



**HOUSE OF LORDS**  
European Union Committee

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Rt Hon George Eustice MP  
Secretary of State  
Department for Environment, Food and Rural  
Affairs  
Seacole Block  
2 Marsham Street  
London, SW1P 4DF

Dear George,

**Agrifood and the Northern Ireland Protocol**

Thank you for your letter of 3 August regarding agrifood and the Protocol on Ireland/Northern Ireland ('the Protocol').

We are disappointed with the lack of openness in your response to our letter and its recommendations. Your letter fails to answer many of our questions directly and where it does, this is often by referring to forthcoming guidance without including further details. We welcome the subsequent publication of guidance on the Government website but regret that this information was not included in your response.<sup>1</sup>

We are also deeply concerned by recent developments relating to the Government's internal market proposals. While we pick up on specific issues at relevant points in this letter, we emphasise here that the Government's proposals have implications for trust in the UK-EU negotiations and for the UK's reputation for abiding by its international agreements. We urge the Government to reconsider its proposals and to engage with the EU constructively on these issues.

The best-case scenario, and the importance of an UK-EU free trade agreement (questions 3, 7, 8, 21)

Your response does not acknowledge that several organisations saw a UK-EU free trade agreement (FTA) as an important part of the best-case scenario under the Protocol. In the

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<sup>1</sup> We refer here to the guidance available at: <https://www.gov.uk/government/publications/moving-goods-under-the-northern-ireland-protocol>

context of the increased level of checks in the absence of a UK-EU FTA (question 8), your letter instead emphasises the separate nature of Joint Committee discussions on the Protocol and the discussions on the UK-EU future relationship. This is misleading since, as several witnesses reported, more checks and controls would be required on goods moving from the rest of the UK to Northern Ireland in the absence of a UK-EU agreement. **We urge the Government to consider the likely impacts on Northern Ireland businesses and consumers of the increased levels of checks and controls that will be required as a consequence, if the UK-EU future relationship negotiations are not successful.**

#### Timing and business readiness (questions 4-6)

Your letter does not acknowledge the challenging timetable to implement the Protocol. It does not reflect on the possibility of staggering the introduction of checks and controls, nor does it respond directly to our questions on the time needed for businesses to recruit staff or develop IT systems. Your reply also does not acknowledge the impact of COVID-19 on the ability of businesses to prepare and consumers to cope with potential price rises. **We would be grateful if you would address these issues directly.**

#### Goods moving from the rest of the UK to Northern Ireland (questions 7-31)

##### *Impacts on perishable goods and animal welfare*

We welcome the fact that your letter recognises the impact of any potential delays on the value of perishable goods and animal welfare.

##### *Veterinary capacity for certification*

We also welcome the Government's measures aimed at ensuring sufficient veterinary capacity to provide certification. **Is there a shortfall between the current level of veterinary capacity and the Government's prediction of the level of demand for certification from 1 January 2021, either with or without a UK-EU FTA?**

##### *Border Inspection Posts (BIPs)*

We understand that applications have been made for the purposes of sanitary and phytosanitary (SPS) measures at Larne and Foyle ports, and for existing SPS inspection posts to be expanded at Belfast and Warrenpoint ports. **When do you expect the application processes to be concluded and further information on specific port/airport designations to be provided to businesses trading in SPS goods?**

##### *Further SPS guidance*

The new SPS requirements described in the guidance are significant. We welcome the fact that the Government is engaging with businesses and other stakeholders on further Government support that could be provided to address the new requirements on SPS goods. **We would be grateful for an update on this and on the discussions about the process by which SPS controls will be conducted, and their frequency.**

### *Negotiating an SPS chapter*

We note Michel Barnier's recent suggestion that it has not been possible to make progress on sanitary and phytosanitary issues when the UK Government has provided "no reassurance on the future sanitary and phyto-sanitary regime that the UK will apply after 1 January 2021".<sup>2</sup>

**We are disappointed that there has not been more progress in negotiating an SPS chapter and equivalence on particular commodities with the EU. What has been the obstacle?**

### *Divergence in standards and the need for checks and controls*

You did not commit to publishing an impact of divergence in food standards between the rest of the UK and Northern Ireland, when proposing new standards for England. **We remain of the view that it is important that divergence within the UK is minimised to reduce the need for checks and controls on goods moving from the rest of the UK to Northern Ireland.**

### *Customs and tariffs*

On the definition of goods that are 'at risk' of onward movement into the EU, your reply says that the Government's position in the Command Paper needs to be formalised with the EU within the Withdrawal Agreement Joint Committee. Your use of the term 'formalised' here risks being misleading and suggests that agreeing on this approach with the EU is simply a formality, whereas in fact this is a sensitive decision for the Joint Committee. Further, we note press reports suggesting that the Government intend to use the autumn finance bill to legislate on this definition in a manner that is in tension with the Protocol. **What has the EU's response been to the Government's proposed approach to the definition of 'at risk'? Can you confirm that the Government will not proceed on this issue unilaterally, and will abide by the Protocol which reserves this decision for the Joint Committee? We are deeply concerned by the press reports which suggest otherwise.**

