



Department
for Environment
Food & Rural Affairs

The Rt Hon George Eustice MP
Secretary of State for Environment,
Food and Rural Affairs

Seacole Building
2 Marsham Street
London
SW1P 4DF

T 03459 335577
defra.helpline@defra.gov.uk
www.gov.uk/defra

Baroness Andrews
Chair of the Common Frameworks Scrutiny
Committee
House of Lords
London
SW1A 0PW

7 March 2022

Dear Baroness Andrews,

Thank you for your letter of 9 February and for taking the time to consider and comment on the provisional Animal Health and Welfare Common Framework.

Please be aware that the page numbering in the version privately shared with your secretariat, ahead of publication, differs from the numbering in the Command Paper published on 3 February.

I will address your comments in the order you have raised them.

In our scrutiny of this framework, we have noticed several errors and inconsistencies in the text. Following our initial scrutiny of the Agricultural Support Provisional Framework, we now have serious concerns regarding the quality control of your department's frameworks. Some of these we have highlighted in this letter. This is also manifest in the fact that the framework is extremely difficult to read. Acronyms are used excessively to the point it makes the text challenging to follow. There are also instances where it is suggested that care has not been taken to fully proofread the framework. For example, on p56 it states that the SOPB is "set out at Annex 5.1 below", but this is not the case. On p24, we are also told the dispute process is outlined in figure 2, but no diagram is labelled figure 2. We are therefore concerned that not enough care has been taken to ensure the frameworks were of a high enough quality before they were published. Could you outline what quality control measures are in place before the publishing of your department's frameworks?

I note your comments regarding the use of acronyms, and the importance of checking cross-references and the labelling of diagrams. A number of quality control checks were applied to the documents. These included consideration by departmental officials and their counterparts in the devolved governments followed by a centralised review process conducted by Cabinet Office officials with their devolved counterparts, and then sign-off by the Common Frameworks Programme Board. I will ask officials to strengthen the review process ahead of finalising the provisional frameworks, so that we identify these types of detailed crossing-referencing and labelling issues, which have arisen during the redrafting and reformatting of the document. We will also review the use of acronyms to make the documents more intelligible to non-specialists.

We were also concerned about the lack of information in the framework about discussion groups, especially in contrast to the extensive information given about decision-making groups. Could you provide more information on the role and operation of the Chief Veterinary Officers (CVOs), Veterinary Risk Group (VRG), Outbreak Readiness Board (ORB), and Disease Emergency Response Committee (DERC)? Could you also outline who these groups report to?

We were unclear whether the CVOs are a decision-making or a discussion group. In Annex 2, the CVOs are listed as a “Discussion fora”. Yet on p32, the CVOs are listed alongside the decision-making groups. Could you clarify what type of group the CVO is?

We were also not clear on the ORB. On p20 we read that an existing discussion group is the “Outbreak Readiness Board (ORB)” which is overseen by the ADPG (p60). Yet on p59 the “Operational Readiness Board (ORB)” are mentioned, whose chair sits on the ADPG. Annex 2 also lists the “Operational Readiness Board” as a discussion group. Are there two discussion groups with the acronym ‘ORB’? If there are, what is the difference between these groups?

The lack of information on the discussion groups reflected a desire to focus on the groups where decisions are made. However, I note your comments and will ask officials to add more detail to the Framework covering the broader suite of technical and discussion groups involved, and to address any apparent inconsistencies. In the meantime, the attached note provides some further detail on the groups for your information, and on the other points you raise.

We read in the framework that the AAHPG, ADPG and TBLG can all “schedule additional meetings or consider relevant issues through a written procedure.” However, this written procedure is not outlined in the framework. Could you outline the procedure?

There is no written procedure for scheduling additional meetings of these groups, as additional meetings can be agreed by each group as and when they are needed. This statement was intended to indicate that the groups can agree to consider issues through written correspondence, where appropriate, rather than having to hold a meeting. I appreciate the wording can be read two ways and we will therefore reword it to avoid any misunderstanding in future.

In the terms of reference of the AAHPG, ADPG and SOPB, there is no mention of who takes the role of the chair. Could you clarify who takes this role?

With regard to chairing meetings of these groups I can confirm that the role of chair in the Senior Officials Programme Board (SOPB) is rotated between officials from the UK government and devolved governments. Meetings of the Aquatic Animals Health Policy Group (AAHPG) are chaired by Defra’s Deputy Director for Exotic and Endemic Disease Control and meetings of the Animal Disease policy Group (ADPG) are chaired by Defra’s Director of Animal and Plant Health and Welfare.

In Annex 6.3 we read that the “TBLG does not report to the Senior Officials Programme Board (SOPB). However, any dispute that is being escalated to Ministerial level should first be discussed by the SOPB”. Could you outline what this means in practice? How can the TBLG simultaneously not report to the SOPB and be required to report to them in the dispute resolution process?

