

# **National Farmers' Union (NFU) – Written Evidence (DYN0022)**

## **(NFU) – Dynamic Alignment Call for Evidence**

### Call for Evidence: Dynamic Alignment with the European Union

The NFU represents 43,000 Farmer and Grower businesses across England and Wales. The EU is a critical trading partner for the agricultural industry as a key source of inputs for farmer and grower businesses as well as our largest and most valuable export market. This submission highlights both the economic opportunities and the risks that an SPS agreement, based upon dynamic alignment with EU regulations, poses to the NFU's members.

#### **Executive Summary**

1. The NFU welcomes the UK Government's efforts to pursue a better relationship with the EU. However, to ensure that our members reap the full benefit of the agreement, it is important that the government negotiates terms that minimise possible disruption to farming and growing businesses. This will require the negotiation of suitable transition periods as appropriate to allow industry the necessary time to adapt.
2. The introduction of an SPS agreement based upon dynamic regulatory alignment will benefit the agri-food sector by facilitating easier and less costly trade with the EU. However, dynamic alignment also risks the British agri-food sector being bound by decisions that do not reflect the specificity of production conditions in GB or the way that the sector is organised here. The UK Government must mitigate this risk by negotiating effective mechanisms to meaningfully shape EU decision making as well as sufficient technical adaptations or exemptions to reflect the specificities of agricultural production in GB.
3. The NFU urges the government to be forward facing and prepare its technical experts, scientists, diplomats, negotiators and regulators now, ready to retake their seats at the relevant EU 'tables' at the earliest possible opportunity and to influence rules that are currently in the EU decision making 'pipeline'. When seeking to influence EU decisions, the UK Government also should ensure that there are sufficient mechanisms in place to enable industry stakeholders and the devolved governments to input their views.
4. The prospective SPS agreement between the UK and EU should support British agriculture to contribute to the government's mission to achieve greater economic growth by significantly reducing barriers to trade.

However, it will take time for exports of agri-food goods to the EU to return to pre-Brexit levels, and the government should seek to support the creation of new export opportunities to the EU, including by supporting the UK's network of agri-food and drink attachés within Europe

5. The government should also seek to ensure that dynamic alignment does not negate the progress made in the UK since leaving the EU. This will require the negotiation of appropriate exemptions and transitional arrangements for key areas of legislation, for example in relation to precision breeding in England and plant protection products.
6. The NFU also believes that it is important that processes are in place to ensure effective UK Parliamentary scrutiny of EU legislative proposals applicable to British agriculture under dynamic alignment. Those procedures should also enable scrutiny of secondary/ tertiary legislation that is potentially impactful to ensure EU law is applied in a manner that protects UK national interests and that ultimately, in the case of significant concerns between the EU and UK and following a meaningful and independent arbitration process, parliament should retain the sovereign right to withhold consent, acting as a "backstop" in exceptional and significant circumstances.

### **1. What is dynamic alignment? How does dynamic alignment operate under EU agreements with non-EU countries other than the UK?**

7. This submission will primarily focus on the application of dynamic alignment in relation to the establishment of a common Sanitary and Phytosanitary (SPS) area between the EU and Great Britain. However, the points raised may also apply more generally to other areas of policy where dynamic alignment may apply.
8. The EU-UK Common Understanding (CU) is based upon a premise that the EU-UK SPS agreement "should ensure the application of the same rules at all times by providing for timely dynamic alignment of the rules applicable to and in the United Kingdom acting in respect of Great Britain with all the relevant European Union rules" (paragraph 27 of the CU).
9. In this context, the NFU understands dynamic alignment to mean that the rule book in Great Britain must be aligned with that of the EU for the regulations in scope of the SPS agreement, other than for any provisions for which the government negotiates an exception to dynamic alignment in accordance with paragraph 28 of the CU.
10. Dynamic alignment therefore means that it will be necessary, in the first instance, to update the SPS rulebook in Great Britain to align with the changes made by the EU since the UK left the EU. Furthermore, it will require Great Britain to keep pace with, and adopt domestically, any future EU rule changes.
11. The NFU also understands that dynamic alignment, as set out within the CU, does not provide the UK Government with an automatic right to participate in the work of the EU Council or its preparatory bodies. However, the CU does envisage that the UK "should be involved at an early stage and

contribute appropriately for a country that is not a member of the European Union to the decision-shaping process of European Union legal acts in the fields covered by the [UK's] obligation to dynamically align" (paragraph 30 of the CU).

12. We understand that under these conditions, arrangements for dynamic alignment with the EU are likely to be similar to those that exist for the EFTA countries and Switzerland. Indeed, our expectation is that the EU/GB agreement will be modelled on the EU's most recent agreement with Switzerland, which will be subject to a referendum in Switzerland before coming into force.