Your letter did not respond directly to our question about the impact of tariffs applied in the absence of a UK-EU FTA on products being traded from Northern Ireland to Ireland which incorporate components from the rest of the UK. Instead your response referred to the position on goods as they move from Northern Ireland to Ireland, and the position on goods moving from the rest of the UK to Northern Ireland, with Northern Ireland as the final destination. **We would appreciate if you would answer this question with respect to products being traded from Northern Ireland to Ireland which incorporate components from the rest of the UK.**

### *Continuous supply of veterinary medicinal products to Northern Ireland*

We understand that there are ongoing discussions on this issue. **We would be grateful for an update.**

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<sup>2</sup> The statement is available [here](#).

Unfettered access for goods moving from Northern Ireland to the rest of the UK (questions 32-33)

*Qualifying status for unfettered access*

Your letter did not respond to our question as to whether the definition of qualifying status for Northern Ireland goods and businesses that will benefit from unfettered access to the rest of the UK market will take into account all-island supply chains. **We would be grateful for a reply on this issue.**

*The UK internal market proposals, including exit summary declarations*

We welcome the Government's aim of ensuring the free flow of goods within the UK. **However, we must stress that it is vitally important the Government engages constructively with the devolved administrations in pursuit of this aim and does not act unilaterally in areas of devolved competence.**

Your response did not explain how the Government is ensuring that the EU understands the rationale for the Government's position on exit summary declarations. Further, we note with concern that the Internal Market Bill presented to Parliament on 9 September contains a power which would allow a Minister to disapply or modify exit procedures for goods that are applicable under the Protocol.<sup>3</sup> This appears to be a unilateral implementation of the Government's position, despite exit summary declarations being a requirement of EU customs rules that apply under the Protocol. **We are deeply concerned by this development and believe it has implications for trust in the UK-EU negotiations and for the UK's reputation for abiding by its international agreements. We urge the Government to reconsider these Internal Market Bill provisions and to engage with the EU constructively on exit summary declarations.**

There have been public statements by the Prime Minister and UK and EU chief negotiators regarding the UK's listing as an authorised third country for agrifood exports into the EU. We emphasise here that the Government has been aware of the third country listing process and its requirements for some time. The EU Energy and Environment Sub-Committee exchanged correspondence with the Government on the matter in 2018 and 2019.<sup>4</sup> The Government previously provided reassurances to the EU that led to positive listing decisions regarding the UK in the event of a potential 'no deal' exit in 2019.<sup>5</sup> **What assurances are the EU asking**

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<sup>3</sup> Page 33-34 of the Internal Market Bill available here: <https://publications.parliament.uk/pa/bills/cbill/58-01/0177/20177.pdf>

<sup>4</sup> See the following three letters: <https://old.parliament.uk/documents/lords-committees/eu-energy-environment-subcommittee/no-deal/LetterfromMGtoLTnodeal29112018.pdf> and <https://old.parliament.uk/documents/lords-committees/eu-energy-environment-subcommittee/no-deal/LetterfromLordTeversontoRtHonMichaelGoveMPnodeal19122018.pdf> and <https://old.parliament.uk/documents/lords-committees/eu-energy-environment-subcommittee/no-deal/MGtoRT-nodealdefra-15012019.pdf>

<sup>5</sup> Listing decisions can be found at the found at the following sites: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ:L:2019:1001:TOC> and <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ:L:2019:103:TOC>

**for to proceed with the third country listing of the UK, and what assurances has the UK offered?**

Specific issues for the seafood sector (questions 16, 34-47)

*Moving seafood products from the rest of the UK to Northern Ireland*

The new requirements for seafood products being moved from the rest of the UK to Northern Ireland are significant. **We encourage the Government to seek to minimise their impacts.**

*Landing seafood products in Northern Ireland ports*

We welcome that there will be no new SPS requirements for UK-flagged vessels with their port of registration in Northern Ireland when landing fishery products into Northern Ireland or EU ports. **When is the decision expected to be reached by the UK-EU Joint Committee regarding exemption from duties?**

Engagement (questions 1-2, 18, 23, 32, 37-39)

Your letter did not respond directly to our question regarding training schemes and awareness-raising campaigns: instead you refer to publishing guidance and ongoing engagement. **While the introduction of end-to-end support for certain processes may reduce the need for training, awareness-raising will be important to ensure that businesses are preparing and know what information they should be gathering to submit under the new checks and controls.**

As part of our inquiry we heard the clear message from businesses that clarity on the precise arrangements under the Protocol is needed urgently. We regret that the Government's internal market proposals have delayed the resolution of issues, such as customs, and postponed the arrival of that much-needed clarity.

Given the urgency of these issues, the Committee looks forward to a response by 2 October 2020.

Yours sincerely,



Lord Teverson  
Chair of the EU Environment Sub-Committee