

Written evidence submitted by The Horticultural Trades Association (HTA), relating to the operation of The Windsor Framework [OWF0006]

Introduction

1. The Horticultural Trades Association (HTA) represents over 1200 members from growers to retailers, landscapers to manufacturers and suppliers – representing the entire UK environmental horticulture supply chain. Environmental horticulture is a sector of over 90% SMEs, many family-owned businesses, supporting 722,000 jobs, contributing £38 billion to GDP and delivering a near £8.4 billion in tax revenues. We are the original green industry and the gardens, green spaces and plants that we grow, nurture and maintain, underpin the UK's environmental targets, net-zero delivery and climate change mitigation.
2. The HTA welcomed the Safeguarding the Union command paper, and notes that the Windsor Framework (WF) as a stepping stone solution. We recognise the significant effort involved in reaching a negotiated outcome. Resuming trade into Northern Ireland (NI) is of huge importance to many HTA members, many of whom have seen an almost complete cessation of trade into Northern Ireland as Northern Irish businesses have found it difficult, if not impossible to buy from their regular GB-based suppliers.
3. Trade relationships which had existed for decades have been lost or reduced while many NI businesses now buy plants direct from continental EU suppliers, with the orders transiting across GB or around GB in order to reach NI.

Windsor Framework Announcement

4. In the previous Prime Minister's speech announcing the Windsor Framework on the 27th of February 2023 he said, "The same quintessentially British products like trees, plants and seed potatoes will once again be available in Northern Ireland garden centres." However, when we reviewed the detail, we realised the statement did not reflect the reality our members nor the Northern Irish consumer will experience, because there were several substantial issues that remain unresolved around the trade in trees, plants and seed potatoes.

Horticultural Working Group (HWG)

5. In Autumn 2023, the HTA and its members met with Cabinet Office and Defra officials. This meeting discussed the changes in GB-NI trade for horticulture and agreed to take steps to work together to understand the issues in more detail, to take actions to remove barriers and resume trade.
6. A first action of this group was to set-up a Mail Order Working Group. This morphed into the Horticultural Working Group set-out in the January 2024 Safeguarding the Union: Command Paper and associated statements. They met again in Spring 2024 and end-September 2024 and will continue under the new government, led jointly by HTA and government.
7. The HWG is welcomed by the sector but constrained by the parameters of the WF which ultimately impact significantly on the sector. HTA welcomes the EU-UK reset ambition to be inclusive of an SPS agreement inclusive of plant health that would resolve NI issues.

Main issues for the sector

8. The Northern Ireland Plant Health Label (NIPHL), while a step forward from the previous situation, still requires plants & plant products to comply with EU Plant health rules, still requires NI businesses to prenotify the authorities using the EU's TRACES system and still means onerous administration & compliance from GB suppliers, including in-season field inspections for plants that may be destined for NI. The NIPHL only removes the need for an official to inspect the goods and issue a phytosanitary certificate at despatch.
9. Anecdotally we hear NI businesses are finding it difficult to understand and implement the arrangements made within the WF for bulbs, seeds and plants. Many GB based businesses do most of the paperwork on NI businesses behalf but there still needs to be an understanding of the process and the need to be a registered professional Operator with DAERA regardless of the method used to send plants GB-NI. The TSS, while free, is "as complex as using an agent" because the paperwork, administration and data requirements are basically the same as a 'regular' export. Larger businesses might manage well with their available resource, albeit it adds cost and time, but SMEs are simply choosing to either not trade GB-NI or circumvent the rules – each equally as detrimental to the ethos of the WF.
10. There are many key species of trees and plants that remain prohibited for exporting to Northern Ireland. Iconic and popular native British species such as hazel, birch, and willow along with honeysuckle and jasmine. These are still banned. This represents £millions of lost trade and biodiversity gains for NI. While most of the 11 "High Risk Plant" dossiers that had been submitted to EFSA before the WF was announced have been expedited under that agreement and the bans lifted, there remain at least 30 dossiers prepared on key prohibited plants that will still need to follow the existing procedure and many more species on the prohibited list such as Persimmon with no dossiers being submitted. It takes up to 3 years or more to complete the EU process in order to get the bans lifted. This means NI buyers still have restricted choice, and GB suppliers cannot provide a complete assortment to NI purchasers.
11. Seed potatoes sourced in Great Britain are not able to be sold in NI garden centres, nor directly to consumers via mail order, only grower to grower. NI consumers are missing out on direct access. Official certification is still required, under the NIPHL scheme, and seed potatoes sourced in GB have to be sold to and grown on by NI registered professional seed potato growers (or their merchants).
12. There is no solution on offer for plants sold from GB online or mail order retailers to Northern Irish consumers, who will either find it impossible or difficult and costly to order plants from British based online sellers and mail order companies. This is due to the requirement for phytosanitary certificates remaining for parcels of plants sent from GB businesses to NI consumers, with no easements in place for parcels going business to consumer, only for privately sent parcels. GB mail order & online businesses are being asked consistently by NI consumer customers who wish to resume buying from these outlets but cannot fulfil their requests. While the NI Horticulture Working Group is looking at this as an issue, the only solution is for businesses to pay for a NI distribution centre for their goods, and despatching consumer packs from there. There is no solution that is available for this issue that does not involve significant investment and cost for businesses, if they are even willing to make that investment, as NI may not necessarily be the largest market for that business.
13. Coupled closely to the mail order issue is that fast parcel operators carrying B2C parcels containing plant material that should either carry a PC or a NIPHL appear to be unaware that these are the requirements. Communication on this matter, both to consumers and businesses has been inadequate. Therefore, technically, NI is exposed to biosecurity risk