The TB Liaison Group (TBLG) does not routinely submit matters to the Senior Officials Programme Board (SOPB) for decision, nor does it formally “report” to the SOPB. Rather, where a dispute arises it has the ability to escalate that dispute to the SOPB, using the dispute resolution process set out in the Framework, with the possibility of further escalation to ministers. The SOPB acts as a precursor to ministerial level discussions, although it can also play a role in helping to avoid the need for a dispute to be referred to ministers, for example if a resolution and consensus can be achieved at the SOPB.

On p22, we read that decision-making groups may commission work where required to help inform their decision making. However, “The scope and who is involved in that work should be decided at a joint decision-making group or between all four CVOs”. Could you clarify who the joint decision-making group is?

This is intended to be a reference, as appropriate, to the Animal Disease Policy Group (ADPG), Animal Welfare Policy Group, (AWPG), Aquatic Animals Health Policy Group (AAHPG) or the TB Liaison Group (TBLG), with the point being that the group’s membership should broker agreement on the further work it may wish to commission.

Could you clarify the membership of the SOPB? In the section that supposedly lists members, we read “Membership of the EU Exit Programme Board comprises of the following...” Who is the EU Exit Programme Board?

The SOPB’s terms of reference refer several times to “operational readiness projects” carried out by sub-groups. Could you clarify who carries out operational readiness projects, and what their purpose is?

The Senior Officials Programme Board (SOPB)’s membership is as listed in the Terms of Reference, at Annex 3. However, the Terms of Reference are being reviewed and updated in collaboration with the devolved governments, for example to update the reference to the EU Exit Programme Board, which is now the Senior Officials Programme Board (which will clarify the SOPB’s membership), and to remove the reference to “operational readiness projects”, which is a redundant reference to projects that were preparing for the end of the Transition Period.

On p71 we learn that the AAHPG “will present papers to the APG (Animal policy group), which is attended by CVOs, DCVOs and other senior officials from the four UK nations”. However, no further information about this Animal Policy Group is provided. Could you provide more information about this group?

The APG (Animal Policy Group) mentioned in the terms of reference for the Aquatic Animal Health Policy Group (AAHPG) at Annex 7, is intended as a reference to the Animal Disease Policy Group (ADPG) and we will ensure this is updated.

We were not clear on the role the UK Office for SPS Trade Assurance plays in the framework. For example, on p26 we read “The UK Office for SPS Trade Assurance ... will not have a substantial role in the Framework”. A mere three pages later, we read “The UK Office for SPS Trade Assurance will play a key role within the AHW Framework governance arrangements.” Could you please clarify what role the Office will play in the framework?

Furthermore, p26 indicates that although the Office will have little to do with the framework, “its co-ordination and Secretariat functions will ensure that the Parties work effectively together to meet our international obligations.” Could you clarify what its secretariat functions are?

It may be helpful to set out the background to the UK Office for SPS Trade Assurance (“the Office”), which can be included in future iterations of the Framework. The Office was launched in January 2021, picking up functions that previously rested within the EU’s Directorate General for Health and Food Safety, DG Santé. The Office facilitates access to UK markets in animals and animal products for EU/EFTA states and third countries. This includes imports assurance, assessing risks, safeguarding imports and managing relevant data. Throughout, the Office is focussed on animal health and food safety, and ensuring compliance with our import conditions. It supports government’s work to protect public health and animal health and welfare through the facilitation of scientific, risk-based advice, expertise and decision making.

The Office’s functions cover:

- Market access for imports: carrying out new import assessments and reviewing existing restrictions, in response to requests from trading partners.
- Risk and intelligence: managing restrictions to existing market access to protect UK food safety and biosecurity.
- Delivery of overseas audits/inspections: for new applications and where there are concerns with existing market access.
- Data management: competent authority ownership of import authorisations and restrictions, ownership of listing legislation, and management of approved establishment lists and their supply to IPAFFS (Import of Products, Animals, Food and Feed System) for border control purposes.
- Central point of contact: for trading partners on SPS matters.
- Development of risk-based country profiling to inform the UK’s long term import strategy and border checks regime for animals and animal products.

As this list illustrates, the Office has an integral role to play within the UK’s SPS system. It may also be well placed to coordinate the handling/coordination of some types of dispute that arise under the terms of the Framework and to support the Animal Disease Policy Group (ADPG) in carrying out a review of the Framework. However, the office will evidently not be taking policy decisions that properly rest with ministers in the UK government and the devolved governments.

On p34, we read that “There is an option for an independent review panel to be brought in to review the Framework if one or more Parties wishes to trigger a review. The appointed reviewer would collectively agree a body to undertake this review”. This seems to contradict with p23 where the “ADPG would collectively agree a body and the impartiality level to undertake this review”. Could you clarify who decides which body will undertake a review? Additionally, p23 asserts that after the first review, “the frequency of reviews should be proposed by ADPG to the relevant decision-makers”. Could you clarify who the relevant decision-makers are? We were not clear on who requests to amend the framework should be directed to. P23 states that “Requests to amend any element of the Framework should be raised to the ADPG”, but p34 seems to contradict this by saying “requests to amend any element of the Framework should be raised to the appointed reviewer”, which could be the ADPG or an independent reviewer. Could you clarify who requests should be raised to?