## **EU-Switzerland**

13. In March 2026, the EU and Switzerland signed an agreement to establish a Common Food Safety Area (CFSA) between the two parties. The CFSA is administered on a principle of dynamic alignment, meaning that Switzerland simultaneously applies all relevant EU regulations, including future changes to those regulations, regarding agri-food rules in scope in its territory.
14. The aim of the CFSA is to enhance food and feed safety along the entire food chain in the two territories. In particular, it aims to prevent and control transmissible animal diseases and plant pests and diseases, combat anti-microbial resistance and enhance animal welfare.
15. The agreement established a Joint Committee on Food Safety (JCFS) to ensure the proper functioning and effective administration of the CFSA, provide a forum for mutual consultation and exchange of information, make recommendations and adopt decisions by consensus.
16. The agreement also sets out a procedure for Switzerland's involvement in future relevant European legislation, as below.
  - a. Under the CFSA, Switzerland shall be informed by the European Commission when it begins drafting a legal act and the Commission will also informally consult Switzerland's experts with the possibility for a preliminary exchange of views within the JCFS. The agreement envisages an active process of engagement between the two parties throughout the passage of legislation.
  - b. Regarding secondary legislation ("decision shaping"), the Commission will ensure that Switzerland has the widest possible participation in the preparation of draft delegated and implementing regulations and shall consult Switzerland's experts who will be able to participate in the decision shaping committees, although without the possibility of being able to vote on the final proposals.
  - c. The agreement also makes allowances to enable Switzerland's experts to be involved in the comitology committees not covered by the agreement on an ad-hoc basis as and when need exists.

17. The CFSA agreement makes allowances for a small number of exceptions to dynamic alignment, or carve outs, that exempt Switzerland from aligning on rules governing specific areas that would have otherwise fallen within the scope of the agreement. These exemptions and their scope are governed by specific rules that are aimed at protecting the EU market. The agreed areas for exemption to dynamic alignment are:
- a. The deliberate release and placing on the market of GMO products.
  - b. Animal welfare on farm, the protection of live vertebrate animals during transport and certain labelling requirements. This exception gives Switzerland the right to increase their own standards without the ability to enforce them on the EU.
  - c. The import of beef from cattle potentially treated with hormone growth promoters.
18. The agreement also provides that the EU and Switzerland shall endeavour to coordinate their positions and support each other in international organisations relating to the scope of the CFSA. This is similar to the relationship that the EU Commission has with Member States.
19. For areas covered by dynamic alignment, should disputes arise between Switzerland and the EU, both parties should consult each other within the JCFS in order to find a mutually acceptable solution. If an acceptable solution is not found, either party can then refer the issue to tribunal, with the European Court of Justice responsible for issuing a final, binding ruling should the dispute persist.

**2. In developing its arrangements for dynamic alignment, are there lessons that the UK should draw from:**

**a) the other countries that engage in, or are preparing to engage in, dynamic alignment with the EU—namely the European Free Trade Association (EFTA) countries of Iceland, Liechtenstein and Norway, within the European Economic Area (EEA); and Switzerland?**

20. The NFU would have preferred the forthcoming EU-UK SPS agreement to have been negotiated on a principle of mutual equivalence, rather than dynamic alignment. With equivalence, GB would have retained its regulatory autonomy on SPS. This would have involved both parties agreeing the mutual equivalence of each other's current rules, before negotiating a set of principles on how to deal with the potential divergence of standards over time alongside a process to settle any disputes that may arise.
21. The EU has previously negotiated an agreement on sanitary measures applicable to trade in live animals and animal products with New Zealand on the basis of equivalence. This means the EU and New Zealand do not apply the same SPS rules but have agreed a list of products where they recognise that each other's standards provide equivalent levels of protection.
22. However, given that the premise of the EU-UK SPS agreement is based upon a principle of dynamic alignment, it is essential that the UK Government is able to make meaningful contributions to the EU decision

shaping process for proposed European legislation that will apply domestically within GB under the terms of the prospective SPS agreement.

23. Paragraph 16 of this submission outlines the means by which the Swiss government is able to contribute to the EU decision shaping progress under the terms of the EU-Swiss CFSA. The NFU understands that this agreement will likely form the model upon which UK influence in Europe is based under the prospective EU-UK SPS agreement.

24. It should also be noted that the UK has extensive experience of the EU decision making process from the time in which the UK was an EU member state. Prior to Brexit the UK actively engaged in EU decision shaping committees and these efforts were actively supported by the NFU and the wider agri-food industry, both in the UK and Brussels. The NFU is urging the government to learn from the success of British influence during the UK's time as an EU Member state and re-establish the necessary processes to ensure UK industry stakeholders are consulted on, and can play an active role in shaping, decisions relating to agri-food at a European level.

**b) the experience of a form of dynamic alignment with respect to Northern Ireland under the Withdrawal Agreement Protocol/Windsor Framework?**

25. Regarding Northern Ireland, the NFU understands that the experience of the Northern Irish agri-food sector under the Windsor Framework has been sub-optimal. Whilst the Framework established a formal structure, the Democratic Scrutiny Committee, to monitor proposed EU legislation that is likely to apply domestically within NI, it did not set out a formal mechanism via which Stormont can seek to influence forthcoming EU legislation. Consequently, representatives of the NI agrifood sector have not been involved in the decision shaping process at an EU level and EU legislation made since Brexit has not always accounted for the specific needs of the NI agri-food sector. This situation further highlights the importance of ensuring the EU-UK SPS agreement makes sufficient allowances to ensure that the whole of the UK can make a meaningful contribution to the EU decision shaping process.

**3. Can formal 'decision-shaping' by non-EU states, under agreements with the EU, deliver real influence over the EU law to which it applies? If so, what institutional arrangements and resources should the UK Government have in place—in London, Brussels and national capitals around Europe—to ensure that it can participate in EU 'decision-shaping' as effectively as possible?**

26. The NFU welcomes the government's recognition of the importance of UK involvement in the decision shaping process for rules that will apply in Great Britain. However, the NFU wants UK Government's contribution to the EU decision-shaping process to be meaningful, and British influence will only

be effective if the government commits the necessary resources required to make the system work for the UK agrifood sector.

