

Written evidence submitted by the British Egg Industry Council, British Poultry Council (FRE0152)

We write to you jointly on behalf of the British Egg Industry Council (the representative trade body for the UK egg industry) and the British Poultry Council (the representative trade body for the UK poultrymeat industry).

We note with interest the “Third Report: Preparing for the end of the Transition Period, issued by the Committee on the future relationship with the European Union under your leadership. We are writing in relation to a specific paragraph:

“8. Preparing for the end of the Transition Period

• Sanitary and phytosanitary (SPS) checks – live animals, products of animal origin and some plants and other agri-food products will have to enter the EU via Border Control Posts, where they will be subject to additional checks to ensure they comply with food safety and biosecurity regulations A UK Export Health Certificate will also be required.*

**Checks can include:*

- Documentary checks which verify the veterinary certificates and documents accompanying the consignment.*
- Identity checks which check to ensure products in vehicle match those described in documents. This will mean physical inspection of vehicle to check seal numbers; and*
- Physical checks. Here the consignment is physically inspected, and this can include examining the packaging, checking temperatures, sending samples for to a lab analysis, or even smelling or tasting a product.”*

SPS checks are undoubtedly an important mechanism for reducing international movements of important infections, but they are also creating significant [non-tariff barriers to trade](#)¹. The requirement for SPS certification also lacks the clarity and detail necessary to carry out these checks.

The Government has emphasised that we should 'CHECK-CHANGE-GO'. The poultry industry is a major supplier of day-old breeding stock of chickens, turkeys, and ducks throughout Europe, to many third countries, and also supplies all of the commercial layers, on the island of Ireland, in addition to commercial broilers. The industry has repeatedly requested the certificates which would govern the trade in day-old chicks and hatching eggs in the last twelve months to no avail.

The Government seems to be working on the premise that the GB animals will require the same level of detailed certification as required for countries with no alignment with EU regulations from 1 January 2021 (even for trade within the UK including GB to NI). In relation to SPS checks this would effectively mean ‘WTO terms’.

Disruption of trade on the island of Ireland was a major preoccupation in negotiating the WDA and the PD. The Northern Ireland Protocol specifically states:

“This Protocol respects the essential State functions and territorial integrity of the United Kingdom” (Article 1) And:

“Having regard to Northern Ireland's integral place in the United Kingdom's internal market, the Union and the United Kingdom shall use their best endeavours to facilitate the trade between Northern Ireland and other parts of the United Kingdom, in accordance with applicable legislation and taking into account their respective regulatory regimes as well as the implementation thereof” (Article 6).

The approach currently being taken on certification will inevitably cause regulatory barriers and disruption which is entirely disproportionate to any benefit achieved, for both the UK and the EU. Given that the requirements were published only at this late stage (with minimal consultation with industry on key aspects), it is unrealistic to expect industries to change to the extent envisaged in time for 1 January 2021.

The circular at Annex B from the UK's Pullet Hatcheries and Breeders Association highlights the problems caused by the suggested approach for one commodity in one specific sector and trading relationship. We fully accept that trade in live animals should be carefully controlled, and the importance of the Northern Ireland Protocol. However, as a matter of principle, trade within the UK should be no more onerous than trade within the EU. It is therefore entirely unacceptable and unjust, to impose on the UK and Irish industry, individual farmers, animal owners, and consumers, conditions which are applicable broadly to third countries which are in no way aligned with EU regulation.

We are calling on the Government to agree on a sovereign basis, that Defra can take the lead in making GB to EU/Northern Ireland certificates available that mirror the current INTRA trade certificates. These ITAHC certificates have been in use for trade of live animals through ROI for many years and are much less onerous. Industry would be happy to use these certificates for GB-N. Ireland trade. This could either be via the new UK EHC Online system or, by agreement with the EU, using TRACES-NT. These could remain in force until updated to the equivalent documents required to be used from April 2021 under the new EU Animal Health Law (which would also, hopefully, mirror those required for Intra-EU trade unless GB diverges or plans to diverge on some particular controls).

The UK has a long and proud history of developing and requiring best practice in [veterinary certification](#)². While there was minimal reference to SPS arrangements in the Withdrawal Agreement (WDA) itself, the political declaration (para 23) committed both the UK Government and the EU to a clear and sensible approach on regulatory matters:

“While preserving regulatory autonomy, the Parties will put in place provisions to promote regulatory approaches that are transparent, efficient, promote avoidance of unnecessary barriers to trade in goods and are compatible to the extent possible.”

The proposed approach is entirely consistent with this declaration. We do, however, recognise that the EU would need to agree to the approach proposed. We also understand from Europe-wide industry federations that the EU have already proposed continued use of the TRACES system, and that the UK Government's agreement to this proposal is still outstanding. We note that Article 6 of the Ireland/Northern Ireland Protocol (an integral part of the treaty) requires the joint

committee to maintain issues affecting trade between GB and N. Ireland under ongoing review, thus providing the opportunity to correct the situation going forward.

Below we provide brief comments on the areas you have specifically requested evidence on.

