My Lords,

The Trade in Animals and Animal Products (Legislative Functions) and Veterinary Surgeons (Amendment) (EU Exit) Regulations 2019 and the Animal Health and Genetically Modified Organisms (Amendment) (EU Exit) Regulations 2019

Thank you for your interest in the Trade in Animals and Animal Products (Legislative Functions) and Veterinary Surgeons (Amendment) (EU Exit) Regulations 2019 and the Animal Health and Genetically Modified Organisms (Amendment) (EU Exit) Regulations 2019. I thought it would be helpful for all noble Lords to see my responses to all the questions where I agreed to write and provide further information.

First of all, I would like to update all the Lords on the issue of third country listing and TRACES access, which a number of Peers raised.

If the UK leaves the EU without a deal on 31 October 2019 then it will be ‘listed’ as a third country. Achieving ‘Listed’ status, which is based on providing assurances on biosecurity standards and controls, such as animal health and food hygiene standards, is required of all third countries seeking to export live animals and animal products to the EU.

The UK submitted an application for third country listing (for exporting animals and animal products), applicable from 1 November 2019. I am pleased to announce the EU’s Standing Committee on Plants, Animals, Food and Feed (SCOPAFF) confirmed the acceptance of the UK’s national listed status on Friday 11 October after it met the health and biosecurity assurances required for a third country.

As part of the third country application process, we confirmed our commitment that imports of animals and products of animal origin from the EU would continue to be notified on TRACES as now, for a short period of time after EU Withdrawal.

In the event of a no deal, businesses exporting animals and animal products to the EU will still need to meet new third country export to the EU requirements, such as going through the correct EU Border Inspection Post and obtaining an Export Health Certificate.
The 11 October vote was specifically for the UK leaving without a deal on 31 October. If an alternative exit date to 31 October is agreed, then we would need to review and re-confirm a process for progressing the listing application again prior to the revised exit date.

As part of the third country application process, we confirmed that imports of animals and products of animal origin from the EU would continue to be notified on TRACES as now.

**Baroness Parminter asked about the cost of the Import of Products, Animals, Food and Feed System (IPAFFS)**

The UK is introducing its own system for import notifications and controls with IPAFFS, the Import of Products, Animals, Food and Feed System. IPAFFS will allow importers, or agents acting on their behalf, to create an import notification and legal declaration of consignments from outside the EU, either directly imported or routed via EU, bound for the UK before arrival.

The cost of developing this system for the financial years are as follows: 2018/19: £19.1m, 2019/20: £5.3m (as of 30th of September 2019). The 2018/19 figure includes overheads which have since been absorbed centrally in the 2019/20 financial year.

**Baroness Parminter also queried why there were changes to Genetically Modified Organisms (GMOs) in the instruments.**

With regard to her question concerning GMOs, I can reassure Baroness Parminter that the Government is not changing policy and that these minor corrections do not involve the transfer of any legislative functions. In particular, the Government is not reducing the requirements for reporting on GM field trials nor decreasing transparency.

The purpose of the amendment in question is to correct the earlier exit SI, the Genetically Modified Organisms (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/90). The intention in the earlier SI was to delete a superfluous requirement for us to ‘encourage’ consent holders to provide reports of field trials in an electronic format. Consent holders already submit reports in an electronic format and therefore this was not necessary; we have no powers to enforce such encouragement in any case. This was not deleted in the earlier SI and had to be corrected in this SI, the Animal Health and Genetically Modified Organisms (Amendment) (EU Exit) Regulations 2019.

In the future, consent holders will continue to be required to submit reports about their trials using the format prescribed in the Annex to Decision 2003/701/EC and we have a legal requirement to publish all of these reports on a public register.

The corrections and clarifications in this SI will ensure that retained EU law continues to operate effectively after the UK leaves the EU.