27. Recognising that the UK will not have a vote in EU decision shaping committees, it is essential that the government establishes a body of technically qualified staff capable of promoting UK interests in EU Committees, and who can establish a network of contacts with the Commission policy teams and the delegations in the Committees. This will involve early interaction with the relevant EU Commission desk officer, building alliances with like-minded countries and member states, and being persuasive and respected in the Committees. This is a role that UK officials were well used to fulfilling prior to the UK's exit from the EU.
28. There are currently several regulations under consideration at an EU level that we expect will apply to domestic producers within Great Britain upon implementation of the SPS agreement. Consequently, the NFU is urging the government to begin rapidly gearing up its technical experts, scientists, diplomats, negotiators and regulators to prepare to retake their seats at the table and to influence any rules under consideration that will apply domestically within Great Britain.
29. UK influence will be required to operate on a number of levels. For SPS, the prime responsibility will rest with the lead team in the relevant government department, most likely Defra, the FSA or HSE, who will work closely with the responsible desk officer in the UK Mission to the EU (UKMIS). We expect there will need to be a formal process for consulting the relevant officials in the devolved governments in Scotland, Wales and Northern Ireland.
30. If UK influence at an EU level is to be successful in promoting British interests, it is imperative that the UK Government puts in place robust and systematic arrangements to consult stakeholders on issues being discussed in EU Committees. This will be necessary to ensure that industry can contribute to the formulation of the policy decisions that will eventually apply domestically in the UK. The NFU stands ready to contribute to this process, both in the UK and Brussels, and will also continue to work with UKMIS and make full use of our influence as a member of the EU agricultural umbrella organisation Copa Cogeca.
31. In consideration of paragraphs 26-30, it should be noted that the CU does not afford the UK Government rights to participate in the work of the Council or its preparatory bodies. Instead, the CU states that the "European Commission should consult the Government of the United Kingdom at an early stage of policy-making". We expect the government to negotiate a provision equivalent to that in the EU/Swiss agreement – see paragraph 16(a).
32. It is therefore important that the UK Government puts in place arrangements to track and influence the preparation and negotiation of EU legislative acts using all the tools at its disposal. In this regard, the NFU suggests that the points mentioned above in relation to the decision shaping

process are also relevant to the procedures of the European Council and that the UK Government should seek opportunities to influence members of the European Parliament.

**4. Are current arrangements for parliamentary scrutiny of UK-EU relations adequate for scrutinising dynamic alignment? What would an ideal system for parliamentary scrutiny of UK dynamic alignment comprise?**

33. No, the current arrangements are not adequate. New protocols and processes to ensure effective UK Parliamentary scrutiny will be required.
34. The government has indicated that it intends to introduce a bill to Parliament later this year that will empower the Secretary of State with the legislative authority to fulfil agreements premised upon dynamic alignment with EU regulation. This is expected to include the proposed SPS agreement and any further agreements in other areas in which the government may choose to align with the EU in the future. Thereafter, the NFU understands that dynamic alignment will largely be implemented via secondary legislation.
35. There will be occasions where Parliament feels that the national interest of proposed EU legislation, or elements of it, is a matter of political debate. It is therefore vital that there is an effective process to ensure: 1) the UK and Devolved Parliaments are able to influence how the UK Government engages with EU legislative proposals before they become law; 2) there is a procedure that enables scrutiny of secondary/ tertiary legislation that is potentially impactful, to ensure EU law is applied in a manner that protects UK national interests; 3) there is a genuinely meaningful and independent process of arbitration between the UK and the EU in the event of concern; and 4) the UK Parliament retains the sovereign right to withhold consent, acting as a "backstop" in exceptional and significant circumstances, acknowledging that this could have consequences for the relevant international treaty between the EU and UK.
36. When the UK was an EU member state, parliamentary scrutiny of EU legislation took place via the European Parliament and both the House of Commons European Scrutiny Committee and the House of Lords EU Committee, with the former examining all proposed legislative changes while the latter conducted more in-depth scrutiny of those proposals that were deemed likely to be most impactful to the UK. Both of these committees have since ceased operation and so there is a need for the government to establish new mechanisms for the scrutiny of EU Commission proposals that will impact the UK under dynamic alignment.
37. Given that the UK will not be entitled to a vote in Commission level EU Committees, and hence effective UK influence in Europe will rely upon early stage engagement with the decision shaping process and representation in the various EU Committees, it is important that the UK Government has an effective system in place to influence legislative proposals including where the UK parliament has identified concerns. This will require a process for UK

Parliament to consider legislative proposals before they become EU law and thereby in scope of the “dynamic alignment” within the SPS agreement. Whilst it is for Parliament to decide upon the exact nature of any scrutiny system for prospective EU legislation, there are a number of objectives that this process should aim to achieve.