Look forward to your continued support.

Yours sincerely
Mark Williams

(on behalf of the British Egg Industry Council & British Poultry Council)

1. <https://www.instituteforgovernment.org.uk/explainers/non-tariff-barriers>
2. <https://www.rcvs.org.uk/setting-standards/advice-and-guidance/code-of-professional-conduct-for-veterinary-surgeons/supporting-guidance/certification/>

ANNEX A

Addition evidence requested:

- **What are the priorities for the UK, and for the EU, in the negotiations on the future relationship? How should the interests of different sectors of the economy and parts of the UK be balanced?**

Both sides should focus on a phased approach ensuring an orderly withdrawal (The EU's top priority). Plant, animal and public health should provide guiding principles on which the regulatory approach should be based in relation to any trade with an impact on these areas. It should be noted that economic disruption has the potential to adversely affect the poorest in society and damage the ability of the state to provide support. It is for the EU and all governments involved to balance the interests all of their citizens, not just the minority who put them into office. The COVID pandemic further exacerbates the associated issues.

- **How will the implementation of the Withdrawal Agreement interact with the negotiations on the future relationship? What is the role of the Joint Committee, and what other mechanisms will be available for the UK and EU to resolve disagreements?**

There was insufficient detail in the WA and the associated protocols in relation to how it was envisaged that SPS non-tariff barriers would be managed. Please refer to our letter to Mr Benn for detailed evidence in respect of this.

- **How prepared is the UK Government to negotiate and implement the future relationship with the EU, including in the event a free trade agreement is not secured? Which aspects of the future relationship could be negotiated after the transition period?**

We have seen no evidence that the government is prepared to do this, though many sectors take the view that this will be inevitable. The highly technical negotiations on a broad range of commodities could not reasonably have

been completed in an 11-month time span. The government strategy of maintaining their deadline to pressurise the EU may be a reasonable tactic, but an implementation date likely to be only a few days after the end of negotiations provides no opportunities to properly evaluate any deal achieved and carry out the changes required. The 'Proper Brexit' the government has chosen, allied with the legitimate concerns in the EU to protect their "Single market" exacerbate the challenges. Threats to renege on agreements already made reduce the confidence of the other parties in the behaviour of the UK government

- **How effectively is the Government consulting with businesses, stakeholders, and the devolved institutions, to inform the UK negotiating position?**

While there have been various fora at which concerns could be raised there was little response to questions raised in many key areas. The typical response has been 'this will be informed when the negotiations have been completed'. This is no criticisms of the genuine effort by civil servants involved in trying to deliver on the Government objectives. The issue has been delays in taking the required political decisions and achieving agreements with the EU. In relation to SPS, judging by the published certificates, the decision appears to have to take the 'easy way out' and not to try to achieve an agreement in line with paragraph 23 of the Political Declaration. We have no evidence that the issues raised here, and the scale of consequences across multiple sectors, have really been understood by those in a decision-making role.

Relevant Extracts from official documents:

AGREEMENT on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community (2019/C 384 I/01)

PROTOCOL RELATING TO THE SOVEREIGN BASE AREAS OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND IN CYPRUS

Article 6 Agriculture, fisheries and veterinary and phytosanitary rules

The provisions of Union law on agriculture and fisheries in Title III of Part Three TFEU and acts adopted pursuant to those provisions, as well as the veterinary and phytosanitary rules adopted in particular pursuant to point (b) of Article 168(4) TFEU, shall apply to and in the Sovereign Base Areas. The Republic of Cyprus shall be responsible for the implementation and enforcement of the provisions of Union law referred to in the first paragraph in the Sovereign Base Areas.

PROTOCOL ON IRELAND/NORTHERN IRELAND

Article 1

2. This Protocol respects the essential State functions and territorial integrity of the United Kingdom. 3.

Article 6

2. *Having regard to Northern Ireland's integral place in the United Kingdom's internal*

market, the Union and the United Kingdom shall use their best endeavours to facilitate the trade between Northern Ireland and other parts of the United Kingdom, in accordance with applicable legislation and taking into account their respective regulatory regimes as well as the implementation thereof. The Joint Committee shall keep the application of this paragraph under constant review and shall adopt appropriate recommendations with a view to avoiding controls at the ports and airports of Northern Ireland to the extent possible.

Political declaration setting out the framework for the future relationship between the European Union and the United Kingdom (2019/C 384 I/02)

Under 'Regulatory Aspects'

23. While preserving regulatory autonomy, the Parties will put in place provisions to promote regulatory approaches that are transparent, efficient, promote avoidance of unnecessary barriers to trade in goods and are compatible to the extent possible. Disciplines on technical barriers to trade (TBT) and sanitary and phytosanitary measures (SPS) should build on and go beyond the respective WTO agreements. Specifically, the TBT disciplines should set out common principles in the fields of standardisation, technical regulations, conformity assessment, accreditation, market surveillance, metrology and labelling. The Parties should treat one another as single entities as regards SPS measures, including for certification purposes, and recognise regionalisation on the basis of appropriate epidemiological information provided by the exporting party.

