



# HOUSE OF LORDS

European Affairs Sub-Committee on the Protocol  
on Ireland/Northern Ireland

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The Rt Hon Lord Benyon  
Parliamentary Under Secretary of State (Minister for Rural Affairs and Biosecurity)  
Department for Environment, Food and Rural Affairs  
Marsham Street  
London  
SW1P 4DF

23 July 2021

Dear Lord Benyon,

**EM 8537/21: COMMISSION REGULATION (EU) .../... OF XXX AMENDING ANNEX IV TO REGULATION (EC) NO 999/2001 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL AS REGARDS THE PROHIBITION TO FEED NON-RUMINANT FARMED ANIMALS, OTHER THAN FUR ANIMALS, WITH PROTEIN DERIVED FROM ANIMALS**

Thank you for your Explanatory Memorandum, dated 18 June 2021, on the above amending Regulation within the scope of the Protocol on Ireland/Northern Ireland. The House of Lords Committee on the Protocol on Ireland/Northern Ireland considered this document at its meeting on 22 July 2021.

We note that this amending Regulation has attracted considerable media and political comment in view of the historic sensitivities over BSE. What update can you give us on discussions in the European Parliament and the Council? Can you confirm reports that a move to block the Regulation led by Green MEPs failed, and that the Council has approved the Regulation, notwithstanding the abstention of Ireland? Can you also confirm that the Regulation is therefore expected to come into force, including in Northern Ireland, in August?

We note your statement that the UK signed up to the EU's TSE Road Map 2 as an EU Member State. Were you aware of proposals prior to withdrawal from the EU to remove the ban on animal feed as set out in this amending Regulation, and did you support them? What is the Government's overall policy position on the amending Regulation? Is it supported by the scientific evidence base? To what extent is it driven by the EU's desire not to be undercut by lower standards in other countries?

We note that the amending Regulation applies directly to Northern Ireland under Annex 2 to the Protocol. What steps are you and the Northern Ireland Executive taking to engage with each other and with Northern Ireland stakeholders on the impact of the proposals? What views have Northern Ireland stakeholders expressed? What is yours and the Northern Ireland Executive's assessment of the impact on food standards in Northern Ireland? Notwithstanding that certain animal feed will be re-authorised by the Regulation, do Northern Ireland farmers retain discretion in whether or not to use such feed?

We note your statement that the Government may review its own legislation in England in the future, subject to scientific advice and stakeholder consultation. What is your current assessment of the case for and against equivalent regulatory change? You state that formal

stakeholder engagement and consultation will take place during the course of developing policy and before introducing any changes. When and what basis will you engage in stakeholder consultation, and what issues will be borne in mind in reaching a judgement? What, if any, informal stakeholder consultation has already taken place on the EU's proposals, and what is the response of the industry to the proposals?

You state that the other Devolved Administrations have noted the content of the EM. What views have they expressed on the EU's proposals, and what discussions have taken place within the context of the Common Framework on inspections and feed sampling? Have the Scottish and Welsh Governments indicated any intention to bring forward similar proposals?

In that context, what is your assessment of the impact of the amending Regulation for regulatory divergence and movement of produce between Great Britain and Northern Ireland, either until such time as similar measures are adopted in the other nations of the UK, or indefinitely if they choose not to do so? Will Northern Ireland produce subject to lower regulatory standards be permitted to enter the Great Britain market, and will unfettered access for Northern Ireland produce to the UK market be retained?

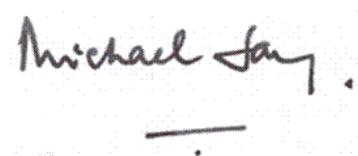
In view of the historic caution of nations such as the USA over meat imports over perceived BSE risks, what impact will this Regulation have on Northern Ireland's full participation in UK FTAs?

We would be grateful for a response to this letter by 27 August 2021. We will consider your response when the House returns in September, on the basis of which we may invite you and officials to appear before the Committee later in the autumn to discuss the implications of the proposal in more detail. In the meantime the Committee continues to retain an active interest in this document.

In view of the significant concerns in relation to this proposal, I am copying this letter to HE João Vale de Almeida, EU Ambassador to the UK, and HE Adrian O'Neill, Irish Ambassador to the UK.

In line with usual practice I am also copying this letter to Sir William Cash MP, Chair of the Commons European Scrutiny Committee, George Wilson, Clerk of the Commons European Scrutiny Committee, Simon Hoare MP, Chair of the Commons Northern Ireland Affairs Committee, Les Saunders and Donald Harris, Cabinet Office; John Leach, Departmental Scrutiny Coordinator, DEFRA, and Declan McAleer MLA, Chair of the Northern Ireland Assembly Committee for Agriculture, Environment, Food and Rural Affairs.

Yours sincerely,

A handwritten signature in black ink that reads "Michael Jay". Below the signature is a horizontal line with a small dot underneath it.

Lord Jay of Ewelme  
Chair of the Protocol on Ireland/Northern Ireland Sub-Committee