38. The NFU believes that the system should, in the first instance, seek to filter the significant number of proposals brought forward by the Commission each year to ensure that parliamentarians are able to properly engage with those proposals of most significance to the UK without being overwhelmed by an excessive volume of often technical EU documentation. The process could, in the first instance, focus on the notifications received under paragraph 30 of the CU (i.e. at the consultative “early stage of policy-making”) stage, whilst having a mechanism to identify potentially impactful draft tertiary legislation that will be discussed in the decision shaping process, including enabling a route for stakeholders to flag specific concerns or opportunities.
39. Parliament’s standing orders have provision for committees made up of Members of other committees, such as the Liaison Committee. Parliament may wish to consider whether a new committee, perhaps made up of one representative of each of the department select committees, to sift the EU legislative proposals applicable under dynamic alignment that fall within the criteria for scrutiny. It may be appropriate for members of this new committee to refer specific proposals back to their own committee for further scrutiny. That would ensure that more technical proposals, including those relating to agriculture, receive scrutiny from a committee with the appropriate expertise.
40. Subsequently, it is important that relevant EU legislative proposals are afforded sufficient parliamentary time to enable them to be properly scrutinised.
41. Given that negotiations with the EU regarding the prospective SPS deal are currently ongoing, it is possible that primary legislation to enable the government to dynamically align with the EU may be brought forward before the terms of the prospective SPS agreement are agreed and made public. The upcoming SPS Bill in the King’s Speech should provide a clear process for Parliament to make recommendations for changes to proposed legislation or withhold approval for specific EU proposals. The final SPS agreement should therefore contain provisions for an independent arbitration process which can be utilised in the event of disagreement between the EU and UK e.g. in accordance with the joint government mechanism referred to in paragraph 33 of the Common Understanding.

**5. What impact are the three new UK-EU agreements that are currently in prospect likely to have on UK GDP? (the three agreements being on: the creation of a Common Sanitary and Phytosanitary (SPS) Area; the linkage of the UK and EU Emissions Trading Schemes (ETs); and UK participation in the EU’s internal electricity market)**

42. Given that negotiations on the prospective EU-UK SPS deal are ongoing, and that many of the details of these negotiations are not within the public domain, it is not possible to calculate detailed estimates of the likely contributions the prospective deal may make to UK GDP.
43. However, the SPS agreement will remove a number of elements of the post-Brexit border regime that have created significant trade frictions at the UK border for agri-food products being traded between the EU and UK. For instance, it will remove routine Sanitary and Phytosanitary border checks, and paperwork including Export Health Certificates, Phytosanitary Certificates, and Organic Certificates of Inspection which currently cost exporters up to £200, £25, and £35 respectively per consignment.
44. The removal of these checks will particularly benefit GB exporters of Products of Animal Origin (POAO), including meat and dairy products. Currently when entering the EU through Border Control Points (BCPs) these goods are subject to a 100% rate of documentary checks and up to a 30% rate of physical inspections, in which the container is opened, and a sample may be sent for analysis. If samples are sent for testing this can delay the product from leaving the BCP, which can be particularly costly for short shelf-life products. The BMPA (British Meat Processors Association) has previously estimated the additional cost of sending a full 18-20T truckload of meat products to the EU to be at least £1500, equivalent to a c.2% tariff. Costs can rise much higher if issues arise at the border. Removing the additional organisational challenges that British agri-food businesses have faced exporting to the EU since 2021 will reduce costs and enable them to increase trading volumes and make greater contributions to UK GDP.
45. The removal of border checks will also have significant, positive implications for the horticultural sector. Much of the British horticulture sector is underpinned by a just-in-time supply chain of plants for planting, a large proportion of which is propagated in, and imported from, the EU. The current border regime has created significant challenges for supply chains and trusted relationships that have been built up over many years and to deliver efficiency, biosecurity, and reliability of supply. GB production has been affected as the UK has fast become an expensive and least favoured trade route for EU suppliers. Despite plants moving smoothly across borders pre-Brexit, Defra has adopted a 'high risk' inspection regime on most plants for planting, citing a lack of data for being able to determine the actual risks from EU plants. Growers impacted by these inspections have experienced disruption and significant costs, with consignments being delayed (often for days), plants being damaged, lorries being poorly loaded following inspection, and crops needing to be destroyed because of compromised biosecurity. In certain sub-sectors of horticulture, such as protected edibles, where the young plant import window is narrowed to a few weeks in the year, any delay is an existential threat to the future of the business. The removal of these checks at GB BCPs would therefore benefit the industry,

remove grower concerns regarding the biosecurity of plants passing through BCPs, and enable the industry to continue to contribute to the UK economy.

46. Additionally, post-Brexit the EU has prevented the UK businesses from exporting certain food products into the single market. These include chilled minced red meat, chilled meat preparations (such as sausages), minced poultry meat, and seed potatoes. It is imperative that the SPS agreement enable GB businesses to resume export of these products to the EU, providing an additional market for British products and hence benefitting the UK economy.
47. The table below demonstrates how UK agri-food exports to the EU have declined since 2019, the final year of full UK membership of the EU. Whilst not all of this decline can be attributed to the increased costs and trade frictions UK exporters have faced under the post-Brexit border regime, the NFU believes these challenges at the UK border have been the primary driver of export decline. Therefore, by removing routine border inspections and paperwork, the prospective SPS agreement has the potential to facilitate a significant resumption in the trade of agri-food products between the UK and EU. This should in turn result in a greater contribution from British agriculture to UK GDP.

Product	Value of British Export to EU in 2019	Change in volume (kg) exported from UK to EU between 2019-2025
Beef	£446,746,114	-24.3%
Sheep Meat	£383,248,056	-4.9%
Dairy	£1,422,832,329	-10.0%
Chicken Meat	£307,989,151	-40.7%
Eggs	£63,036,139	-73.8%
Sugar	£71,671,693	-41.0%
Horticultural Produce	£865,685,154	-45.2%

48. It should however be noted that European supply chains have adapted since the UK left the EU to enable products to be sourced from outside the UK and consequently UK agri-food exports to the continent will not return to pre-Brexit levels overnight. Rather, it will take time for UK exporters to re-establish trading relationships with partners on the continent and to rebuild demand for British products within the EU.
49. Building international trading relationships and developing networks in target markets is highly competitive and rebuilding demand for British agri-food products within Europe will require a significant collective effort from across industry and government. To ensure that UK capitalises on the opportunities for agri-food export presented by the prospective SPS

agreement, the NFU continues to call on the government to work with the industry to ensure that the UK's overseas agri-food and drink attachés within Europe are fully equipped with the support, tools, and funding they need to successfully promote and champion British agri-food products within the EU market.

