to go through the hoop of waiting for the next meeting. As we all know, if foot and mouth disease was declared there would be an immediate response. We have the protocol. We have done our Operation Blackthorn. We know exactly that

if that or another disease were to emerge and there was a biosecurity question, there would be an immediate response.

The Chairman: May I ask the question another way? I do not mean a scenario like foot and mouth disease but for a pest, animal or vegetable, that is identified, what is the typical time it takes the Commission to make a decision and put it on a list? That is what I am trying to get a view of.

Lord Gardiner of Kimble: To use Xylella as an example, the Secretary of State wrote to the Commissioner and suggested that the EU should take stronger measures. Some stronger measures have been put in place but there is then a series of meetings and discussions. There may be cases where we would say this is so important that we cannot afford to wait. One of the advantages we would have in this area is that we tend to abide by the rules and would want to take it to the Commission and have the meetings and want to command support from other Member States, all of which takes time. If we have our own capability to say this is a huge concern, the action starts with the Ministerial decision rather than the way we work now, which is that we ought to take this to the Commission. This will go through the mill.

The Chairman: Minister, I understand that. I am trying to get an idea of how long on average the Commission takes to put something on a list. Maybe Mr Hall has some idea.

Simon Hall: To be concise, there is a difference between the different regimes. For animal health, where the European Union rules are closely aligned with the global rules from the World Organisation for Animal Health, it is mostly pre-programmed and the animal diseases which present an animal health risk and which affect trade are mostly static. Within that framework, decisions can be taken quickly so you would not wait for a committee to decide whether you had foot and mouth disease.

The Chairman: Forgive me. I have fallen into the Brexit mistake of assuming that something that is simple is totally complex. Perhaps you could write to us to give us an idea of how long, or examples of how long, these decisions take. We want to write about the benefits that quick decision-making will have and this is an important part of it. I will close the session now because we have run out of time.

Lord Rooker: We should know what other countries do. Why do the Germans and the French spend days doing these things? They do not; they get on with it. You made a case for every country doing its own thing rather than being together.

The Chairman: If Members want to pursue this, we can have a couple of minutes. I was just trying to bring the session to a close.

Viscount Hanworth: I want to make the distinction between the ex-post rationalisation of the decision and taking the decision on immediate action. Epitrix is a good example of this because, although we were

acting almost on the instant, it took ages to get full consensus that that was appropriate action. I think you have to make that distinction. I do not think our activities were limited by the need to get some form of ratification.

Lord Gardiner of Kimble: Would it help if we wrote with a timeline of some of the occasions when we have taken action or considered areas where we thought action should be taken?

The Chairman: That is exactly what I am trying to get to.

Lord Gardiner of Kimble: So far as the immediacy of the decision is concerned, the consensus internally was very strong that action needed to be taken. The decision was made by the Department, by me and the Secretary of State, when this was where we needed to take national measures. There are all sorts of examples of where our work with the Commission on these matters is very strong. I am not encouraging anything other than collaboration. I am not suggesting that different countries should spin off in their own orbits. In this area, whatever arrangements we end up with, that the collaboration—globally, in Europe and within the United Kingdom—on these matters is an imperative. It would be a failure if we do not collaborate on this area because a lot of bad things would happen.

The Chairman: Thank you, Mr Hall and Minister, for your evidence. I bring this public session to a close. Normally we do not have quite so much conflict at the end of a session but it has been very useful. Thank you.