Article 6

Protection of the UK internal market

2. Having regard to Northern Ireland's integral place in the United Kingdom's internal market, the Union and the United Kingdom shall use their best endeavours to facilitate the trade between Northern Ireland and other parts of the United Kingdom, in accordance with applicable legislation and taking into account their respective regulatory regimes as well as the implementation thereof. The Joint Committee shall keep the application of this paragraph under constant review and shall adopt appropriate recommendations with a view to avoiding controls at the ports and airports of Northern Ireland to the extent possible.

ANNEX B

**Trade in Day-Old Chicks to Northern Ireland and Republic of Ireland:
Consequences of Brexit**

We have been emphasising the importance of the day-old commercial layer chicks trade from GB to both Northern Ireland (NI) and the Republic of Ireland (ROI) since the 2016 Brexit vote in a range of different government liaison committees.

Most of the detailed discussion relevant to this trade occurred in a cross-species 'Brexit Breeding Group' which met approximately quarterly between September 2018 and September 2020. This group had representatives of BEIC, BPC and individual breeding companies, in addition to those with an interest in breeding pigs, cattle, sheep etc. The BPC/BEIC Primary Breeder Group (PBG) has been in discussions with Defra on the details of chick certification for 18 months. The Animal and Plant Agency (APHA) published on the gov.uk website a draft certificate 8237 for the

export of day-old chicks to the EU and Northern Ireland, along with a large number of certificates dealing with other commodities*.

The new certificate is required because the UK has already exited the EU, and, for the purpose of SPS arrangements, GB will have to be treated from 1st January 2021 like all other non-EU or 3rd countries. We had expected that appropriate arrangements would have been negotiated as part of an EU/UK trade deal which could have minimised disruption. The definitive specimen certificate and NFG were published on 12th December. There are technical issues relating to this certificate which have been raised with Defra, but the advice received is that chick movements from 1st January 2021 will need to comply with the terms of this certificate.

Issues identified:

1. The guidance requires that the certifying vet inspects the chicks to be exported within the 24 hours prior to export. Previously certification was based on health inspection of the breeding flocks, typically on a 4-weekly cycle
2. Chicks are required to be transported in *“perfectly clean, disposable boxes used for the first time”*
3. If GB is not free of Newcastle Disease and Highly Pathogenic Avian Influenza (as is currently the case with HPAI), chicks may not come from a hatchery, or from eggs from a supply farm, linked to an outbreak or in a disease control zone. The occurrence of disease, determination of the situation, and confirmation of this with the EU, may cause disruption of deliveries from time to time
4. The consignments will be subject to checks at Border Inspection Posts approved by the EU which we understand will be at Belfast Port and Dublin Port. We have not yet had confirmation that these will be ready to check chick consignments from 1st January
5. It is important that the site of destination is accurately completed on certificates and that any required changes are notified as early as possible (and no later than 48 hours prior to the export). The chicks remain in quarantine for 6 weeks. We expect them to be inspected by Daera (in NI) or DAFM (in ROI) veterinarians prior to release from quarantine. There appear to be no specific requirements as to quarantine site facilities, but it is unlikely that the authority would allow movement of any other chickens off the site until quarantine is completed. If your site is multi-age or multi-species, please consult your local veterinary authorities

BEIC has proposed to Defra that this trade is protected as of 1st January by continuing to use INTRA Traces certificates, extending this to destinations in Northern Ireland regardless of route of travel. We have been informed that Defra cannot (or will not try to) do this. This would have allowed the current logistics systems, been safer from an animal welfare perspective, and avoided the need for circa 90,000 disposable boxes a year, but would have required agreement from DAFM, DAERA and the EU.

Further changes from 20th April 2021.

The EU has recently been working on consolidating a broad range of animal health related legislation into a single Animal Health Law**. This has attempted to rationalise the approach to disease control and trade across all species. The basic certification requirements and objectives remain the same, though we anticipate that a full review of the Poultry Health Scheme will be required. This is not an infringement of GB sovereignty – it is only required if we wish to continue to supply breeding and commercial chicks (or hatching eggs) from GB into the EU and/or Northern Ireland. The current draft of the new health certificate for day-old chicks, as published by the EU, does not solve any of the issues listed, though it is possible that further changes will be required from the date of implementation.

We stand ready to assist in any required negotiations in relation to the implementation of the AHL with the EU and the competent veterinary authorities.

We regret the need to inform you of these matters which will have some impact on your business. While the current apparent impasse in the talks aimed to deliver a UK-EU trade deal are not helpful, we will continue to use every opportunity, in conjunction with the BEIC, to support the trade of Lion Code chicks from GB hatcheries to rearers in NI and to the ROI. We believe that the information provided here will apply regardless of the outcome of these talks, but will, of course, write again if the situation changes.

* <https://www.gov.uk/export-health-certificates/export-day-old-chicks-other-than-of-ratites-to-the-european-union-certificate-8237>

** https://ec.europa.eu/food/animals/health/regulation_en

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