**6. To what extent are the drawbacks and benefits of these prospective agreements for the UK, including with respect to GDP, likely to depend on their precise terms—for example, with respect to the scope and operation of, and exemptions from, dynamic alignment?**

50. In respect to the prospective EU-UK SPS agreement, the NFU is confident that the degree to which farming and growing businesses will either benefit or face disruption from the agreement will be highly dependent on the precise terms agreed. This is true of the scope of the agreement, and hence the areas of policy and EU law in which the UK will be required to dynamically align, precisely how the UK transitions into the implementation of the agreement, and the level of influence within EU decision making processes the UK is afforded within the agreement.

**Transitional arrangements**

51. The agricultural sectors have been impacted by Brexit differently, and since then they have registered various degrees of active and passive regulatory divergence from the EU. Consequently, whilst some sectors are ready to move at pace to align with EU legislation and begin benefitting from the prospective EU-UK SPS agreement, others will need more time if they are to avoid significant disruption and potential damage to their businesses.
52. The UK Government has indicated that it is targeting a date in mid-2027 for implementation of the EU-UK SPS agreement. Such a timeline would, at best, leave 6 months for the industry to prepare once decisions and legislation are passed. The NFU believe that this does not leave enough time for businesses to align to EU legislation, especially in areas where there has been significant regulatory divergence.
53. It is not unusual to agree transitional arrangements for the entry into force of international agreements. When the UK and the EU agreed the Withdrawal Agreement, they included an 11 month transition period. Similarly, the recent EU-Switzerland agreement builds in a 2-year transition from its entry into force, with the exception of rules around Plant Protection Products (PPPs).
54. The NFU is therefore calling on the government to negotiate a variable pace transitional arrangement with different commencement dates for dynamic alignment in different regulatory area depending on the degree of divergence and time needed for businesses to prepare. This would allow businesses to begin to benefit from the EU-UK SPS agreement, whilst minimising potential disruption.

55. There has been considerable divergence between GB and the EU on plant health and Plant Protection Product (PPP) legislation since Brexit, including the authorisation of three new chemicals in GB which are not currently available in the EU. A singular date for dynamic alignment with EU PPP legislation therefore has the potential to significantly negatively impact British farmers and growers should they lose access to PPPs that they require to effectively control pests, weeds, and disease which would otherwise result in crop loss. There would also be significant cost associated with the safe disposal of PPPs that are currently approved in GB but not in the EU.
56. To avoid potentially significant disruption to the farming and growing businesses, the NFU is calling for an effective transition period on plant health legislation that allows British producers to continue with British decisions until new EU rules are made at a time when the UK has had the opportunity to influence those decisions.

## **Scope of the agreement**

### Precision Breeding

57. The Genetic Technology (Precision Breeding) Act 2023 represents a significant opportunity for English agriculture, with biotech and seed companies now able to apply for authorisation of precision bred plants in England. The implementation of this new technology has the potential to improve farm profitability, resilience, and sustainability by equipping farmers and growers with new cultivars which are more resistant to pests and diseases, resilient to extreme weather events, and more resource efficient.
58. The NFU is concerned that any interruption to the ability of biotech and seed companies to utilise this technology would result in a significant reduction or loss of investment and research and development activities within these sectors and forestall progress in this area.
59. Consequently, the NFU believes that the UK Government should seek to secure an exemption from dynamic alignment for precision breeding legislation to ensure that English farmers and growers continue to benefit from novel research advances, until such a time that EU New Genomic Technologies (NGTs) legislation, applying to the whole of the UK, supersedes the Precision Breeding Act.

### Bovine TB

60. EU legislation (Regulation (EU) 2023/361) prohibits the use of vaccines against infection with Mycobacterium tuberculosis complex (MTBC) (Mycobacterium bovis, Mycobacterium tuberculosis, and Mycobacterium caprae) in cattle. We understand that ongoing vaccine trials should be able

to continue under dynamic alignment. However, should GB align with the EU's Animal Health Law, there is a risk that we may lose the ability to vaccinate cattle against MTBC in the future. Whilst a vaccine and the associated DIVA test are not expected to have full WOAHA approval for several years, and until after the SPS negotiations have concluded and the deal implemented, it is essential that GB farmers have the ability to use the vaccine in the future, so long as this does not have trade implications.

61. The NFU is also concerned that alignment with EU animal health law regarding bTB control could significantly increase the length of time farms would be under restriction following a bTB breakdown.
62. Currently, farmers in GB can regain TB-free status after two consecutive short interval skin tests with negative results, at least 60 days apart. In some cases, where the herd is in the Low Risk Area within England and APHA considers the breakdown to be lower risk, a single skin test with negative results is enough to regain TB-free status.
63. However, under Regulation (EU) 2020/689, which was introduced after the UK's exit from the EU, farms are only able to regain TB-free status once all animals over 6 weeks of age have had two negative tests. The first of these tests must be conducted 6 months after the removal of the last confirmed bTB case, with the second test taking place 6-12 months subsequently.
64. Consequently, under EU legislation the minimum length of time that farmers in GB would be placed under restriction would increase to one year. Whilst EU legislation does contain derogations allowing Competent Authorities to restore TB-free status after a shortened testing regime, the conditions required to enable the use of these derogations are likely to be difficult for many herds within GB to meet. It would be particularly challenging for herds in higher risk parts of the UK which may find themselves regularly in and out of TB restrictions.
65. Restrictions during a bTB breakdown are highly disruptive to farming businesses, constraining the ability of farmers to buy in new livestock to replace those that have been lost as reactors, and limiting movement of stock off a holding which can, in some cases, result in overstocking. Consequently, an increase in the duration of restriction following a bTB breakdown would have significant negative impacts upon farm finances, animal welfare outcomes, and farmer health and wellbeing.
66. The NFU is therefore urging the UK Government to ensure that dynamic alignment with the EU does not extend the time farms spend under restriction following a bTB breakdown to ensure that farming businesses remain viable. We are also calling on the government, in recognition of the major challenges that bTB continues to pose for English and Welsh farmers,