from plants with incorrect or no paperwork and therefore so is the wider single epidemiological area of the island of Ireland and ultimately the wider EU Plant Health area. This potentially then impacts on the EU, its perception of the UK's ability to implement the WF and the effectiveness of the arrangements.

14. For Northern Irish growers there is uncertainty about when a GB-sourced plant becomes a Northern Irish good i.e. how long does a grower in NI need to grow on a GB sourced plant in order to be able to sell it to a purchaser in the EU. This likely means Northern Irish businesses will decide to buy from EU suppliers to ensure their goods can subsequently be sold into the EU, or all plants entering NI from GB destined for growers will need to go via the 'red lane' with full customs & SPS controls because their validity as an NI good is not clear.
15. There are legitimate concerns around the extra administrative burdens for businesses. Commercial information is still needed to be supplied by both GB & NI based businesses to authorities, and authorisation audits need to be passed by GB suppliers to enable the NIPHL to be applied. This means extra cost and resource requirements, difficulties with planning and forecasting stock and sales which leads to problems deciding the correct pricing structures to use.
16. Retailers who previously used the STAMNI scheme cannot use the replacement scheme for retailers (NIRMS) to move plants GB to NI. They will need to implement the NIPHL scheme, which means two schemes where previously there was only one. Potted herbs, pot plants, containerised Christmas trees and houseplants are all outside of NIRMS.
17. The extra burden makes crop and supply chain planning more difficult - meaning the cost of doing business in and with Northern Ireland is also unclear and expected to rise / already rising. There will be difficulties around regaining business lost to EU-based suppliers. NI consumers are not getting the best deal, and prices are likely to rise as a result.
18. Used agricultural machinery, while being able to utilise the NIPHL scheme, is more frequently sold from GB businesses to NI based dealers rather than farmer to farmer. This means that the machinery has to travel in the 'red' lane because the NI dealer does not yet know whether they are selling the machinery to a NI or RoI farmer and grower. Under the NIPHL scheme the machinery still needs to be inspected by an official, so there is still a wait time for this, also.
19. If GB businesses who have made the decision to re-establish their market in NI are competing against EU businesses that are still be able to sell to NI consumers, growers and garden centres directly, with no administrative burden or phytosanitary prohibitions or requirements. This is not a level playing field for GB business, with some UK-based businesses setting up EU continental hubs to take advantage of the new direct to Ireland shipping routes, thereby circumventing the GB landbridge. This 'off-shores' GB expertise, jobs and revenue and increases cost and delay to the end consumer / recipient. Just as worryingly UK-based growers are now considering moving UK plant production to the EU in order to take advantage of that direct and easy route to market (both EU and NI).
20. Government decisions and subsequent guidance have been extremely slow to be produced and provided. For example, it was only on the 27th September 2023 (a week before the NIPHL scheme launched) that a "Pro-Forma" was published that GB suppliers /consignors would need to fill in for NI receiving businesses/consignees. There is still no clarity for parcel operators about plants going mail order, with some businesses inadvertently operating 'outside the requirements' because guidance is unclear or non-existent.
21. HTA is aware the WF is not a bilateral process and is politically sensitive in many ways, however we have become aware that if a change to a process or policy point is needed,

before it can be confirmed, each decision needs to be ratified by the EU before being issued to businesses – so if any stakeholder raised a new question and any new clarifications or decisions were needed, then this had to go back to the EU for approval. This delays the process significantly and does not offer a fast turnaround for business when barriers become apparent.

22. The WF made no provision for CITES arrangements. CITES permits and rules apply to all CITES eligible species traded GB-NI, this includes for artificially propagated plants such as cacti, orchids, snowdrops, aloes, and some carnivorous plants. This means that the current CITES requirements fully apply when moving plants traded under CITES GB-NI.

Conclusion

23. To conclude, the Windsor Framework, while showing good intention, leaves Northern Ireland outside of the UK's plant health area. The operation of the various schemes, systems and processes within the WF have been difficult to decipher for GB businesses. NI consumers are still missing out on plants, seeds, bulbs, and seed potatoes which cannot trade smoothly or without cost and sometimes not at all. NI businesses are confused by what they should do and are also not resourced to complete all the burdensome administration. Unfortunately, the HTA does not foresee a resumption of GB to NI trade as a result.
24. The HTA is keen to continue its work with the NI Horticulture Working Group, and recognise that any future SPS agreement has the potential to 'fix' the SPS issues experienced under the Windsor Framework.

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