I also answered a question on GMO stakeholder engagement. As I noted in my closing speech, Defra has engaged with industry on multiple EU Exit issues, including GMOs. In light of this exchange, we thought it would be useful to update the EM to further clarify our position: we have liaised closely on this SI with the Devolved Administrations who have
supported these proposed changes, but we have not carried out any engagement on this SI specifically with industry because it only makes amendments which are legally necessary to achieve its objectives following the withdrawal of the UK from the EU. It does not introduce any changes of policy for TSEs, ABPs or for GMOs and it will not produce any impact on businesses or the public.

I attach the updated EM, which I hope makes clearer to noble Lords what engagement has been undertaken in relation to this statutory instrument. The change is to paragraph 10.2.

I further reiterate that this SI does not introduce any changes of policy for GMOs and it will not produce any impact on businesses or the public.

Lady McIntosh of Pickering and Lord Purvis of Tweed asked what consultation had taken place with Northern Ireland industry, and what would happen in a No Deal scenario regarding checks on consignments moving from Ireland to Northern Ireland

Defra have been working closely with the Northern Ireland Civil Service and in particular, the Department of Environment, Agriculture and Rural Affairs on readiness in all scenarios, including no deal. This involves ensuring businesses and stakeholders are advised of no deal trade requirements. Defra is also contributing to the cross-government border readiness and communications preparations led by the HMRC hosted Border Delivery Group. Events have been held across Northern Ireland to work with stakeholders to help them understand the changes required for their businesses. The Government will continue to provide guidance and advice for members of the public and businesses via GOV.UK.

To uphold the Belfast (Good Friday) Agreement and facilitate the flow of goods, the UK Government would not introduce any new checks or controls at the land border on goods moving from Ireland into Northern Ireland.

In order to lessen the impact of the immediate changes to existing patterns of trade and on the security context, the UK Government has set out how it would implement and apply a unilateral policy of 'no new checks, subject to limited exceptions' for the Northern Ireland land border for day one of leaving without a deal. This aims to maintain the status quo as far as possible for imports that cross the land border from Ireland into Northern Ireland. However, significant risks remain, as this policy is temporary in nature and unilateral. The UK Government will look to engage with the Irish Government and the EU as soon as possible following Brexit.

Noble Lords may find it helpful to know further information on this issue can be found in the 'No-Deal Readiness Report' that was published on 8 October 2019, and can be found on GOV.UK.
Lord Hope of Craighead asked why a change was being made regarding the treatment of products originating from Greenland

I am pleased to reassure Lord Hope that this instrument aims to treat products originating from Greenland moving to the UK as they are currently treated.

A previous animal imports instrument, the Import of and Trade in Animals and Animal Products (Amendment etc.) (EU Exit) Regulations 2019, sets out the countries which are to be treated as if they were EU Member States after EU Exit, for the purposes of animals and animal product imports. There was a small risk that confusion would have arisen from consignments originating from Greenland, since Greenland was not directly mentioned within the list of the Instrument, but is normally treated as an overseas territory of Denmark for animals and animal product imports. The instrument, therefore, seeks to clarify that specific fishery products originating in Greenland are to be treated as if they originated in the EU, as is the case at present.

This is because Greenland is included in the list of overseas countries and territories set out in Annex II of Article 198 of the Treaty on the Functioning of the European Union (‘the Treaty’). The listing of Greenland means trade in fishery products, bivalve molluscs, echinoderms, tunicates, marine gastropods, by-products and products derived from these by-products between Greenland and the Union is conducted in compliance with Union rules on animal health and food safety. This requires Denmark and Greenland to ensure that consignments of products dispatched to the Union from Greenland are in conformity with the applicable Union rules concerning animal health and food safety. It also requires that veterinary checks at border inspection posts in Greenland should be carried out in accordance with appropriate EU Council Directives. Those assurances also include a commitment to ensure compliance with the rules on trade within the Union.

In short, the EU perceives the import of fishery products from Greenland into Member States as intra-Union trade, in the light of the assurances of Greenland and Denmark that appropriate veterinary checks will have already been carried out on these products, and of conformity to the relevant Council Directives. We are therefore making this change to ensure that there is no change to imports from Greenland of these products.

I hope you find this information helpful and please do not hesitate to write – or contact me directly - if you have any further questions. A copy of this letter will deposited in the library of the House.

[Signature]