to commit the necessary time and resource to ensuring UK views are represented in EU animal health decision making processes.

## Veterinary Medicines

67. Prior to Brexit, veterinary medicines in the UK were regulated via the EU's regulatory framework, operating under the European Medicines Agency (EMA) and sharing regulatory standards with other Member States. The Veterinary Medicines Directorate (VMD), an executive agency of Defra, served as a delivery agency. Following Brexit, the VMD's role was expanded, and it has become an independent UK-only regulator, managing the UK market separately from the European Union.
68. The NFU expects that Regulation (EU) 2019/6 on the authorisation of veterinary medicinal products will be out of scope of dynamic alignment, whilst provisions relating to veterinary medicine maximum residue levels (MRLs) are expected to fall within scope. Trade-relevant rules on antimicrobial resistance are also likely to be in scope. The NFU is concerned that full alignment across all aspects of veterinary medicines legislation would risk giving primacy to the EMA over the VMD. This would weaken the UK's ability to self-regulate the supply and use of veterinary medicines.
69. The NFU believes there would also be significant drawbacks associated with alignment with the recent EU Antimicrobial Resistance (AMR) provisions introduced in 2019<sup>1</sup>. Current European regulations prohibit the use of antibiotics for prophylaxis<sup>2</sup> outside of exceptional cases, in which instances administration of prophylactic antibiotics are limited to an individual animal. This differs substantially from the *Veterinary Medicines (Amendment, etc.) Regulations 2024* currently in place in Great Britain which prohibits routine prophylactic antibiotic use but allows prophylactic use in exceptional circumstances so long as there is veterinary justification and prescriptions are only for the most limited period necessary.
70. Additionally, the regulations state that antimicrobials shall be used for metaphylaxis<sup>3</sup> only when the risk of spread of an infection or of an infectious disease in a group of animals is high and where no other appropriate alternatives are available. The UK Government lobbied against this as an EU Member State as the scientific evidence linking antimicrobial resistance to responsible prophylactic and metaphylactic prescribing of antibiotics was weak. Current UK regulations do not prohibit metaphylactic antibiotic use.

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<sup>1</sup> The *Veterinary Medicinal Products Regulation (Regulation (EU) 2019/6) (VMPR)*, and *Regulation (EU) 2019/4 on the manufacture, placing on the market and use of medicated feed*.

<sup>2</sup> Prophylactic treatment is the treatment of an animal or a group of animals, before clinical signs of infectious disease, in order to prevent the occurrence of disease or infection. (Sometimes referred to as preventative treatment).

<sup>3</sup> Metaphylactic treatment is treatment of a group of animals after the diagnosis of infection and/or clinical disease in part of the group, with the aim of preventing the spread of infectious disease to animals in close contact and at considerable risk and which may already be (sub-clinically) infected. (Sometimes referred to as control treatment.)

71. The NFU believes that in practice, the current EU legislation can act as a serious barrier to animal health and welfare, preventing the rapid treatment of a flock or herd of animals exposed to disease. Consequently, the NFU believes that veterinary medicines, and particularly provisions relating to Antimicrobial Resistance, should be outside the scope of any SPS agreement.

## Organics

72. The NFU expects that organics regulations will fall within scope of an EU-UK SPS agreement. New organic regulations (Regulation (EU) 2018/848) came into force in the EU in 2022, replacing the previous legislation which farmers in Great Britain are still complying with. Producers across all agricultural sectors will therefore require sufficient time to align with the EU's new organic legislation.
73. Alignment will be most difficult for the organic poultry sector, which currently relies on a derogation for that enables young poultry to receive a diet that is 95% organic, with up to 5% non-organic protein to allow for a balanced diet and to safeguard animal health. This small proportion of non-organic protein feed, typically maize gluten or other protein concentrates, provides essential amino acids that are otherwise unavailable from organic sources.
74. Regulation (EU) 2018/848 introduced the legal requirement for all organic livestock to be fed a 100% organic diet. However, the legislation allows Member States to grant derogations allowing the use of up to 5% non-organic protein feed, for young poultry and piglets under 35kg, when organic protein feed is unavailable in sufficient quantities. This derogation is due to expire on 31 December 2026. However, the Commission recently published a 'Call for Evidence' and is expected to publish a delegated act in the third quarter of 2026 to extend the possibility for Member States to authorise up to 5% of non-organic protein feed for young monogastrics. We do not know if the derogation will be extended permanently or temporarily.
75. The NFU believes that the UK Government should engage fully with the EU processes and seek to use its influence to ensure that the current 5% non-organic protein feed derogation is maintained beyond December 2026. This is important to ensure the welfare and productivity of organic poultry diets.
76. The updated EU organics regulations also require organic poultry to be hatched and raised in accordance with organic production rules. Where this is not possible, Member States can permit the introduction of non-organic poultry onto organic farms, but only if pullets are less than three days old.
77. In Great Britain all organic laying farms rely on pullets reared indoors under controlled health and biosecurity conditions and which are fed organic diets. These are then transferred to organic sites at the point of lay (around 18 weeks) whereafter they are kept in accordance with the regulations for organic laying hens. This production system was permitted under the

previous EU organics legislation (Article 42(b) of Commission Regulation (EC) No 889/2008) via a derogation allowing non-organically reared pullets for egg production to be brought into organic laying farms when organically reared pullets are not available.

