

DAERA Factual Comments on the AERA Committee Draft Report on the Agriculture Bill

Clarification on the policy intent behind Clause 32:

- DAERA / NI livestock traceability systems will not be subsumed into a UK wide system. NI will continue to adhere to EU standards and the requirements of the protocol.
- NI will continue to approve its own identification tags. They will liaise closely with Defra on tag approval and testing of tags. This mutually beneficial arrangement will continue.
- AHDB / Livestock Information Ltd will not be performing a role in livestock identification in NI. LIL will operate the Livestock Information Service (LIS) throughout England. LIS will interoperate with equivalent services across the Welsh and Scottish Administrations to enable livestock movements across mainland UK borders.
- It is expected that APHIS/ NIFAIS will also continue to interface with GB systems/ LIL/ LIS/ UK View in the same way as it does now, via the Cattle Tracing System (CTS). That is managed as Exports and Imports between NI and CTS.

Consent provisions for Clause 32:

- With regard to identification and traceability of animals Clause 32, Minister Poots wrote to the Defra Minister seeking provision to be included to the effect that DAERA's consent would be required with regard to the assignation of functions as these relate to the "collecting, managing and making available information regarding the identification, movement and health of animals, or the means of identifying animals".
- Defra is now seeking collective agreement (within Whitehall) to a UK Government amendment being tabled on c.32 to the effect that consent provisions would be included. This will most likely happen in the House of Lords.

Consent provisions for Clauses 37:

- With regard to organic products Clause 37, Minister Poots wrote to the Defra Minister seeking provision to be included to the effect that DAERA's consent would be required should UK Government wish to make organic regulations under clause 36 in relation to devolved matters.
- Defra is now seeking collective agreement (within Whitehall) to UK Government amendments being tabled on c.37 to the effect that consent provisions would be included. This will most likely happen in the House of Lords.

Clause 40 – 42 WTO Agreement on Agriculture:

- The UK Government's view was that provisions in clauses 40 – 42 were outside devolved competence. However, clauses 42(4) and (5) confer a power on the Secretary of State to make regulations that may require a devolved authority (which includes DAERA) to provide information to the Secretary of State. The UK Government's view is that this arguably amounts

to an alteration of the executive competence of the Northern Ireland Ministers, and that these specific sub-clauses therefore engage the legislative consent process in the Northern Ireland Assembly.

- The view of the Department remains that these clauses will not impose any constraint on policy decisions on agricultural support in practice.

Subject to agreement of the Minister, the Legislative Consent Memorandum will be amended.