The intention is that parties to the Framework may suggest changes to the Framework to the Animal Disease Policy Group (ADPG), so that they can be considered when the

Framework is reviewed. Parties have agreed that the ADPG is the appropriate place to review the Framework, but it may appoint an alternative reviewer to whom suggestions could instead be made. After the first review has been carried out, the ADPG will agree the frequency of subsequent reviews. Other relevant decision makers should be informed by the ADPG of its decision(s), such as the Animal Welfare Policy Group, Aquatic Animals Health Policy Group, TB Liaison Group.

Furthermore, it is our understanding that the Crown Dependencies are engaged with this common framework as the UK government acts on their behalf when signing up to international agreements. This fact seems likely to apply to many DEFRA frameworks which include within their scope international obligations and treaties. Could you confirm if the Crown Dependencies interact with frameworks across your portfolio? Could you identify these frameworks?

We were therefore concerned that the framework clearly anticipates that the Crown Dependencies have a relationship to the framework, but that this relationship has not been clearly thought out: "Further consideration will need to be given to the Crown Dependencies and the extent to which they might have a connection to the Framework arrangements." Could you please provide more detail on how, and why, the Crown Dependencies might have a connection to the framework? Why do no working groups have members representing the Crown Dependencies?

The Common Frameworks programme was agreed between the UK government and the devolved governments in 2017 to facilitate joint working on the development of arrangements for establishing common UK or GB approaches in some areas previously governed by EU law. The Crown Dependencies (CDs) are not within scope of the UK Common Frameworks programme, however we recognise that decisions taken in the context of UK Common Frameworks may have implications for the CDs, particularly those frameworks that may affect the trade and movement of agricultural products, such as the Animal Health and Welfare Common Framework. Separate engagement is ongoing between Defra and the Crown Dependencies in relation to UK-CD arrangements concerning the trade and movement of agricultural products, in the context of which consideration will be given as to how these arrangements will interact with Common Frameworks.

Finally, in addition to the many issues we have identified as likely to cause confusion and indeed contradiction, we also remain very concerned to see that the UK Internal Market Act and the Process for agreeing exclusions is not referenced in the provisional framework. However, we acknowledge that correspondence on this issue with you remains ongoing.

With regard to the UK Internal Market Act and the process for agreeing exclusions I would refer to my letter of 14 February 2022.



RT HON GEORGE EUSTICE MP

Note for the Common Frameworks Scrutiny Committee: additional Information on Animal Health and Welfare discussion groups

Chief Veterinary Officers (CVOs)

The UK Chief Veterinary Officer and the Chief Veterinary Officers of Wales, Scotland and Northern Ireland meet regularly for discussions. The CVOs meet to share information, policy developments and strategic decisions. The purpose is to enable the administrations to work effectively together to achieve joint ambitions on animal health and welfare. It also serves as a check to ensure that official-level engagement is effective and that the devolved governments' input into UK-wide policy development is sought at the right level and right frequency. High priority issues requiring senior level attention can be escalated to the group. Additional technical or detailed discussions may need to take place outside of such meeting, but can still be raised for high level discussion.

Formal decision making is taken in the most appropriate decision-making groups, including the Animal Disease Policy Group, Animal Welfare Policy Group, Aquatic Animals Health Policy Group and TB Liaison Group.

Veterinary Risk Group

The Veterinary Risk Group (VRG) was established in response to the Anderson Review (Lessons Learned from FMD 2007) which concluded that the identification and escalation of animal related threats and vulnerabilities could be an inconsistent and lengthy process.

The VRG provides a coordinated process that ensures systematic and timely assessment of animal health and welfare related threats and vulnerabilities. It aims to decrease the probability of animal related threats occurring, and to enable prompt intervention to mitigate their impact when they do.

VRG is a cross-directorate and cross-administration body which reports to the four UK Chief Veterinary Officers. It is a technical group, meaning that it does not advise directly on policy, although advice from the group may inform policy options.

Its membership comprises representation from APHA, Defra, Welsh and Scottish Government and DAERA, Food Standards Agency, Veterinary Medicine Directorate and CEFAS. It is directly supported by the Risk Lead Network, which collates threats and vulnerabilities to feed to VRG.

Outbreak Readiness Board

The Outbreak Readiness Board (OBR) has a role in providing strategic oversight of operational preparedness for outbreaks of exotic notifiable diseases of animals in the UK.

It is chaired by the Director for Service Delivery in the Animal and Plant Health Agency (APHA) and has membership comprising representation from APHA, Defra, the Welsh

Government, the Scottish Government, DAERA and other technical / discussion groups including the Disease Emergency Response Committee (DERC) and the National Emergency Epidemiology Group. The secretariat is provided by APHA's Contingency Planning Division.

Disease Emergency Response Committee

The Disease Emergency Response Committee (DERC) has a specific remit to ensure that sufficient laboratory facilities for the diagnosis and surveillance for exotic notifiable diseases of animals are available during outbreaks and other surges in demand. The committee is constituted with representatives from APHA, The Pirbright Institute, Defra and representatives from Scotland, Wales and Northern Ireland.