78. There are no fully organic commercial pullet rearing facilities in Great Britain and consequently it is not currently possible for the British organic poultry sector to comply with the current EU regulations. Loss of the current derogation via dynamic alignment with the EU could therefore endanger domestic organic egg production. Consequently, the NFU is urging the government to secure an extension of the derogation allowing non-organically reared pullets up to 18 weeks of age to be used in organic egg production to ensure that disruption to the sector is minimised.

### Mycotoxins

79. Mycotoxins are unavoidable, natural food contaminants which are produced by fungi growing on agricultural crops, either in the field or in storage. Whilst fungal mycotoxins are a global problem in production, there are specific groups of fungi which particularly impact the UK cereal sector.
80. In 2024, the EU introduced new maximum limits for the levels of several mycotoxins in cereals and cereal based products imported into, or produced in, the EU for use in food or feed. The NFU is concerned about the ability of British growers to meet the EU permitted maximum levels for mycotoxins produced by some of these fungi, particularly in seasons where higher levels of fungal growth are unavoidable due to our maritime climate.
81. To ensure that the arable sector does not face significant disruption due to dynamic alignment on mycotoxin maximum limits regulations, the NFU is calling on the Government to ensure that the UK has the ability to make "technical adaptations" to EU rules in line with the provisions that allow Member States to adapt the rules to suit their own circumstance. For instance, Finland and Sweden have a derogation to the EU maximum levels for certain contaminants in some fish species from the Baltic Sea where persistently high levels of contaminants within the environment means that fish accumulate higher levels, making it challenging to meet the standard maximum levels.

### **Influence**

82. As set out in paragraphs 26-30, the NFU believes it is vital that the UK has meaningful influence on the decision shaping process within the EU. Ensuring that terms of the prospective SPS agreement afford the UK sufficient opportunities influence on behalf of British interests is essential to ensure future European legislation accounts for the needs of the UK agricultural sector and does not unfairly impact British farmers and growers.

**7. Should the UK make a financial contribution to the EU or EU policies as part of its dynamic alignment agreements? Is there a level of contribution that would mean that such agreements do not represent value-for-money for the UK?**

83. The NFU is aware that, in relation to the EU-Switzerland CFSA, Switzerland has committed to the making of a financial contribution towards the operation of some EU agencies and information systems in return for access to these bodies. These include EFSA, EUROPHYT, RASFF, TRACES and ADIS.
84. The Swiss financial contribution includes an operational element based on, amongst other things, GDP, and a participation fee of 4% of the annual operational fee of the relevant bodies. The EU may seek a financial contribution on a similar basis in return for UK access to EU bodies under the prospective SPS agreement. The eventual UK Government financial contribution to the above is a matter for the government in negotiation with the European Commission.

**8. What are the implications of the three prospective agreements with the EU, and of the Government's general policy of dynamic alignment with the bloc, for the UK's trade relations with countries outside the EU—with respect especially to the United States, and the UK's membership of the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP)?**

85. The prospective EU-UK SPS deal will likely remove the UK's ability to unilaterally make SPS concessions during trade negotiations with trading partners outside of the EU. However, the NFU has always maintained that the UK's high food safety, animal welfare, and environmental standards should always be protected during trade negotiations to ensure that British farmers and growers are not undercut by imported products produced to lower standards abroad.
86. Dynamic alignment with the EU's SPS regime is unlikely to negatively impact those Free Trade Agreements (FTA) that the UK has negotiated since the UK's departure from the EU. The Trade and Agriculture Commission (TAC) has scrutinised the FTAs that the UK has concluded with Australia, New Zealand, CPTPP and India and has concluded that provisions of the FTAs that are applicable to trade in agricultural products are consistent with the maintenance of UK levels of statutory protection in relation to (a) animal or plant life or health, (b) animal welfare, and (c) environmental protections. The TAC has not yet scrutinised the agreement that the UK has signed with the US.
87. Additionally, even when dynamically aligned with the EU, the UK will remain free to negotiate further FTAs with trading partners outside of the bloc, should the government wish to do so. SPS chapters are typically negotiated independently of other elements of an FTA. Consequently, the government will be able to continue to negotiate new FTAs so long as they operate on the basis that both parties reserve the right to maintain independent SPS regimes, which in the case of the UK will be the EU SPS regime.

88. Dynamic alignment with EU SPS regulations will preclude the UK Government's ability to make SPS concessions that are not compliant with the scope of the EU/UK SPS agreement.

**9. What issues does prospective UK dynamic alignment raise for the UK's devolved administrations and legislatures? How should the UK Government and Parliament engage with the devolved administrations and legislatures in a system of dynamic alignment?**

89. The NFU and NFU Cymru believe that, from the outset, there must be early and continuous dialogue between the UK Government and Westminster Parliament and the Welsh Government and Senedd in relation to dynamic alignment with the EU. We see such early engagement as vital to helping secure the consent and buy-in of the Welsh Government and Senedd as well as devolved stakeholders.

90. We continue to make the point that, in relation to the EU-UK SPS agreement, agriculture across the UK is not homogenous. For instance, Welsh agriculture is strongly skewed towards the production of red meat, dairy, eggs, and poultry. This means that any issues associated with dynamic alignment that disproportionately impacts these sectors is likely to have a disproportionate effect on Welsh agriculture.

91. Early and continuous engagement with Welsh Government, the Senedd and devolved stakeholders will also help ensure that any issues, challenges and potential disproportionate impacts are identified early on in the process, allowing for the exploration of mitigation measures.

92. When the devolved institutions were established, it was widely understood that their powers to act, even in relation to areas which were as matters of domestic law devolved, would always be heavily circumscribed by the effect of EU law, as well as domestic legal limits placed on the ability of the then National Assembly for Wales to act in space occupied by EU law.

93. Such external limits on the ability of Cardiff Bay to act in relation to agriculture and the environment fell away with Brexit, with powers returning to the Senedd and Welsh Ministers. Despite this, the inevitable consequence of the UK dynamically aligning with the EU will be the foreclosure of many aspects of devolved law and policy making. Whilst external limits on the ability of Cardiff Bay to act may well have been accepted or tolerated whilst the UK was an EU member state, their re-imposition by the UK Government through dynamic alignment, unless done sensitively, could represent a more challenging proposition which could become a source of tension between the Welsh and UK Governments.

94. Whilst there currently appears to be a degree of intergovernmental consensus on the need for closer EU-UK alignment, moves towards dynamic alignment could become contested or even resisted if the devolved institutions are not allowed to input meaningfully into future UK alignment, decision making and development of legislation.

95. Elections to the Senedd take place on 7th May 2026. Whilst we cannot anticipate the attitude of the new Welsh Government and Senedd to dynamic alignment with the EU, NFU Cymru would make the point that where dynamic alignment might engage, or even foreclose on, devolved policy and law making, the consent of the Senedd must be sought and there should be early and extensive engagement with the new Welsh Government. For example, primary legislation will almost certainly be needed in order to give the UK Government powers to implement dynamic alignment, given the way in which this will engage devolved competencies, we would expect the views and consent of the Senedd and Welsh Government to be sought.
96. Similarly, although the UK will not have the right to a vote on decisions relating to the EU legislation with which it is aligning, it is anticipated that there will be opportunities for the UK to be involved in the decision shaping process at an EU level. Whilst the UK was a member of the EU, the devolved administrations were able to input into European Council meetings via the Joint Ministerial Committee (JCM) on Europe. Any future Welsh Government will likely be curious as to what scope there might be for Wales to shape policy via the JMC Europe's successor, the UK-EU Inter-Ministerial Group. NFU Cymru believes that appropriate and sufficient weighting needs to be given to the views of Wales, as represented by Welsh Ministers, at the UK-EU Inter-Ministerial Group.
97. It is overwhelmingly likely that dynamic alignment will largely be delivered through the use of secondary legislation. NFU Cymru would ask that the UK Government is mindful of any capacity issues around drafting and approval which may arise in Welsh Government and the Senedd if both were faced with a sudden and significant uptick in the volume of secondary legislation they are required to deliver.

**10. What actions need to be taken and arrangements put in place—in legal, institutional and practical terms—before UK dynamic alignment under the three prospective agreements is operating fully and smoothly? How long might this process take?**

98. The NFU believes that the UK Government should be acting now to put in place the necessary arrangements to enable it to play its full part in ensuring the success of the SPS agreement. Active influence within the EU decision shaping process will require a well-equipped team of experts to take up representation roles in relevant EU committees and the government should be acting now to ensure its technical experts, scientists, diplomats, negotiators and regulators all possess the skill and tools they will need to deliver effective influence on behalf of the UK agri-food sector.
99. These experts will then be required to take up seats on all relevant EU committees for the areas of law that fall within scope of the agreement. The UK Government should therefore seek to ensure that it has access to, and is actively engaging with, all EU committees, agencies, and information systems relevant to the agri-food sector and more widely as per the EU/Swiss agreement. For example, given that the SPS agreement will bind

the UK ever closer to the EU, the NFU suggests that the government should revisit its request to be involved in the European Food Security Crisis Preparedness and Response Mechanism (EFSCM). It will also be necessary for the UK and EU governments to establish both formal and informal mechanisms for consultation of the UK's experts on prospective EU policy decisions, with Article 12 of the EU-Swiss CFSA agreement providing a potential model.

100. The government should also work with the agri-food industry and the devolved administrations to establish effective consultative mechanisms and forums to allow stakeholders to feed into relevant conversations regarding proposed EU legislation at the earliest stage possible. The NFU believes that genuine consultation with the agri-food sector is essential to ensure British farmers and growers are able to contribute to legislation that will directly impact their businesses.
101. It will also be necessary for the UK Government to put in place arrangements to effectively track prospective EU legislation and communicate developments as they occur to its own experts and to stakeholders within industry and the devolved administrations.
102. It will be crucial to have transitional arrangements in place to avoid a cliff edge situation at entry into force of the agreement. This is necessary to minimise disruption to farming businesses and allow the industry to prepare for change.
103. Illegal imports of meat products continue to be a significant concern. The sector needs reassurance that government sees this a priority and will focus resources to stop illegal activity once the SPS agreement is in place. Illegal imports can bring in diseases into the country and damage consumers' confidence and UK's reputation on the domestic and foreign markets.

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